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THURSTON COUNTY, WA
SUPERIOR COURT

09/01/2021 8:01:56 AM

Linda Myhre Enlow
Thurston County Clerk

EXPEDITE (If filed within 5 court days of hearing)
 Hearing is set: To accompany motion on same day & time
Date: 9-2-21
Time: 11:00am Zoom #: 93410532223 pass:273881
Judge/Calendar: John C. Skinder/Motion Conditions

**Superior Court of Washington
for Thurston County**

State of Washington
vs.
Selena Ursa Smith

No. 21-1-00676-34

**Declaration of John Smith
Re: Conditions of Release**

(Cover Sheet)

TITLE OF DOCUMENT

Declaration Re: Motion to Change Conditions of Release

**by JOHN SMITH, father of Selena Smith &
grandfather of the alleged minor victims**

**NAME: John Smith, father of Selena
Mailing ADDRESS: PO Box 1711,
Shelton, WA 98584
PHONE: (360)427-3599**

21-1-00676-34
DCLR 33
Declaration Affidavit
10945159



Declaration Re: Conditions of Release
pinbalwyz@yahoo.com

1 John Smith, father of Selena (360)427-3599
PO Box 1711, Shelton, WA 98584

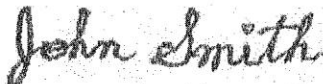
MATERIAL & RELEVANT FACTS (& DECLARATION)

New exculpatory evidence revealing the **Abuse of Process, Stalking, persecution, Harassment, and victimization** by the Stokers (the alleged victims and the State's chief complaining witnesses) as well as **fraud/perjury & impersonating a LEO through the use of a fake subpoena duces tecum (issued by Breckan Scott, esq, their attorney without authority in violation of CR 45)**, by their agent, security guard **Robert K. Kurtz** have been discovered affecting the disposition of this case and must be weighed and a STAY granted to prevent a miscarriage of justice and harm to the children at issue and their mother, Selena Smith. The State's complaining witnesses have a record of prior bad acts including lying to courts of law under penalty of perjury as a matter of record, drug addiction, assault with a firearm, and decades of intense parental alienation and identity theft.

I, John Smith, **am a notary public**. **The images I have included below are true copies of what I received from my records request to the TCSO.** Selena Smith is indigent, destitute, presently unemployed and without any transportation whatsoever. She has the use of but one hand. She is distraught and vulnerable to the point she is at considerable risk.

I declare under penalty of perjury of the laws of the State of Washington and pursuant to GENERAL Court RULE 13 and RCW 9A.72.085 that the foregoing and what follows is true and correct to the best of my knowledge.

Signed in Mason, [County] Washington [State] on 8-31-2021.



Signature of Petitioner or Lawyer/WSBA No.

John Smith (father of Selena)

Print Name

I have e-mailed/posted a copy of this entire document and contents to Cailen Lee Cecil Wevodau, prosecuting attorney (360)786-5540 cecil.wevodau@co.thurston.wa.us, & Sara Skye Frison, defense attorney (360)742-4182, (360)742-4132 cell, skye.frison@co.thurston.wa.us .

Respectfully Signed & submitted in Mason, [County] Washington [State] on 8-31-2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

John Smith (father of Selena)

Print Name

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**Superior Court of Washington
for Thurston County**

State of Washington
vs.
Selena Ursa Smith

No. 21-1-00676-34

**Declaration of John Smith
Re: Conditions of Release**

TO: Clerk of the Thurston County Superior Court, (360)709-3270, (360)786-5743, 20000 Lakeridge Dr, SW, Bldg 2, Olympia, WA 98502, sharpt@co.thurston.wa.us;

AND,

Cailen Lee Cecil Wevodau, prosecuting attorney (360)786-5540, fax (360)754-3358, cecil.wevodau@co.thurston.wa.us, 20000 Lakeridge Dr, SW, Bldg 2, Olympia, WA 98502;

AND,

Sara Skye Frison, defense counsel, (360)742-4192, (360)742-4132 cell, skye.frison@co.thurston.wa.us, 926 24th Way, SW, Olympia WA 98502-6002

DECLARATION OF PERTINENT, SUBSTANTIVE, & MATERIAL FACTS

I, John Smith, am the father of Selena Smith, the defendant in this case. I know her to be an honest and truthful person who has almost never lied to me in her life. I know her very well and watched her struggle through thick and thin. I believe I know her better than any other person. She has been severely injured, both physically, emotionally, psychologically, and spiritually. I have grave doubts she will ever be able to heal in her lifetime.

