

## CHAPTER EIGHT

### “Busy Little Bees”

On September 13, 2013 I rolled into the Young Life Retreat Center in Frazier Colorado. While Colorado was experiencing its “500 Year Flood” down on the plain I was away in the mountains, it was a beautiful day, and no one would suspect the flat lands were getting pounded beyond recognition. Families lost their homes, and some folks lost their lives as well. I had taken the time off from ambulance duty to attend the retreat to participate on the safety team. The previous year I had assisted as an EMT but this year I was the “go to guy” for anything medically related, so I arrived early to familiarize myself with the clinic, test the gear, etc. It was like the inspection of ambulance before a shift. You want to have everything in working order. It made no sense to wait until a crisis to find out the oxygen tank was empty! Around four hundred men were scheduled to attend the weekend and I expected my hands to be full of cuts and bruises in a testosterone fueled weekend of prolonged adolescence. That’s right, on some level the good guys don’t necessarily grow up and we do (to our shame) prolong our childhood unnecessarily at times, but its kept me close to my daughter and helped me not to parent too far removed from the reality of her childhood.

At the prior year’s retreat I had attended the “Divorced Dads Group” which was three breakout sessions over the weekend designed to support men in divorce. I had felt right at home amongst the stories of men and pain surrounding their own brokenness. Some of the wounds were deep. More than could be attended in a two day retreat. I credited my experience at my first retreat with the birth of the “Sentinels” idea. A network of Christian men who wanted to heal from the past and grow in their faith in the process. I noted it and shelved the idea as at the time I had plenty on my plate. This year’s retreat was different. I was in a men’s group. I had already shared enough of my story and had developed friendships with several men. The retreat would provide the chance for us to push into our faith under a common theme. I was looking forward to the weekend despite the diversion of the EMT responsibilities. On Saturday morning about half way through the retreat and after a couple intense general sessions we have about an hour of quiet time to do anything we want on the grounds as long as it remains *quiet*. It’s time for you and God to talk with one another, even come clean about what’s really the condition of your heart.

I walked down one of the trails at the camp and found a quiet spot to rest. As I breathed in and surveyed the incredible view with twelve thousand foot peaks covered in green showing the beginning of the aspen transformation, I knew and felt Gods presence. I was profoundly saddened to be in the situation I was in and even more so for the grief upon my family. I still struggled wanting to fight back on my terms as opposed to relying on God. I didn’t want to wait on His plan, it was too painful. God was asking too much of me. How long was I to hang in the balance while the courts served the whims of those trying to ruin our lives? I wasn’t being thrown to the lions for my faith. The ordeal publically had little to associate with faith. There wasn’t anything glamorous or inspiring about it except pain. What in the world was the purpose to life if my suffering had no meaning, no purpose, no light at the end of the tunnel? Thankfully

our scripture meditation for the time provided some relief. “The Lord preserves those who are true to Him” Psalm 32:35; and Psalm 34:22 “No one who takes refuge in Him will be condemned.” The promises associated with the two Psalms resonated deeply. Their promises were not promises of relief under present trials; they were promises of God’s faithfulness in and beyond this life and the “remaining true” and “taking refuge” spoken of in the Psalms were actions I was meant to implement on my part. There’s that free will again, we can’t escape it. God always wants response. I finished my time with this prayer. “Jesus, help me to do some very practical things to confront my own life, there is a point where I know I must make choices, free will demands it, Help me to choose what is better.”

After lunch we broke into our groups and I was again in a Q & A session for men in divorce. Again similar stories were shared and while I thought this was a great idea I wondered “*What was going on after the retreat?* My church experience was most churches were “hands off” when it came to reaching out and supporting men in divorce. There are some pretty good reasons for it too as both men and women often plummet into “crazy land” during the first few months of separation while the stress of court, custody and emotional trauma make them toxic! I also knew from personal experience in retreats I had attended and even directed most of us identify with the inspirational retreat experience but we all have to go back to the same problems and challenges that accompany being human. Was there any way to provide something post retreat that helped men cope, move on, grow spiritually and minimize the damage in the process to themselves, their children, and yes even their ex-spouses? This thought accompanied me as I went back down the mountain and back to life.

