

CHAPTER SEVEN

“Why Men Kill”

Every time I was in California I stopped by Santa Clara. In Santa Clara life seemed simpler compared to what had transpired and the memories attached to it were a watershed experience for me. When visiting I would reminisce, pray and regret not being able to be more involved in my twins lives. Keep that in mind before making a decision that may blow up your life. There's no going back after some mistakes. Santa Clara was where I rose to the challenge of being a father. I “passed the test” and more importantly discontinued the legacy of my own family. My need for ambition evaporated in the responsibilities of fatherhood. It's an understatement when people say “having kids changes everything.” They do. It changes all things for better or worse. The parent who shirks their responsibility misses out on the transformative beauty of the parent child relationship and misses the reality of the “Creator creature relationship.” How is this accomplished? As parents confront, manage and fulfill the responsibilities of parenting the one thing quickly learned is that children make plenty of mistakes, sometimes deliberately, most the time unintentionally. A child can bring out a spontaneous emotional disorder like nothing else! But a parent knows to look *beyond* the mistakes and repeated offenses committing to the task at hand, the development of a child as *you* were after all responsible for creating them. Patience, sacrifice and copious amounts of tenderness and forgiveness are part of the the job description. Through this model God demonstrates the relationship God “The Father” has with us. Somehow in His ever present wisdom and foresight, God knew one of the ways we would understand sacrificial love and ultimately his sacrifice of his Son for us, was through the process of parenting a child. Parenting and marriage is intended as the proving grounds for developing and refining how we relate to each other and God Himself. This maxim exists regardless of our biological connection to the child. When the responsibility of parenting lands on our doorstep it's time to step up! The parent who abdicates this responsibility *rejects* the primary method God uses in helping us to understand who He is and subverts their own communion with God. Without fault I have never met an incompetent parent that demonstrated anything like a healthy understanding of the nature of God. At least not anything I identified with!

Immediately after the judicial ambush of Judge Reynolds I drove to Cupertino and visited Memorial Park where I had spent countless hours playing with the twins. There's a war memorial there built in 2007 dedicated to “Operation Redwing” a Navy Seal operation which took place in the Kunar province in Afghanistan June 28th 2005. The memorial itself is small by comparison. I've seen the massive memorials in Washington D.C. and toured them repeatedly but the Cupertino memorial has a special intimacy to it. It celebrates the life of a Cupertino son Matthew Axelson, a Navy Seal who gave his life in one of those unbelievable stories where Seals are doing the impossible *again*. In June 2005, Matthew's four man seal team was inserted as part of a reconnaissance mission and by chance ran into a group of Taliban friendly shepherds who stumbled into their observation post. The Seal team was faced with a nerve racking decision. What to do with the herders most likely Taliban sympathizers? Do they terminate them or release them and risk being reported to a nearby Taliban stronghold. The Seals freed the men who in all probability were Taliban themselves and that choice marked the fate of the Seal team and eight other Seals and eight Army Nightstalkers over the next several hours. Three out

of four of Matthew's team was killed as well as the complete compliment of reinforcements sent by helicopter to rescue them. Perhaps one can argue from the perspective of history they should of killed the shepherds. I'd rather believe the Seals team decision (one of the herders was a boy) was merciful and reflects the best part of the image of God synthesizes into the human conscience. Soon the worst happened as a large Taliban force was alerted by the shepherds who zeroed in on the Seals position. Despite repelling and inflicting casualties on the advancing Taliban, the Seal team fought what was a losing battle. Axelson, Michael Murphy and Danny Dietz were killed while Petty Officer Marcus Luttrell shot up rather thoroughly miraculously crawled his way to safety. Trust me it's a miracle I've heard Marcus give the account! In an attempt to relieve the beleaguered Seal team, eight other Seals and eight Army Nightstalkers died when their Chinook took a RPG through the open rear ramp door detonating the helicopters fuel tanks. The memorial pays respect to these men as well. It was a very bad day for the U.S. military and the families who paid the ultimate price. The center piece of the memorial features statues of Matthew and his teammate and friend James Suto, James was killed in the helicopter crash. It's somber, somewhat haunting and reminiscent of the Korean War Memorial on the National Lawn. A simple plaque set in stone honors Matthew in these words,

“Unconditionally loving husband, son, brother, and friend, you will always be in our hearts.”

That was written by his wife Cindy.

The memorial was always quiet and being in a park where I enjoyed my twins made me feel better after the Reynolds circus. I would have another chance to visit the memorial soon but now I had limited time before the custody trial to figure out how to deal with an out of control judge. Reynolds scheduled a sentencing hearing as fast as she could which would take down my appeal of the now exposed “judicial skullduggery.” Her support of the ridiculous contempt accusation was to force me to fly out to California as a means of harassment. Her conduct warranted a second appeal but to qualify for another appeal I had to file a reconsideration hearing within ten days which meant the due date for the filing was three days before my custody trial. I got it done. It turned out to be eighty pages long and included the evidence of the police report again. The only reprieve on the horizon was I was scheduled to attend a much needed men's retreat in September.