I know Selena is innocent, both legally and factually of the charges levied against her. I know she has been abused by her mother for decades through a steady campaign of parental alienation, gaslighting, a constant drumbeat of being told by the Stokers she is mentally ill, and recently by Hans Stoker that he'd always hated her. My daughter suffers as only a badly battered single woman with one hand can.

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3 John Smith, father of Selena (360)427-3599
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I believe it is important for this court to know the results of my hundreds of hours of investigating what led up to the current criminal case filed against Selena.

Not so long after Selena lost her right hand in a climbing accident near Spokane, she fell in love with a man who was mentally unstable and my oldest granddaughter, Maya Smith (now Stoker) was born. Kathryn Stoker, her mother, soon gulled my daughter into relinquishing her baby to Kathy by misrepresenting the legal nature of the guardianship acquired under Washington's 3rd party custody law then in effect. Selena was not represented by counsel and was unaware of the legal ramifications of relinquishing her parental rights to her mother. This began a train of events leading to Maya feeling abandoned by her mother and hardened into parental alienation. Maya's father was killed in an auto accident before Maya was old enough to remember him.

What's important about the guardianship action (Thurston case 99-3-00727-2) was I was not a party and had absolutely nothing to do with the case, yet Kathryn felt the need to perjure herself in her petition by claiming I had been diagnosed with schizophrenia, thus Selena must be schizophrenic, medicated for it, and relinquish her parental rights. None of this was true and Kathy knew it. She tried to avoid the perjury from being discovered by asking (through her attorney) to have the record sealed. The court refused. Parks Weaver, a long time family law attorney now deceased informed me of this brazen dissembling and, at first, I didn't believe him since I had nothing to do with the case and have never been diagnosed with any mental illness in my life. But, it was true. Three years had lapsed and I brought the document to my daughter's attention. I explained the legal consequences of it and how it would profoundly affect her relationship with her daughter, Maya, which it ultimately did. Selena confronted her mother with the document and demanded an explanation, resulting in Kathy moving to have the order rescinded and the case dismissed.

It would be easier to imagine this was the genesis of what became a progressively more dysfunctional family in the Stoker household despite their extreme wealth. But that would omit important facts consistent with an obsessively compulsive possessive woman, my ex-wife, Kathryn Stoker, who did everything possible to isolate Selena and Chad from me and my side of the Selena's family by lying to/about me, constantly disparaging Selena's father and ultimately falsely claiming to both children I was prohibited by court order from seeing them. Selena came to believe this when the truth was Kathy was interfering with my time/communication with them as she does today by preventing me from speaking, even by phone, with my grandchildren. Selena and Amy Gmazel both recall this disparagement, but today the focus and target of the disparagement by Kathryn and Hans Stoker has become Selena—they will do literally anything to, as Hans told the TCSO on 5-21-21, "...get MY grandchildren back." Selena's children are not Hans' grandchildren despite Kathryn and his perjured declaration to the contrary to the court on 5-27-21 in their petition for the ex parte immediate emergency petition (Thurston 21-4-00443-34) for guardianship of minors unlawfully executed in a foreign jurisdiction with absolutely no genuine evidence supporting the midnight kidnapping of Selena's children on 5-28-21 from their domicile and complete lack of judicial oversight in that jurisdiction whatsoever.

Kathy abandoned our marriage leaving me alone on our Duckabush 22 acre farmstead with my two children, Chad and Selena. She demanded a divorce within a week of my unemployment checks ending during the Reagan administration recession the left most all of my union carpenter

peers also divorced. She felt guilty and left me with sole custody of our 2 children and title to our farmstead. The guilt didn't last long. She was working for the Administrator to the Courts while I was unemployed and dependent on food stamps and DSHS AFDC benefits along with whatever roadkill I could find to feed my children. I never attempted to seek child support from Kathy. During our marriage, in a rage because I refused to continue arguing with her, Kathryn Smith (at the time) chased me down our driveway on the Duckabush with her father's loaded 16 gauge shotgun. Out of embarrassment in a tiny community, I never filed a police report and now regret the fact. Selena remembers the incident.