During this time a third motion to compel discovery against Sergei’s lawyer heated up. Hetler was well aware of this by now as it was part of the July 23<sup>rd</sup> motion he dismissed. I filed the motion again under arguing obstruction and sanctions. Normally a motion is scheduled at the time you file the paperwork, standard procedure. However instead of scheduling the motion properly six weeks out the motion was “mysteriously” held back for a week and not posted in the electronic docket until late in the afternoon September 9<sup>th</sup> and then scheduled to be heard September 20<sup>th</sup>. This was problematic as the civil code of procedure requires the opposing side *must* receive all evidence and filings of a motion ten days prior to a hearing for which they have to appear. Hetler held the September 3<sup>rd</sup> motion for seven days until the late afternoon the 9<sup>th</sup> to be heard on the 20<sup>th</sup>. By withholding the scheduling until late in the afternoon on September 9<sup>th</sup> I couldn’t serve the opposition in time for the 20<sup>th</sup> hearing. In one act my motion was scheduled which would be thrown out as it guaranteed I would violate the ten day notice requirement. Given the previous months inter-department drama and the Department 19 “mystery challenge” to the civil suit the obstruction appeared coordinated. I called Mike Weening and informed him of the developments to which he suggested I try to stay the proceedings in Hetler’s court. I agreed.

The September 20<sup>th</sup> hearing was another telephone appearance and *again* Hetler was absent. Another judge was filling in that day. I was unaware of this until the moment they called my case via telephone. Finally the I.P. address subpoena was on the plate. I had been down this road before so we launched right into it. Sergei’s attorney immediately clamored he was never served the documents that identified the multiple I.P. addresses as his excuse for refusing to sign the courts order for the subpoena to proceed. I pointed out quickly this was impossible as the

May 3<sup>rd</sup> hearing, (the May 3<sup>rd</sup> transcript was in front of the judge as he made this assertion) chronicled the proceedings in all the details with “said attorney” reluctantly agreeing to the terms of the subpoena to be served on multiple I.P. addresses which had been traced back to Paula’s internet service provider. It was embarrassing. The judge smelled a rat asking:

“I mean, if I go in the file and I look through those exhibits and I find these particular IP addresses are listed there...”

Backpedaling Sergei’s attorney attempted to interrupt him, (never a good idea), the judge interrupted him demanding an answer:

“Do you agree or disagree that the exhibits filed on August 15, 2013, (The second time I filed the motion) list these specific IP addresses? Yes or no.”

Sergei’s Attorney: “Yes.” (Baaaaaah.... I think I heard a sheep in the background!)

The exchange continued, the Judge now asked sarcastically if it was Sergei’s position the I.P. addresses at issue were “truly never part any motion,” warning him before he answered he had the electronic file open in front of him. Sheepishly, Sergei’s attorney conceded the I.P. information was part of the file the whole time but stammered he was never served, however the proof of service was also at hand. The judge realizing he had just been lied to said:

“Okay. You know, maybe that should have been something you told me at the beginning of this argument as opposed to now after I dragged it out of you.”

That is how the proceedings went, year after year the court being manipulated like some marionette puppet. The hearing ended with the judge saying he would “Take the matter under submission.” That was ridiculous the I.P. information was needed for trial in six weeks on November 15<sup>th</sup>. He ended up withholding the ruling until November 8<sup>th</sup> making it impossible to obtain the discovery for trial, again, Yes, “Busy little Bees.”

You can imagine I didn’t have the energy for fighting Hetler and filing a second appeal against Reynolds concurrently. I decided to put my energies into the Reynolds matter as they involved possible jail time. Reynolds decisions had the greater impact on life and after watching the corruption in the domestic violence process I was determined to see it through. Enduring this legal manipulation was depressing. I’m sympathetic to the thousands who have endured it, both male and female. The fact the courts are rife with untouchable dictators protected by “judicial immunity” is disconcerting to say the least. By this time I didn’t care about Sergie and his emails. Sergie was someone I needed to feel empathy for not someone to be fighting in the courts. As he too had been dragged into a prolonged litigation due to his own choices, paying for it with huge legal fees he had experienced enough misery in his own right. If the restraint order was successful against him he’d lose his firearm privileges and his job as well leaving my twins who lived with him in close proximity. It was time to let go of Sergie, Reynolds was the focus. Since the U.S. State Department brought Sergie here he was their problem.