Thankfully fighting legal battles wasn't all that was happening. In early August I joined a small men's group. It was long overdue, I had wanted to find some Christian fellowship but a twenty thousand plus sized church makes reaching out a little overwhelming! Watching my six year old daughter also limited my availability. But one Tuesday evening I found myself sitting down with a group of guys, half of them armed with beers chatting about guy stuff, marriage, kids, dogs, four wheel drives etc. and I felt comfortable. I thought to myself “I should have done this a long time ago.” Over the next couple years some of these men became close friends which helped alleviate the pressure. I plugged into camaraderie. We talked about the upcoming retreat and how we were looking forward to it. By this time I had been spending a lot of time rebuilding the foundation of a broken faith. While I loved the messages of our Pastors on Sunday, the one thing that was missing was companionship with other men. I held back because of shame. I felt ashamed of the situation and it was next to impossible to have a conversation with anyone without the legal “Gettysburg” coming up in one form or another. Once it was out it always led

to more questions and more explanations. I was tired of having to explain it all the time!

California is somewhat friendly if you want to represent yourself and you're willing to do the work. In August I read everything I could get my hands on how to disqualify a judge. Under the civil code of procedure section 170.1 there's a provision that if someone holding knowledge of the facts of a matter has a reasonable assumption a judge is biased or prejudiced it's grounds for disqualification. Now I realized this was "no man's land" but my experience left me angry, but for the right reason. I knew the approaching men's retreat would give me decompression time so I was able to take on the sophisticated process of a judicial challenge. My opinion, which I still hold today was Reynolds was out to destroy the ability to appeal what she knew, was a miscarriage of justice. Her actions were indirectly ruining my wife and kids in the process and I wasn't capitulating without a fight. There was a lot of work in August all coming to a head in the first week of September as I had four hearings with four different judges all matters birthed by the Paula's scheme! I had the energy to face it but man *was I hurting inside*. My dreams consisted of countless court proceedings and sleepless nights. When the sleep deprivation was bad enough I would go downstairs and read the story of the one man who knew hardship better than anyone... David. A lot of my time was spent in the Psalms, praying, pondering and appreciating how real the pain was in the mind of the writer. One Wednesday night when the fall was just turning chilly one of the men from my small group shared from Psalm 37:

Do not fret because of evil men or be envious of those who do wrong.
Like the grass they will soon wither, like the green plant they will soon
die off.

Trust in the Lord and do good. Dwell in the land and enjoy safe pasture.
Delight in the Lord and he will give you the desires of your heart.

Commit your way to the Lord, trust Him and will do this:
He will make your righteous reward shine like the dawn.
Your vindication like the noonday sun.

Be still for the Lord, wait patiently for Him. Do not fret when men
succeed in their plans, when they devise their wicked schemes.
Refrain from anger and turn from wrath. Do not fret it leads only to evil.¹

That Psalm amongst others was committed to memory. It's an anchor when life explodes.

About mid August I began to wonder why I hadn't heard back from the appeals division regarding the Reynolds matter. They were supposed to be preparing the clerk's transcript for the appellate court's review. The clerk's transcript is the written record of the proceedings you are trying to appeal. It's prepared within thirty days of filing an appeal and as I filed my appeal on June 20 it was three weeks overdue. Coincidence? Hardly. Reynolds had to order the transcript to be prepared and was holding it up to adjudicate my contempt which of course would discredit me in the eyes of the appellate court. I left messages for the appellate clerk's office on the status of the transcript which went unreturned. So I contacted the Alameda clerk's office by process

¹ Psalm 37: 1-8

server and let them know I would be contacting the Appellate division at the First Circuit to inquire into the delay of the clerk's transcript. Within three days the transcript "magically appeared" on my doorstep via Fed Ex. It took about five minutes reviewing it to understand why it was late. There were over a hundred pages of exhibits and declarations from the contempt proceeding which had been included in the record in violation of the California Rules of Court. In an appeal, *no materials or evidence* that was not in front of the court at the time of the proceeding being appealed can be entered into an appellate record or clerk's transcript. If inappropriate materials are in the transcript it can prejudice the case. I knew Reynolds ordered the inclusion of the materials. She also excluded all of my declarations and evidence which she had denied were in the record when I challenged her at the contempt hearing. I contacted my attorney consultant who was baffled as to how the contempt materials were included without a record specifically requesting them in the file. By now this type of behavior wasn't surprising. This is who the American people have in power, adjudicating our causes and representing the constitution. The only solace I had was in undertaking the disqualification motion it would be a permanent part of the record. They could try to bury this as deep as they could but eventually the truth, like water always finds the crack in the vase.