Kathy lies habitually to me and her own husband including the circumstances leading to the instant case. The two of them lie in unison to the police and will do so in this court. Kathy lied to me when I asked her if she had heard from Selena shortly after June 1 of this year, telling me it came as a complete surprise that Oregon law enforcement had seized our grandchildren in Oakridge when, in fact, she and her husband along with their attorney, Breckan Scott, had been stalking and harassing Selena for months by tracking her cell phone without Selena's knowledge, filing over a dozen bogus welfare check requests and malicious child endangerment complaints across the nation, and even issuing a phony subpoena through Breckan Scott's 'boutique' law office in Yelm transmitted to NJ security guard Robert K. Kurtz who used it to deceive a backend credit card processor contracted with Chase bank to furnish up to the minute updates of Selena's credit card usage 24/7 including every stop, location, items purchased and amounts spent on each down to the penny. Robert Kurtz admitted as much to me during a 45 minute phone conversation I had with him early on in my investigation beginning soon after 6-1-21. Mr. Kurtz also admitted as much to the Oakridge, OR PD, who were becoming suspicious of him as reflected in their police report filed in the record of Thurston case 21-4-00443-34 & 21-4-00452-34. In fact, **none** of the police reports from those agencies whom Robert K. Kurtz contacted bear out any of his assertions in his perjured declaration in 21-4-00443-34 that was used to support the unlawfully executed ex parte order issued by commissioner Kortokrax (recused for a conflict of interest w/the Stokers by his own admission in open court) intended for use in Oregon where the Stokers, their attorney, and Robert Kurtz's (which they falsely represented to the court as a "nationwide manhunt") witch hunt had taken them. When I asked Kathryn Stoker when the next court date was, she lied about that as well, telling me it was on 6-18-21 when she knew it to be 6-16-21. Kortokrax recused himself at the hearing but issued a substantive order in the same breath.

It is also to be noted James Wells (Selena's BF) was directed by Kathryn Stoker to clandestinely doctor Selena's food and coffee with drugs/medications without her consent or knowledge. When caught, he admitted it to Selena (and later to me, by phone—I have evidence of this admission) but attempted to excuse his misconduct by arguing he was following Kathryn's directions and the drugs were prescribed. When he informed Kathryn he'd been caught and admitted it, she quickly denied any knowledge of her involvement. James also justified his misconduct by arguing the drugs made Selena more pleasant to live with. He also justified pinning Selena down with his body when she became angry. He also justified having sex with my daughter without her express consent and repeated 911 calls asking for assistance in excluding him from her residence on her mother's waterfront estate in Thurston County. There are literally dozens of calls to 911 from that address. The police told Selena they were not going to respond to her calls for help.

Eventually, on 12-17-20 & 1-5-21 in Thurston cause 20-2-30788-34, Selena Smith succeeded in getting a DV protection order prohibiting contact by James Wells with Selena or her children which remains in effect today. Despite the finding of DV and the protection order, the Stokers continued to harbor James Wells for nearly 2 months. The Stokers had made a habit over the years of financially ingratiating themselves with Selena's boyfriends/husband as a means of controlling and monitoring Selena. Selena manipulated access to her children based on the level of financial support she received from her mother. Kathryn, in turn, would often threaten to cut Selena off as a beneficiary of the Stokers' vast fortune. This also included conditions such as furnishing Selena with vehicles on the proviso her father not be allowed as a passenger in them. Kathryn Stokers' obsession with parental alienation was so complete, she even refused to attend Selena's wedding because Selena had invited her father.

Kathryn Stoker interfered with my parenting my children after I made the mistake of stipulating to shared custody in a scene reminiscent of the recriminations in the movie Kramer vs. Kramer. She told the elementary school they attended to refuse to allow me to examine their school records. She hid their location from me for weeks at a time. She instructed the children to keep secrets from me as she keeps secrets from her current husband to this day. She had a drug habit when I first met her and that continues today with her abuse of prescription drugs as her husband does alcohol. Mr. Stoker openly complained to my daughter over how much money they'd spent on her and her children over the years, in between the denigrating disparaging remarks directed at her combined with labeling her as defective and/or mentally ill. On another occasion when my children were still in grade school, I came to pick them up early from the L.P. Brown Elementary school in west Olympia. Kathryn alerted the police who stopped and detained us 45 minutes, causing me to be late to an appointment in Port Townsend. As I had shared custody, the call to the police was malicious. This pattern of custodial interference and parental alienation remains a theme in Kathryn Stoker's misconduct to this very day. She manipulates her husband into believing he is the father of Selena and grandfather of Selena's children in her scheme to abet her husband in stealing my identity. The record in the many court cases bearing their name is replete with their perjured statements and dissembling to other government agencies. Kathryn has even, when convenient, claimed to be Hazel's mother to medical staff, and Hazel's guardian to school employees.