Following the retreat I plunged into reading appellate information about contempt law. I read

and researched over thirty appellate decisions in California on contempt by the time I started writing the brief. The experience writing the first appeal proved helpful. After my research there was no doubt the court had not only trampled due process, it was liable for misconduct. This explained the multi-department resistance I was experiencing to wear us down. A reversal of a superior court decision is hard enough. The appeals court requires a final determination or judgment from a lower court to review for appeal. Reynolds knowing the law had attempted the sentencing September 6<sup>th</sup> as a final judgment for the following reason: Contempt is only appealable through habeas corpus, meaning... *after you're jailed*. Of course this would make filing an appeal impossible without hiring an appellate attorney at five hundred dollars per hour! Thankfully, the disqualification motion filed August 28<sup>th</sup> prevented this mishap. The intent was obvious. How convenient it would be to have me behind bars, unable to defend myself! I found myself returning to the "Why God?" questions, "Why are you letting this happen?" The prolonged harassment in family court for two years was bad enough! Now I had a judge trying to prove a point using me as a guinea pig! It was exasperating to come home after work every day for months, eat dinner and research legal arguments. Regardless, I filed the second appeal on September 30<sup>th</sup>.

Fortunately, the men's retreat had stirred something. I was well aware earlier I had gotten stuck in "victim mode" but I began to know I needed to look hard at what was transpiring and shift my focus away from the "why?" My devotional time in the word consisted of getting up early to try and focus the day but my communication and prayer life was unimpressive. It seemed five minutes after reading I would forget what I read and was right back stressing over the legal problems or something else. I felt like God was trying to communicate with me and something inside me kept screwing it up. I knew I was a Christian but I didn't really know how one talks with God. What does He expect? How is it done and what does it look like? I hadn't realized yet but I wasn't spending time *just talking to Him*. So despite being in a group and reading voluminous Biblical literature I was still pretty hollow inside. I wanted to find out what God was trying to do in spite of myself.

The retreat experience produced a theme...trusting God. Not only now the circumstance forced me too but I started to ask, "Did I ever trust him?" At forty nine I assumed I did. I mean after all I had been a Christian for three and a half decades? But how often we assume wisdom in our own eyes when in fact there's not! I'm reminded of the Emperors rebuke to Luke Skywalker in Star Wars IV when he responds to Luke's naivety. "You will find young Skywalker... *You* are mistaken... about a great... many... things!" There wasn't any doubt I'd made improvement handling life's disappointments along the way. The deeper question was "Did I ever trust God with my life?" *I mean really trust Him with my life?* I really didn't have the answer and the lack of clarity convinced me the answer was a resounding "No." The ongoing ordeal and uncertain future made trusting anything next to impossible. I had no real experience to draw from. Like most of us there were times I reached out to God in the middle of some self inflicted chaos I couldn't escape from but nothing that continued like a chronic illness! I had lived the life of the average Christian. I filled myself up with a weekly message, even taught occasionally, went on the quarterly mission trip and played Jesus in the Easter play, *But, I had never sought to know God for who He was on a personal level*. I still struggle today. God is like a well you never get to the bottom of! I had settled for a cheap form of faith, and gave God just enough to look good on the outside without doing the hard work within. God, the creator of the universe sustainer of

life, perfect in nature, terrible in his might and who loved me so much He sent his Son to die for me on a cross was only worth my “seconds.” This was about having little true *communion* with Him. I didn’t know if he was my friend or some tyrant. God knew all along how inept I was and nor could I attain any spiritual insight regarding His nature no matter how smart “I thought I was”. The spiritual truth of why I “was” and what was purposeful in life still eluded me. The cognitive Jesus acquiescence didn’t work anymore. The situation was I had no concept of how bad I needed Him and how far I was from Him. The legal drama was bringing the barrenness to the surface like dross. The ease at which my life had been controlled and derailed wrecked my idea of worldly happiness and I saw my priorities for what they were... misguided and an illusion. Don’t mistake me, we can have quality experiences in life that constitute genuine happiness and this differs from one person to another. But peace, at least God’s peace eludes us while we mask it with every sort of diversion from material pursuits to false religion or intellectual paradigms. I was afraid I would wind up at the end of life empty, hoodwinked by my own assumptions about life developed over years by an immature faith that never experienced intimacy with God. I settled for “cheap grace,” forgiveness from God devoid of a thankful, joyful, transforming response in return. No wonder I had become miserable, my life was defined by uncertainty.