By now I had some thick skin. Let this serve warning to those in power who abuse authority. *You reap what you sow* either in this life *or the next*. Didn't Russell Crow say something like that in *Gladiator*? We'll all stand before our Creator either on our own merit or through God's provision of forgiveness in Christ. I highly recommend the latter! Still In this life there are those willing to hold the system accountable. No wonder our country is plagued with discontent as our leaders craft laws upon the citizens devoid of self application! On Tuesday nights at men's group they sat in disbelief. We all heard stories of people experiencing such nightmares but none of us knew anyone who actually did! There were times I felt guilty sharing concerned the darkness of the ordeal would impact the others and their perspective on life. What happened was the opposite. The men were encouraging and prayed for the situation which helped immensely. It's a lonely path facing a renegade judge! They have tremendous power. I also knew as a Caucasian male from a mid-western state making an allegation against minority judges in Oakland California had a snowballs chance in hell of gaining traction! I also wasn't interested in fueling a race war as that was taking place with the George Zimmerman trial and its aftermath. One day driving home from Denver I was listening to Charles Stanley on the radio the pastor of First Baptist Church of Atlanta. I've followed Dr. Stanley for years and have always been strengthened by his message. He was sharing as Christians we had no right to engage in personal vindictive behavior that disparaged another human being under any circumstances. He put it like this. When you or I came to know the forgiveness of Christ all of our sin past present *and* future was wiped clean and we were restored in the eyes of the Father. The message connected with me and helped me deal with the struggle on how to deal with the situation without it becoming a vendetta. I felt compelled to go after Paula, Sergie, the judge and the system for not only screwing me but screwing my kids as well. Deep inside I *wanted* vengeance. *I savored it*. I was bitter with a system that demeaned me and victimized my family. What I didn't know was the pain and deep seated resentment from my childhood was coming to the surface triggering that primary sense of victimization. It was like the waves of the ocean crashing on the beach and then retreating only to return again.

The shenanigan's continued. Prior to the custody hearing Paula alleged I locked the

twins in our attic and said my kids didn't want to visit me anymore. I had reports from their treating therapist contradicting the allegations and a report from the local police department who had visited my house confirming *I had no attic*. Sergie made complaints that resulted in my home being searched for weapons twice. The infractions were so voluminous that scaling down the picture seemed impossible. As customary both Paula and myself had to attend mediation prior to the custody hearing. When the mediation report came out the results were encouraging. The mediator stated she believed my kids had been coached to disparage me before the hearing. My ace in the hole was the now famous Alameda Police Report filed by Paula in March recorded no assault and was supposed to have taken place right outside the door of the judge who would be hearing the matter. I had an excellent rationale for a change of custody.

When the day of the custody trial arrived I was a bundle of nerves, I regularly experienced anxiety anytime I was around a court room. We started at two in the afternoon. My first witness was the family court mediator who stated in her report my kids were coached and reported the allegation I had locked my kids in the attic. The mediator had contacted the psychiatrist I had my kids seeing in Colorado (she insisted on it) to prepare for the trial to "ascertain the situation" in her words. What had been left out of her report were the results of her interview with my children's therapist. The only issue she reported from the conversation was the psychiatrist who had twenty plus years of experience and a PhD said there were no problems in my household. Ms. Peterson had all of five years experience as an LCSW. You do the math. The mediator and the court were provided the affidavit from the psychiatrist prior to the trial stating my kids denied abuse and *never* implied they didn't want to visit me and it was his belief the kids had been actively coached by Paula and her husband, so Ms. Peterson was my star witness. I called her to the stand first.

I no sooner referenced the affidavit when the judge shut it down calling "it inadmissible hearsay." Actually it wasn't as the affidavit was submitted to the mediator prior to her report and was included in her consideration along with her phone interview with him. To dismiss it in that it exposed false allegations of child abuse was ridiculous! The court then chided me on why I didn't bring the psychiatrist from Colorado as a witness, and when I said I wasn't going to spend three thousand dollars to bring him to California I was told I should have requested him to testify by telephone. This was surprising as *the court* told me nine months earlier the Title 8 Rules of the California Courts *prohibited me* from having witnesses subject to cross examination testify by telephone. I knew all too well the pain of flying experts to California when I footed the bill for my forensic expert from Florida to testify about the fraud emails a year earlier. Not only was I stopped dead, now I couldn't discuss the false allegations of child abuse. The court discarded the psychiatrist, his opinions and the letters he submitted *in their entirety*. When I argued it was an offer of proof as the court's own mediator talked with the psychiatrist and produced a report based on that discussion which had been admitted as evidence it fell on deaf ears. That sinking feeling started again. I asked the mediator to comment on her statements in the report that my kids were coached. The mediator said she really didn't know who was doing the coaching despite all of my kids responses were disparaging *my* household. I asked her if truthfulness in mediation was a legitimate concern when determining custody to which she responded not necessarily. "What?" I asked her if she thought child abuse was important to investigate to which the court responded that was not her role as a mediator. Now that was amazing as her first mediation report in 2011 went well out of its way to report Paula's comments to her own