Of the most immediate concern, The Stokers lied when they told the police Selena hadn't lived on their property (or at least their waterfront home) for years, when, in fact, she had been living for years in their house only a couple of hundred feet away on the SAME property rent free. Kathryn Stoker tells the TCSO in a recorded statement on 7-17-21, "I'm done with Laissez Faire!" What she is referring to is the decades long casual open door policy in which Kathryn sought to cause Selena to believe her 'generosity' and informal protocols were intended to be supportive rather than controlling. Unfortunately, as Selena later admitted in her custody battle with the Stokers in open court, she did not anticipate the Stokers using what appeared to be a gift horse as a sword and tool with which to unlawfully steal her children.

I have e-mail relayed through me to Selena from the Stokers' attorney (Breckan Scott) reassuring her that physical and phone visitation would be arranged at Selena's convenience. I heard my 8-

year old autistic granddaughter, Hazel, pleading with her mother to come and visit her if she could just "make it". Selena and I were both aware the Stokers were monitoring the call and Hazel was repeating what she had heard the Stokers tell her when she questioned her mother's absence. Selena had a very reasonable good faith belief have children had been unlawfully seized from her after midnight in a foreign jurisdiction where she and her children were domiciled. Now, the perpetrators of that crime are now victimizing Selena once again in these criminal proceedings. It is deliberate, malicious and they have shown no compunction over lying to achieve their ends which have nothing to do with 'protecting' my grandchildren, but on recovering their property (the children) which they 'paid' for. This is not hyperbole. Kathryn Stoker, during our own custody battle years ago offered to BUY my children from me when I was unemployed and very poor. I told her they were not for sale. Kathryn Stoker has always seen fit to weaponize her wealth and victimize my daughter utilizing it.

Now, the motion comes before this court as to the terms of the real victim in this case release conditions and her request to be permitted to return to Oregon. My daughter, Selena, is a badly battered woman who cannot protect herself. She is unemployed and continues to behave furtively just as her mother has over the years with our two children. She has, to date, refused to reveal a permanent address of residence in Oregon, or presently in Washington. She has expressed despair to both myself and my wife predicting her children will die in the custody of the Stokers when the Lombard strain of the pandemic (for which no vaccine currently exists) anyway—that I should pray for them. She has written she hates all of her family and emphasizes I am no exception.

Selena could find employment in Washington pending her trial as easily as Portland. She complains James Wells' friends stalk her and "pass her around" between them. She was accompanied by an obviously violently unstable acquaintance calling himself Robby Goodwin (Selena claims to not know his surname) who she said had been abusing her ("bruised butt") when she arrived in Olympia in her sole remaining asset, a 1972 Chevy Rambler RV. After her arrest on 7-17-21, Robby, an unmedicated epileptic homeless man since he was 14 with NO driver's license, continued to drive her RV until he baked the engine (seized) and was stranded on northbound I-5 just north of Trosper Road in Tumwater for over 3-days while he continued to live in it. He stole Selena's cell phone and some other possessions from the RV, but would not return the cell phone when asked. Selena's van, which she had been using in Portland in her job delivering auto parts, was stolen. The Portland police would not search to recover it because Selena never transferred registration for it after purchasing it. It was stolen from the location for whichm Selena refuses to provide an address. She has no utility bill, voter registration, or rental receipt establishing an address in Portland. She has never filed, to my knowledge, an address forwarding request with the USPS, thus allowing the Stokers (who she vows she hates) to continue to steal and open her mail even after her knowledge they were using this ill gotten information to stalk, harass, and invade her privacy in every respect...culminating in the kidnapping of her children in Oakridge, OR. after midnight on 5-30-21.