The deepening of my faith ran parallel with me being forced to be frank with God. It rolled back the self deceit. Instead of using religion to fill what was an innate craving for God the reality of a present personal God began to fill what previously had been “Cogno Jesus.” The realization there was an *objective evidenced based experience of God* and that it was possible to know it, took over my life, my perceptions, and my beliefs. I came to appreciate this objective truth resides in our experience no matter what the agnostic or atheist believes. The problem is discovering it as flawed human beings! The confidence the Christian has in this life that differs from the non-Christian is not based on head knowledge or empirical defenses of their faith. It’s known as the Christian experiences the transformation of their mind and heart as the Spirit of God indwells them and changes the host! We look back as Christians and see the change, in our hearts, in our behaviors, in our perceptions. That’s the sign the Pharisees would never see. It was what Jesus was talking about when he told Nicodemus you must be born again. Spiritual truth is not revealed on demand, cable might be! I’ve tried it believe me. It doesn’t conform to our ideas of proof. This was the mistake of the Pharisees.<sup>1</sup> This is also what uniquely sets Christianity apart from the pantheon of world religions which generally conclude truth is relevant to experience and unobtainable. My faith was teaching me truth was not only attainable the bulk of it was experienced through faith in the uniqueness of Jesus Christ, his fulfillment of prophecies concerning him and the very nature of the created world itself was sufficient enough to promote this “step of faith” towards Him. Faith wasn’t very palatable though as it didn’t remove the immediate problem. The nature of my circumstances produced such tremendous resentment to survive it I had to conclude there was purpose to suffering that was beyond my understanding. I have since advocated the tremendously difficult conviction to accept suffering as purposeful while fully realizing it requires divine intervention proportional to its severity to bear it.

Life changed dramatically in the fall of 2013. The intimacy that started to develop with God provided hope in midst of a severe personal trial. I became aware there were principles of life

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<sup>1</sup> See Matthew 14

coinciding with our decisions that define our paths. While my instinct was to fight back carnally, it was replaced with the conviction God was telling a story about *who He was* through *my story*. I could either be an active learning participant or an unwilling victim. This spiritual shift changed my perspective. Instead of retaliation as the motive for defending myself I became convinced the larger lesson was God could use the experience to reveal himself as *He determined*, separate from my personal wishes! Please don't misunderstand me, I wanted vindication a thousand times! I would have welcomed it. But my attitude was changing from a self righteous persecution complex into a sobering conviction to "let go." I'd be disingenuous to say I didn't resent this. There were still mornings I woke up angry, frustrated wanting to choke the life out of my ex-spouse! The system failed me and my opinion of it hasn't changed. But the anxiety, anger and disappointment could be managed and even have purpose if I would "trust God."

I got schooled on my immature assumption of what God's obligations to protect me were! They were considerably different than what Jesus taught! When my butt was in the fire everything was relative! I could tell *you* to have faith during a trial but in *my own* suffering I flopped like a fish out of water! When Jesus said "If any man should follow me, he must take up his cross and follow him," he meant it.<sup>2</sup> The cost of that allegiance means living at odds with the world's values and embracing unpopular concepts like we're spiritually marginal at best and I couldn't do anything to impress God! Spoiler alert, we're not going to arrive in heaven and have Jesus ring the wedding glass and say "Wait a minute!" "I've been waiting for this one to arrive!" "YOU'RE AWESOME!" Don't hold your breath! The facts are we're hopelessly unable to obtain any reconciliation with God without conceding our *best choices* made in life are usually directly related to the type of attitudes that killed God's son. That's right, confrontation regarding our overt or covert self righteousness! No one likes being told their wrong, but a relationship with Christ requires authenticity to truth before you can see it. We choose to either accept the truth of Christ as life's remedy or reject it. But if we choose Christ He promises His forgiveness and remains faithful to us *regardless*. *The sobering reality of Christianity is God remains faithful to every human being right up until the point of death, the offer of reconciliation is always open and it's always on the table*. This is the grace of God. We however go to great lengths to convince ourselves we're not really all that bad. Oh we might rise to the occasion occasionally acting in a manner appearing altruistic but if we conclude this represents some underlying nature of "essential goodness" we are fooling ourselves. We are in no way equipped to maintain "goodness" consistent with our own values any more than a pig is unable to roll in the mud! That's why human morality *has to be relative it has to justify the reality of our condition*. Does this give you appreciation of God's patience? Regularly, God endures a constant affront to his character at the hands of the world most often at the hands of those who profess to know him! Gandhi once remarked, "I like your Christ. It's just your Christians I don't like! They are so unlike you're' Christ! God doesn't shift his standards of holiness to accommodate our failures. He doesn't work with human morality. It would never rise to His standard. The standards of Jesus made no distinction between "lying" or "murder" or our thought life which is why our imperfection is terminal. *Imperfection in any form falls short of holiness*. The contamination of sin results in an oxymoron of the imperfect existing in a universe created by a *perfect* God. Ultimately, He will remedy the inconstancy. Psalm five tells us, "You are not a God who takes pleasure in wickedness, No evil dwells with You." God himself maintains the holiness of His character and love in its "perfect form". He acts on His own behalf