therapist she was “terrified of me” and I “never paid child support.” Hmm.... reporting on custody related facts wasn’t her job but slander was? As Ms. Peterson sat there in the witness box, I saw a smug little smile appear. I had another man hater on my hands with too much power in determining the future of decent folk’s children. I ended my examination asking if based on the new materials she had in front of her would she still recommend my ex-wife’s household as the best place for my kids to reside in to which she replied “Yes,” despite the fact Paula was still not working and claiming depression. I already knew the answer but I had to ask the question. Yes, *I know why men kill.*

It didn’t get any better. I cross examined the California dentist who provided dental services to my kids about the emergency dental procedures I had done on my son due to Paula’s neglect, the court was disinterested. Alan had three abscess teeth in his mouth which resulted in emergency surgery in the summer of 2012. Prior to the custody trial the dentist had stopped by and chatted with Paula and Sergei’s attorney in the hall. Undoubtedly a last minute confer to cover themselves. Dr. Ling was important as Paula alleged we owed her thousands in medical bills for the kids. When I suspected foul play I obtained the dental records from Ling’s office which showed Paula’s not only lied about expenditures but had fabricated bills to create false expenses. Again the court was uninterested in the bills or the neglect. Finally I put Paula on the stand and asked her to describe the incident where she was assaulted. She said it happened right outside the court room we during a court ordered conference between myself and her attorney. I asked her why she didn’t report the assault to the court when we came back inside? No answer, I asked why she waited to report the assault six days later to the Alameda Police Department? No answer. When I moved to have the Alameda police report admitted as evidence the court wouldn’t accept it saying it too was heresy, despite Paula under my examination verified the date of the report, the location it was taken at and *the actual number of the police report and the officers name.* In fact the court wouldn’t even allow me to present it to Paula on the stand to verify it! I argued but the judge shut it down saying, “You’re not going to get the report admitted.” The court said it had limited time and I needed to move on. It was only too apparent I had been granted this hearing so the court could appease itself and everyone’s government posterior was covered. My kids were left living in an unfit household and no one gave a damn. The rest of the trial was a farce. It was over and I left the court numb. Even writing about it still brings up emotional havoc. These days when the news reports violence associated with family court I’m soberly disinterested. Why? A part of me died in the court that day. I know I’m saved by God’s grace but some circumstances don’t shake off and they never leave you. My experience ratifies the system is past corruption, it’s unfixable. What would happen was within a year I would find a way to make a difference. I know we hear regularly from well intentioned Christian spokesmen how as a nation we need “turn back to God” implying that will somehow turn us into a “godly nation.” Well that may be theoretically true from a theological standpoint but consider the history of Israel. For fifteen hundred years God spoke to the nation saying “Turn your hearts back to me” from Jacob to Malachi and how many times did Israel turn back and stay the course? *Zero.* Why? Because the problems that plague humans aren’t solved in national repentance. They will only be resolved indefinitely and finally when Christ returns to earth and pulls the lever on the “fix it machine.” In the meantime we must live our lives pointing to the solution, Christ, not politicians or institutions. In the words of “his wisdomness” the late Larry Norman “Let’s stop marching for peace and start marching for Jesus, and peace will take care of itself.”

After the trial I drove to Cupertino to the war memorial to think. I did my best. I didn't have misgivings about my chances for success but the aftermath stung like hell. This time I noticed several plaques embedded in the stones on the side of the memorial close to the statue of Axleson and Sutro. They were from family and friends. Matthew died at twenty nine without experiencing what most of us take for granted, kids weddings, the first fish caught, a stellar grade on an impossible exam, the beautiful progression of marriage over a life time that kicks butt on life's adversity and makes you better people in the process. On August 15th 2013 I lost my bid for custody of my twins to a non-working clinically depressed parent who perpetrated fraud on the government, the courts, domestic violence system, accused me of abusing my children, accused my stepson of abusing my kids and feigned disability until the court threatened to remove her children and then reversed her illness in a miracle cure! The court knew this and *did nothing*. I had every right to be discouraged, depressed and broken and to a point I was but I wasn't beaten. Here's why.