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<sup>2</sup> Matt 16: 24-25

and ours the remedy being Christ on the cross. The cynic might say at this point, “Well how can this exist if a perfect God permeates the universe and evil can’t dwell with him?” That’s would be a simplistic attempt to define God in linear time and place. Read Genesis 1: 14-19. *God made time*. He made time as we experience it when he placed the heavens in position by which we draw our calendar days and years. There’s even sufficient argument *that standing outside of time in His indescribable power and perfect holiness the sacrifice of Christ was complete commensurate with creation and it took place without losing any of its effect, tragedy or glory in our linear time line*. That would mean the sacrifice of Christ reconciles the oxymoron! Are you beginning to comprehend the awesome majesty and indescribable love and insurmountable power of God? Wherever you rest in the argument, God is not limited by the limitations of our understanding and if he was he wouldn’t be worth following. Rest assured even on my best day, when I appear to be living a “clean life” the best I have to offer doesn’t remedy the incompatible resonant imperfection attached to me which is a condition the Bible calls “sin.” For our purpose it’s easier to accept it as “less than holiness and unacceptable to a perfect God.

My faith, my beliefs and my relationship with God were radically changed and it remained up to me to decide what value the experience would provide. I’m not a trusting person by nature, mainly because of the instability in my childhood but also because I lived for years as a human being separate from God making bad choices. Letting go of my immature faith would stretch me but also allow healing to take place from life in general while transforming (painfully) my character as intimate communion with God revealed itself in my life. Change, if it’s worth anything is tumultuous.

Between October and November 1<sup>st</sup> I filed numerous motions to postpone the November 15<sup>th</sup> trial in Hetler’s department as the I.P. address subpoena was still not the courts possession. Hetler’s response was to stack all the motions to be heard on the morning of the trial the same day and then somehow apply any decisions that morning to the trial scheduled that afternoon. This made it impossible to argue a motion, implement the results and proceed. Furthermore, the motions were calendared in the morning November 15<sup>th</sup> against my protest I was already in court with Reynolds on the issue of her disqualification. It was obvious the “bees” were communicating and the intent was to force me to appear in Hetler’s venue and abandon the disqualification motion. Keep in mind our magistrates *swear an oath* to protect the integrity of the United States Constitution which begins and ends with the principle of due process. It didn’t matter what I submitted to the court, once Hetler scheduled the motions he wouldn’t budge. Even an Ex-Parte stay request which requires a decision within seventy two hours was filed in Hetler’s court and ignored. He did acknowledge I filed it eventually dismissing it saying it was on the “wrong forms.” Funny the exact forms for a similar request worked for Judge Mitchell! The court knew the cost of “fighting city hall” was impossible. As his clerk was already willing to misrepresent on the record about my telephone appearance in July the only way to change the situation was to recruit a heavy hitting law firm for which “The list of allies had grown thin “Gandalf!” It wasn’t going to happen. If Hetler was going to try and hear the trial without the I.P. address subpoena I thought, “It would probably make good reading for the book!”

**On November 14<sup>th</sup> I flew out** in preparation for the hearings the following day. I flew in to San Jose picked up my rental car and drove north. On the way I took highway 92 east near San

Mateo to stop at Toys-R-Us to buy a gift for Mark's son who had become my favorite playmate in California! As soon as I got off the off ramp I looked right and saw a California Highway Patrolman wrestling with a man on the ground. In a few seconds two and a half years of bitterness towards the government exploded in my mind and I thought "tough luck" about the patrolman's predicament. The patrolman represented the system I had come to hate, had made my life miserable and handed my kids to a couple of welfare seeking immigrants who were gaming the system. The argument of not getting involved was compelling! Now mind you, that was the split section real world "Jim" with all of its ugliness. What actually happened was I pulled over, got out of my car and ran back towards the scuffle. When I was about twenty feet from them (which by now the patrolman and the man were standing in a grapple) I realized how large the man was and I picked up the pace thinking "This could go very bad if he gets his gun." So I stepped on it. I don't even remember the impact with the two of them. I do remember being on the ground on top to the man yelling at him to stop resisting. He was on all fours underneath me was trying to get up. In a few seconds the officer grabbed one of the man's arms and applied the cuffs. Once one arm was secure we immobilized the other and the man stopped resisting. The whole incident was over in a minute.

Lifting him to his feet I told the patrolman "I gotta go." I handed him my phone number and that was it. The Toys-are-Us was about half a mile from the scene so by the time I arrived I heard EMS responding. After I bought the gift I drove to Mark's house and on the way stopped by a BJ's Brew House to congratulate myself for not being killed and contemplate what just happened! As I walked into BJ's, there was Mark sitting at a table with Scott another Christian I hadn't seen in fifteen years, Mark called out "Ho Jim!" It's definitely a small world! I sat down with the two of them and described what just happened and we laughed having a hard time believing it. Not because it was funny but because I had just flown seven hundred miles to save a California Highway Patrolman that was getting his head served to himself<sup>3</sup>. When CHP Simmons called to thank me several days later he informed me the man had ten pounds off meth in his vehicle. No wonder he didn't cooperate! I asked Simmons if he caught anything on dash cam. "Yeah it was the funniest thing" "You see you running at full speed and then you pass the dash cam and you hear this sound!" "It looked like Ronnie Lott." For those of you too young to remember, Ronnie Lott was the safety for the San Francisco Forty Niners during the reign of Joe Montana. I chuckled to myself as I didn't remember most of it but I knew something had changed in me over the past few months. While my natural self in a split second wrestled with resentment over assisting Officer Simmons, as a practicing Christian, EMT and former Marine I did the right thing as a matter of conscience. I had passed through a barrier on a personal level. Even though I had been treated contemptuously by the California judicial system, I had done the right thing instinctively as a matter of conviction. Merry didn't share the same opinion when I told her what happened.

**I was hoping Reynolds would back down** but if not there were now two appeals that were part of the record and open to public scrutiny. Part of the absurdity of all the legal proceedings was I *never* expected to prevail at anything. I had already started writing this book. I didn't care if the book flopped, I cared the truth would be documented so my twins would know how hard their dad fought for them. I also knew if incarcerated the book would tell my story. I arrived in

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<sup>3</sup> To the patrolman's credit the man was about 6'4 260 lbs. When asked to testify at the criminal trial in 2015 the CHP declined.

Oakland on time for court and spent all morning listening to the other cases. I approached the clerk at recess and demanded my matter be heard immediately as I had the trial with another department in the afternoon. The court was delaying the case to frustrate the afternoon trial. Finally my case was called. After studying Reynolds's all morning I thought, "She's not going to back down." The hearing lasted all of seven minutes. Reynolds opened saying she read the disqualification motion and found no reason to remove herself. She then attempted to entertain testimony from Sergie that I was hiding firearms in violation of the restraining order to which I interrupted and informed her it was improper to hear any issue not properly served and noticed ten days prior to the hearing and I objected to it. This shut her down but not before the judge made a parting comment the concealment of firearms was an issue of law enforcement and a matter for the district attorney. I thought "big deal, what are you going to do?" "Have my house searched a third time?" Before she continued I challenged her jurisdiction on hearing the contempt matter further as case law dictated she couldn't hear the matter if she was the judge the contempt had occurred against. She had known this all along and ignored it, but with an objection on record and case law supporting it<sup>4</sup> the objection had to be recognized. This was crucial as unknown to me Sergie had filed *another bogus contempt matter* three days prior riding the coat tails of the circus. Sergie jumped in interrupting and demanded the second contempt matter be heard that day. As his hadn't been served another objection shut it down. It was over quickly. The court was now in a bind. Two appeals were now filed that irrefutably exposed impropriety at a minimum and probably a multi-venue conspiracy. If the court removed itself it admitted impropriety and handed me a lawsuit. When a judge refuses to step down in these circumstances the defendant's next step is to file a verified statement which is basically the same as a disqualification motion with a special "verified statement" attached. I had already prepared this prior to the hearing suspecting the court wouldn't budge so the outcome was irrelevant. We finished at 11:30am. This time I informed the court I was staying in the court room as I didn't want Paula and Sergie to make another allegation. They had brought Sergei's mother with them who they had previously alleged I threatened with a gun and had hired a contract killer to eliminate. I couldn't make this up; it's all in the file. I could smell a trap.