Matthew Axelson's chance to parent, to relish in his wife's love and experience the incredible journey of life was gone. At least on this earth it was. His wife Cindy would have to push through without her husband shelving their dreams and with gut wrenching work have faith something else would emerge.² Who was I to complain? At the memorial late in the afternoon when the air had the still glow about it, tears poured down my cheeks while my heart felt smashed and I reminded myself of what I did have. I had Merry, my children, friends, even more I had a God who was making Himself real to me despite the situation. I'm not downplaying my pain or anyone's personal tragedy. When we're drowning and I know well what it's like to battle the lows of depression and lose the will to go on, we're responsible for our outlook. *We choose hope*. It doesn't happen magically. In fact that type of choice is the hardest to make of all. Living has mixed amounts of tragedy for all participants. My perspective and *what I chose* to think about made the difference between being beaten to my knees or making it through the day and then the one after that. I had stopped letting the circumstance define who I was. God was using my pain to develop something I was lacking... perspective. Compared to others who had experienced significantly greater loss I was fortunate. It doesn't take a long time on earth before we all experience disappointment. Life's trials can haunt us and if left unchecked the past can explode into the present and derail our life. How we view our circumstances will allow us to manage them *or be mastered by them*.

The single most important truth when facing trial is perspective, but perspective without hope is not the hope spoken of in the Bible. I had hope that had an intrinsic and extrinsic value. I knew God had my back and despite the most bitter disappointments, He was committed to developing something in me that provided answers to the emptiness. I believed this because first of all the physical existence of Jesus and his life's crushing impact on earth is a *historical fact*. The abundant life offered by Jesus Christ spares us of settling for mediocrity or some vain belief the afterlife is some retread of this life peddled by charlatans from the beginning of time. Friend, Jesus put his physical foot down on the earth as a historical fact. Roman records record his *physical resurrection* after dying on the cross. The twenty six books of the New Testament written about him by His followers believed this and they were willing to die for this fact rather than denying it to save their lives. History revolves around the person of Christ. He is not a

² Romans 8:28

neutral figure appeased by your acknowledgement of his virtue or his teachings. He is not diminished by the atheist or neutered by the agnostic. There is none like Him...*None*. His life is the sword in the stone, you can't ignore it and it demands a decision by you or rather an answer to the question "Was he who He said he was?" The Son of God. Consider this for a moment. Your life is *so important to Him* He tells us He will demand a reckoning of it. Why continue to spurn His offer of friendship and reconciliation? What does the world have to offer that's better than Jesus? The belief that everyone's "essentially good" and there's no hell? That absurdity is contradicted by our very lives on earth itself! Take away a man's bread for a while and see how charitable he remains. Ask the thousands of parents in Africa who bury their starved children each year if there is no hell. I'll wager they'll think you're out of your mind as they've lived it on earth! Life after death *will not* be a continuation of what we know here on earth. It will be either one of two extremes. One, eternally better than *anything* we could ever imagine or the exact opposite, worse than anything we thought possible when God grants us our decision to express our free will and reject Him... forever.... If you think we're recycling ourselves for the same old life keep it, I'm not buying. There *is* hope. There is sense and purpose to this life and an alternative journey for you offered by God who asks you to trust his Son. I chose early in life to trust His Son. "Two roads diverged in the middle of my life I heard the wise man say, I took the one less travelled by... and it's made the difference every night and every day."³

As my perspective changed I could push through the mire. Where in 2011 I was consumed with resentment over being dragged into court I'd changed. This happened as my return to my faith was underway *prior* to the court drama. I had already come to the point I knew something was dreadfully wrong. I felt separated from God. Despite having family and material sufficiency as Pascal observed "I had found the vacuum in my heart that only God could fill." I was on the journey and the transformation from who I was to who I was becoming was well underway. As prior to the litigation God was at work preparing me to cope with something I couldn't see coming. The litigation was actually *helpful* in that it helped me to rely more on His strength. Like many I just had a hard time seeing this in the storm! For heaven's sake don't be so foolish as to measure your spiritual condition solely on your emotions! The more I read about individuals who survived their own trials the more I realized my own was something I could bear and it was minimal in the grand scheme of things even trivial in comparison to others⁴. Determined action and involvement also helped changed my perspective which allowed me to think reasonably instead of reacting all the time. There were several occasions on the ambulance when I was helping people in the midst of a terrible trial I was reminded things could be much worse. My programming of "entrenched victimization" was being rewritten. I remember at one point when Merry and I were having a quiet talk after the kids were in bed she said "You've changed!" Spontaneously I said out loud "Thank God!" and I meant it! When I looked back on the trail of tears it wasn't pretty.