Afterwards I drove to Alameda as the Hetler trial wouldn't start for a couple hours and sat in my car overlooking the Bay. I felt detached while all this transpired. My therapist's comments about "truck bombs" came to memory. I knew it would be adverse in Hetler's court so I tried to relax. I arrived fifteen minutes early. Paula and Sergie were already there. We were escorted into the court room where I set up. I knew if my restraining order was going to survive the day's proceedings it would be an uphill battle. Hetler came into the court room smug as usual. I had grown accustomed to the look. We launched immediately into an antagonistic exchange over the mornings motions which Hetler went ahead and heard in my absence including the request to reset the trial and stay the proceedings as the I.P address discovery had not been made available for review prior to trial. Hetler countered about how I was obligated to attend the morning's hearings despite the opposition's obstruction of justice regarding the I.P. subpoena and despite the fact I informed Hetler's court of my availability when I filed my motions initially. I reminded him it was "he" who scheduled the motions improperly and not myself that had double booked but the court double booked the proceedings under repeated protest. This exchange went on for ten minutes until I insinuated if I was an attorney I wouldn't have been treated this way which went over like a lead balloon. Hetler objected to my objection to which I objected to

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<sup>4</sup> *Turkelson v. Superior Court*

his objection of my objection which was rather comical! I then challenged him on proceeding without the I.P. address evidence that *he had ordered* and subsequently maligned its production by not responding to multiple requests for him to sign the order for its production when he knew opposition was refusing to cooperate with the courts orders. He ignored me and ordered me to proceed with trial and informed me the subpoena had “just been received.” In fact the records indicated it was received a week prior and Hetler held onto it prohibiting its release and my access to it prior to trial. This was amazing as it was my motion in May to which Hetler concurred the I.P. address evidence was to be produced to be reviewed *before trial*. To say I was dealing with incompetence would be an understatement. I felt like I was dealing with Mussolini who like his counterparts was “untouchable.” I had enough experience at that point to keep my mouth shut. I thought “Let it Go Jim,” and it wasn’t the Disney hit!

I had anticipated this so I had prepared an outline to proceed. Hetler bellowed, “Call your first witness.” I did, I called Paula. By this point I had completely separated myself from what was a tragic play unfolding. The painful truth was Hetler held the evidence to sabotage the case. Despite this I conducted the cross examination sufficiently. When I finally saw the results of the long sought after subpoena when it was opened for the first time in court, it confirmed the originating I.P addresses of the harassing emails and the creation of the email accounts originated from Paula’s internet service providers router registered in her name. I followed with Sergei’s cross examination which was short. During examination it was revealed he held masters in computer science which explained why he refused to answer the interrogatories earlier about his educational background. All of this information had been the subject of months of motions to compel compliance and Hetler sat on it. Months of work collapsed and thousands of dollars with it. My mental salvation was I had already come to the point that prevailing was pointless. I entered into a surreal peace that passed understanding. It’s not a “feel good emotion.” It’s the knowledge that my identity and future wasn’t defined by this present world, it’s systems or it’s powers. What was happening was terrible. It was how evil works itself out in real life. The real battle of significance was taking place in the spiritual realm and every participant was in their own journey, for better or worse. They were writing their own book. Knowing this freed me. I pitied the court particularly Hetler undoubtedly spiritually lost at least presently. Knowing this made his actions palatable, even understandable. It created the sobering indifference you realize when you’re powerless to change the circumstances in front of you. We are called, as Christians to be “joyful in hope, patient in affliction and called to remain faithful when faith is absent in our fellow men even yes... even to “Pray for those who persecute you.” Sometimes I hate those hard sayings of Jesus.

When the judge announced his decision it wasn’t surprising. He claimed despite the I.P. evidence confirming the emails originated from Paula’s router I couldn’t prove Sergei wrote them and I failed to make my case. Hetler also said the emails despite containing personal threats and the impersonation of me on the internet to thwart the family law cases didn’t rise to the level of harassment. Another remarkable finding since I had to fly out to California for two years leaving my daughter and wife crying at the front door on multiple occasions. Forget the disparagement of Merry, my daughter and my stepson this is the reality of men and how they implement justice and how relative justice picks its victors. We often think evil is black and white easy to discern but its not the childish red horned devil portrayed in cartoonish caricatures but a condition that permeates the human heart which eliminates the capacity for truth. Hetler

strangely was the same as his name legacy implied, which was bizarre. He would stand before his Creator as would I. I was ok with that. I know where I'm going when the curtain calls.