When pressed, we turn inwards and marshal whatever resources we have to fend off the external pressure. I teach about his in our Legacies Workshop as the process of "Spiritual Stalemate." The severity of our trials dictates the form of our response. We lose perspective during these times failing to see beyond the uncertainty of the future. We suffer, our relationships suffer and the quality of our life diminishes as we build defenses to cope with anxiety and stress. We

³ Larry Norman "One Way" Street Level Records 1972

⁴ I would suggest Richard Wurmbrand's story in "Tortured For Christ."

respond with self defeating behaviors and actions that often make us feel worse. Anyone who's dealt with profound loss knows this. The energy required to cope depletes energy normally reserved for life's regular demands. Left with failing reserves we have less "capital" to draw from and we begin making decisions that eventually compromise our values which leads to moral erosion. As humans we are only capable of enduring so much before breaking or morphing into something unrecognizable. This slow decay makes us feel worse about ourselves which perpetuates discouragement and the continued loss of coping mechanisms. We are pushed right back into the very frustrations that are driving us. If we don't break the cycle, we're often paralyzed or we overcompensate to the point of exhaustion trying to make things better. Without hope or something better on the table prolonged discouragement births meaninglessness. The Christian has the response as an alternative. We're offered companionship by a God who walked the earth sharing the difficulties of being human in a deficient world. He offers us the ultimate camaraderie, access to His person. Those who put their faith in Jesus Christ are promised rest at the deepest level of our spirit and transformation in that we will learn directly from God how to live and handle the issues of life hopeful of the future while not abandoned in the process.⁵

The custody matter over, the week of September 2nd and its multiple venues arrived. Merry took our daughter and went back to China to visit her family. I felt her absence would protect her from what was a arduous week and minimize her exposure to the stress. She had just obtained her bachelor's degree and after completing three years of school in two while working full time she earned a vacation, (not to mention she graduated Suma Cum Laude!). The first hearing was September 3rd in Department 301 on the restraint matter against Sergei. On the day of the hearing a substitute judge again presided and having no idea who she was or what her rulings were on such matters there was no way I would risk a ruling against me on a motion that was critical. I also suspected since this was now the *third time* Hetler hadn't appeared for a hearing he was avoiding the case. I objected to the judge's presence so the motion was continued two weeks later on September 20th. After the hearing I approached Sergei's attorney and asked him if he had anything to discuss. He avoided my eyes and walked away. I did have the satisfaction they were inconvenienced. The following day I was scheduled to appear in Department 19 where the judge was throwing out my civil suit. Unfortunately I got stuck in traffic and was forty minutes late. By the time I arrived the matter had been heard. I had already submitted a brief outlining my position and the brief contained all the elements of an appeal if necessary. To tell you truth, I didn't care either. I was cordial to her reporter and asked him to express my apologies for missing the hearing. As Reynolds comments earlier had revealed the two judges were communicating behind the scenes there was nothing I could say that would change her mind anyway. Her challenge was family court already ruled on Paula's fraud (it didn't) which gave her rationale to throw out the suit but the suit alleged the intentional infliction of emotional distress. Emotional distress is a tort law and by statute cannot be adjudicated in a family court venue. Despite this the last thing I wanted was another fight with a judge. The following day September 5th I was in the Department of Child Support venue on a motion to have wages impugned against Paula who was still sitting at home refusing to work. A pleasant surprise awaited me that morning. I was sought out by the DA of San Mateo Child Support Services who requested to talk with me outside the court room. Two weeks prior this guys predecessor was arguing against my motion for wage impugning saying I hadn't served his office a copy of the request for wage assignment. A simple declaration with the proof of service it was served

⁵ Matt 11: 28

remedied the issue. Whether or not there was misrepresentation about the serve I'll never know after all the DA wouldn't misrepresent evidence? It didn't matter as a judge already ruled Paula was deficient in her work search. The DA made the suggestion I let him confer with Paula with the recommendation they assign minimum wages to her provided I would drop a seek work order. I agreed and took a seat and waiting twenty minutes while he conferred just out of earshot with Paula. Sergei again could be heard ranting why his wife was going to have wages assigned. A stipulation was reached and what did we have to show for it? Paula lost her job, her self respect and had wages impugned all due to a get rich scheme. I was about fifty thousand dollars poorer. By now I had no intention of making Paula suffer any more than she had done to herself. The judge who was familiar with us was delighted to see us agreeing on something. He urged us to continue to do so saying "If you two don't learn to get along these kids are really going to be screwed up." The DA announced the stipulation. I prevailed.