By 4:30 we were done. Sergei's attorney asked for fees and costs and the court ordered both parties to brief the matter. I had already decided an adverse fee order would force another appeal. If the judge would drop it I would as well. Unfortunately he didn't. I just wanted to get home to my family. Sergei, Paula and Mr. Dung were delighted. They figured they won, hardly. The litigation had dragged Paula's family into the mess and worse, exposed Sergei's past i.e. bizarre websites, single male trips to Thailand, it wasn't pretty. The freedom fighting hero portrait he crafted for himself was irrevocably shattered. My original goal, to exert as much legal pain on them had certainly succeeded. But had anyone won anything? My twins still lived with them. The flight back to Colorado (the twenty third at this point) was quiet. I didn't have anything positive to share with Merry. Reynolds was still on the case and Sergei got away with harassing us for two years and the courts rewarded him for it. Would anyone ever know the truth? Yes. "Did it make any difference in the long run?" Not really. On Monday I would file the verified statement for Reynolds's disqualification and I was glad it had been completed prior to the trip. I now had a second cause for contempt with Reynolds scheduled for December 20<sup>th</sup>. Of course Reynolds again had calendared it despite the cause having no merit. To say I was burned out was an understatement!

In a week I was going to picking up my twins for Thanksgiving and I wanted the legal stuff sidelined. There was some silver lining after all. I'd at least recaptured the offense in Reynolds's court and the paper trail was close to becoming a career "Canai". Our last meeting was without the usual antagonism that marked our encounters. I knew from the way Reynolds composed herself she knew this had gotten out of hand. There was now an opening to file a writ of mandate with the appellate asking for intervention for a procedural challenge for her refusing to remove herself as well as her hearing a contempt matter when she was the offended judge. At the superior court level there was nothing more I could do. It was now in the hands of the court of appeal. She would be positioned to sentence me at our next encounter. The new cause for contempt alleged ten new counts each count exposing me to six months in jail and a thousand dollar fine each. The courts were deliberately indulging this to ratchet up the heat. This is how the power brokers silence opposition.

The fallout from Hetler's court was more of the same. To say Hetler was "sloppy" would be a credit! I can't imagine anyone desiring such an adjudicative experience! A simple internet search revealed a trail of his victims and more stories similar to my own. I hoped I was done with him but that was whether or not I had to pay the attorney's fees for the failed restraint order. I knew a fee award involves the conduct of the attorneys, the parties and even the court itself and I knew the appellate court took the conduct of both the court and litigants seriously and an adversarial finding by Hetler would have to be appealed.

During the Thanksgiving visitation I was "dad" on the outside while inside I was in turmoil knowing my kids lived in the environment they did. Merry and I planned for Christmas as best as possible while I waited for the next hearing. In the meantime I filed the Writ of Mandate with the First Circuit of Appeals to stay the contempt proceedings and filed a second verified disqualification motion. The spotlight was now on Reynolds and regardless of how this played

out I was stoking the fire as hot as I could to establish a record for public reference. This was a particularly difficult time for Merry as she was finishing up her degree and watching on the sidelines while her husband was being bounced around by the legal system. We didn't argue but there were times around the house the cloud of darkness descended upon all of us. Early in December Sergie filed the motion for attorney's fees for seventeen thousand dollars but the matter could wait. I needed some breathing time and some time with my family who were all suffering in one form or another. My daughter five at the time asked me if it was wrong if she wished Paula was dead. It was all I could do to compose myself and try to explain to a five year old it wasn't wrong to be mad when we were hurt, it was wrong to "hold on to being mad." She told me that made sense and she "Didn't think Jesus wanted us to feel that way anyway." As the December hearing approached I went through the regular loss of sleep that had come to accompany all the trips and prayed God would see me through it. My men's group was praying fervently for the situation as well.

On December 20 I was back in Reynolds's court in Oakland sitting amongst the malcontented being subjected to another sixteen hearings of domestic violence poison. We were as before saved till after lunch. We were called forward but this time Reynolds was well prepared. She dismissed the verified complaint on a technicality but of course I wasn't ridiculous enough to think she would recuse. I politely said I disagreed but appreciated her position and requested her ruling on the remaining counts of contempt from the first motion. As the second contempt was ten more allegations her position on one meant the same for all of it. Judge Reynolds was thoughtful polite, and remarked the issue of intent was mitigating and she found nothing in the record that I had deliberately violated an order of the court. Sergie completely lost his composure. I would never stand in front of Reynolds again in a domestic violence proceeding. Nor would anyone else, She was transferring to criminal court. One journal entry in November of 2013 says it best to describe my experience in Reynolds court:

"Here I am again sitting in this court again with all these folks having to hear their hate, its poison. Lord this is *so oppressive* give me strength...."

He did.