Now with three quarters of the week's events over, I had the sentencing hearing with Reynolds. While I drove back to Mark's I called my process server Sandra and arranged to pick her up as a witness for the hearing to prevent any more allegations of failing to serve. That afternoon I enjoyed time with Mark and his son who proceeded to take me on a tour of his inventory of vehicles pointing distinctly to each one with the definitive term "cah," proposed. It felt good to be with a child in the midst of the drama! No wonder Jesus made time for them! Life moved forward and the planet was rotating despite my ordeal. Mark made his famous homemade bread that night and we enjoyed a couple hours of fellowship and discussion.

I met Mark when he was sixteen and I was twenty working as a youth pastor in a Baptist church. Mark's mom approached me and asked me to "call her son having difficulties" which I did. Mark was the first kid in my youth group and our friendship has lasted almost thirty years one of the reasons being a common need. Mark's dad was absent during his childhood. He didn't have a mentor and as I was bound to recreate my "lost relationship" with my dad so we were meant for each other! Thank God over the years that dysfunctional relationship changed! In the three years I served as his youth pastor we had countless good times talking and praying through teenage angst and developing a deep friendship. After my tenor as a pastor ended our friendship continued and we shared some of the toughest moments in each other's lives. I have always felt close to Mark and I believe he would say the same. Our journeys have been forged by the joint conviction of our faith and belief this life is not our final destiny but only the proving grounds. Both of us have struggled to be fathers, husbands and Christians for almost three decades. Although we are separated by almost seven hundred miles and considerable passages of time have elapsed without communicating our faith in Christ has kept us close. We are both somewhat pragmatic in our outlook. We are not friends who arrived at divergent conclusions about life in some absurd belief each one determines their own reality and truth. In Christ our bond is common because it stems from the common source of Christ within us. I pity the man or woman who left to their own resources navigates life in a search for meaning through pointless exercises of trial, error and compromise. They all come to the same place eventually, either completely lost in the terror of the future or numbed into blissful ignorance about the unknown. After dinner Mark, Lori and I prayed God would direct the next day's events. I called Merry before retiring and had a blissful night's sleep.

I woke up early had my devotional, a cup of coffee with Mark and drove over to Sandra's to pick

her up to testify. We arrived at the court in Oakland and made our way to hearing room and sat down. The court room was packed and the anxiety level was stifling. We waited and the judge came in twenty minutes late. When I saw her again it was difficult. My resentment towards her was intense. I focused as best as I could which involved fantasizing about running up to the bench and driving a pencil through her eye! I knew our hearing would be last to prohibit the rest of the gallery from seeing the fireworks. One depressing restraint order followed another and then another. I kept my eyes on the judge and silently prayed God would help me not hate this person who had caused so much grief. There was no spiritually transforming moment during the prayer or a warm feeling that told me it would be all right. This woman had steamrolled the system in an abuse of power. There were multiple accusations of contempt which added up to considerable jail time. I wore a black T shirt to court with the words "Me Too" on the front and my men's group wrist band was on my left wrist, two icons from my church that served to remind me all of us have the same need for forgiveness even the judge in front of me for which I had no respect for. The walls of her court room were lined solely with pictures of African American civic leaders. The room was devoid of any diversity or objective presence. It felt like a microcosm for African American social issues as opposed to a format for justice. This was hostile ground.

When our case was called I had asked Sandra to come forward with me knowing the judge would ask who she was and the trap would be sprung. When we came forward Reynolds asked who Sandra was and I responded "The process server who served the papers you claim were never served." Given Reynolds had used this to restrict discovery three months earlier immediately the court was on the defensive. It exposed the ruling as improper and Reynolds knew it. I made it clear I expected Sandra to testify and objected to her not being able to do so preemptively. Reynolds was visibly irritated and told Sandra to sit in the gallery for the time being. However with the objection on record the grounds for the second appeal were being laid. Reynolds reviewed the six contempt charges and asked Paula if she agreed to which Paula added she was being unjustly harassed by my "frivolous litigation." Reynolds then blundered. She remarked the civil suit in Department 19 was apparently "off calendar" which at the time it wasn't. The Department 19 ruling wouldn't be out for a couple weeks as it was only heard the previous day. The only way Reynolds would have made this comment was she had contacted or been contacted by Department 19 or had been reviewing the Department 19 matter. But why would she review a matter she had no jurisdiction in? The cases were not assigned as companion matters nor did they have any association. The only explanation was she was reviewing the case which confirmed my earlier belief she had contacted Department 19 after my appeal to obstruct the case. It was obvious not only had she contacted Department 19 but her comment was to discredit me on the record. It was a risky and revealed evidence of impropriety and possible obstruction of justice in another superior court. At this point I interrupted her stating I had not filed "frivolous paperwork" to which Reynolds's held up a stack full of papers in the air interrupting me and raising her voice saying, "Are you telling me with these papers in my hand you haven't been filing excessively?" It was quite dramatic! To which I raised my voice (not recommend by the way) interrupting her saying "If you would please let me finish my statement." I politely explained my filings were my right to redress grievances under Article I of the Constitution of the State of California. As I had only a moment to lose momentum I then asked the judge if she was aware a Section 170.1 motion for her disqualification had been filed August on 28th and I expected it to be put on calendar... *today*.

You could have heard a pin drop.

The judge shuffled some papers and made some comments about the general nature of the case and it was obvious she was unnerved and her momentum was stalled. I further reminded her there was also a motion for reconsideration of her contempt findings scheduled to be heard September 13th for which I would be requiring the presentation of witnesses. It was approaching lunch hour and the court decided to recess. The last comment before we broke for lunch was the court thanking me for bringing to her attention the motion for disqualification explaining she was “Just made aware of it.” “Yeah, right I thought.” I’m quite sure she knew it was in the file as it had been part of the record for over a week and she was watching the case like a hawk! We were ordered to return at two where she said we would “dedicate the afternoon exclusively to these proceedings.”

Sandra and I left the court room and headed downtown to Alameda to find lunch. I now had enough of Oakland to find it one of the most depressing cities on earth thanks to the karma associated with the legal system. On the way to lunch Sandra was beside herself with the fanatical demeanor of the judge not only with me but all the men in her court. I suspected the judge was probably back in chambers trying to find a way out of the mess she was in and I hoped that didn’t mean jailing me as opposed to rescuing herself! She was in a predicament. She was appealed; she now had a motion for disqualification in front of her; she had failed to consult the evidence when she found me guilty of domestic violence and now it appeared she hadn’t reviewed the evidence in preparation for the contempt proceedings as well. It looked to anyone reviewing the record the court was retaliating against me for appealing her and had concealed evidence of record. What she didn’t know was I was filing a second appeal for contempt findings on August 2nd and now that the court was on the defensive I was determined to press the issue. There are some hills worth dying on. It might cost you a lot, but the cost is better than regretting a decision the rest of your life. Sandra and I ate and arrived back at the court promptly at 2pm. Now it was just Sandra, Paula and Sergie and one other young man with his mom awaiting a child support order. We sat down, awaited the judge’s return and prayed again God would get me out of the mess or at least circumvent it. The judge called our case and the circus began.

But now the lion had lost its teeth....

Reynolds’s began by saying she had time to read the file over the lunch which had “enlightened her to the complexities of the issues.” She immediately dropped three of the six causes of contempt and then said if I would complete a form saying I did not own firearms she would drop count four. She explained there was confusion about dates of the discovery involving count five and she told Paula they had five days to amend their pleading and clarify the confusion or count five would be dropped as well. I breathed a sigh of relief. As you might imagine this sent Sergie into a rage saying “You mean some of the contempt charges are dropped?” the judge said yes and then clarified Paula would have to submit evidence that the discovery on count five was served after her restriction orders. I guessed the one hundred and fifty page motion to disqualify her had been reviewed over lunch and had its impact. The judge suggested that the remaining contempt accusation (count six) which was not fully redacting Paula’s social security number on

some documents could be “easily remedied” by the court being allowed to redact the information immediately. However that would take Paula’s agreement. She suggested we take ten minutes to think about it to which I responded was reasonable. So Sandra, I and Paula went back to opposite corners of the court room to cool off.

The court was doing everything now to get this matter dismissed and out of the court room. The only thing that needed to happen to make it all go away was for Sergie to agree to drop it. Well I thought to myself, “Hmmm. This guy rolled on his country, perpetrated fraud to obtain disability benefits, fabricated evidence and alleged a false assault and child abuse to get his revenge?” “I doubt that!” I was right. When we came back and the judge asked us what we wanted to do I suggested we should drop it and everyone move on with their lives. Sergie then stammered his position stating “I don’t think this man will ever stop coming after me and my family.” He insisted on going forward on the one remaining contempt count. Judge Reynolds was visibly disturbed but I had to give her credit she did the best she could to make what now a bad situation go away but an East European ingrate with the IQ of a gnat wasn’t going along with the plan! (pray for me I’m in growth!) Now the court would had to schedule the disqualification motion and have it heard, which is what she did. She scheduled it for November 15th the same day as the restraint trial against Sergie. I asked if I could leave the court room first so I wouldn’t “attack them again” and that ended the proceedings for the day. It was a victory. As Sandra and I drove back we discussed the day’s events and agreed we had just witnessed something extraordinary. The week was over, but now I had to write a second appeal and research contempt law so I knew what I was talking about. I wasn’t looking forward to it. The next time I had to appear was on September 20th for the motion to compel Sergei’s compliance with the I.P. subpoena. Before that however, I had the annual church men’s retreat in Frasier Colorado and believe me I was ready for the time away from the circus!