Every man (with the possible exception of a black acquaintance named Mike 15 years ago) Selena has lived with is the source of complaints of abuse she alleges. Moreover, she has demonstrated an inability to remove the abuse from her life. Selena herself, because she cannot protect herself from the likes of street denizens as well as the wealthy Stokers, likely needs a guardian appointed to preserv her very life.

Selena has despaired of ever recovering her 3 children, nor does she have the discipline or the resources to claw back what was unlawfully stripped from her under the color of state law and lack of jurisdiction in her home State of Oregon. Her relatives, who live in the vicinity of Thurston County, are counted by Selena as hated enemies. She has one remaining friend in Olympia (Amy) dedicated to furnishing her necessary transportation, but is not welcome to resid with Amy because Amy's husband is opposed to the idea.

After picking up Selena in the wee hours of the night after bail was posted, I sheltered her in my home with my wife in Mason County. We are both elderly and our health is compromised, my wife is a cancer survivor while I am seriously afflicted with diabetes, congestive heart failure, and atrial fibrillation. Selena refused repeated requests to get vaccinated against the pandemic, exhibited an addict's desperation to satisfy her habit including searching for discarded cigarette butts on the parking lot pavement to smoke. This needlessly exposed my wife and myself to additional risk which alarmed us both. Yet Selena is quick to criticize the Stokers for refusing to abide by CDC guidelines with respect to the pandemic. Selena also came close to burning down our uninsured home by discarding a lit cigarette into a pile of dry leaves that had blown up against our home. After my wife discovered this and doused the smoke from the pile, Selena was unapologetic. Her verbal abuse continued to escalate to the point where my wife began to hide the butcher knives in our kitchen out of fear of Selena's uncurbed anger and violent impulses. Selena soon began to grow secretive in her activities and communications despite my best efforts to assist her in the absence of an attorney for her guardianship litigation. When I drove her to appointments, she would refuse to get in my vehicle afterwards when asked, causing m to miss a medical appointment and creating considerable consternation between my healthcare provider and myself.

I began to worry, after hearing snatches of Selena's phone conversations, she was seeking a new villain to use in her intersectionality strategy to portray herself as a victim, once again, in need of rescuing. This has become a common thread in how Selena survives. She will initially attempt to ingratiate herself with charm and an appeal to sympathy as a 'victim' depending on the kindness of strangers. But with familiarity, inevitably comes contempt. Her new benefactor becomes, in Selena's narrative, her new abuser. When confronted with her self serving, manipulative and self incinerating destructive behavior, Selena becomes defensive, agitated and begins to display cognitive dissonance at an alarming low threshold of excitement. She models aspects of adult autism incapable of processing her emotions combined with severe emotional trauma and PTSD. It is doubtful she will ever recover short of being chemically lobotomized.

However, Selena cannot be relied upon to stick to a course of action until its completion—the ultimate diletante with good intentions at the outset who never finishes the journey. Selena's request to leave the State of Washington should be denied because she cannot protect herself, exercises exceedingly bad judgment unceasingly, and the consequences of her failure to appear on time because she cannot or will not do so are dire. Selena currently has little incentive, in her mind, to return to the locale of her oppression and pain. In truth, there is little reason for her to remain in the country itself given her despair over ever having her children restored to her. Slena reserves, over time, her greatest hatred for those who have attempted to help her most. I have watched this pattern for over 30 years and it does not vary. In many respects, she presents as an echo of her mother in that both women are manipulative, sneaky, and quickly resort to weaponizing

children under their control. It is in Selena's best long term interest to be required to complete a course of action she launched on somebody's terms other than her own. I believe she might require a sheltered workshop environment until she heals somewhat and learns to manage her own affairs without depending on the kindness of strangers or presenting as a wounded bird with a broken wing.

I believe the prosecutor should be sanctioned for inadequately investigating the true facts surrounding this case. Nor is Selena likely to get adequate representation from her court appointed counsel who cannot even keep Selena's gender straight in her motion for changing Selena's conditions for release. Still, it is material to consider the very commissioner who recused himself (Kortokrax) in Selena's civil litigation involving the same parties/principals for conflict of interest was the very same commissioner who set Selena's conditions of release based on an incompetent deputy prosecutor's argument that, being the hammer, every defendant in the courtroom must be a nail. My daughter is not a criminal, but that the prosecuting attorney would have it so despite the underlying true facts that have remained without scrutiny in this cause.

A court that acts without jurisdiction or ignores justice by all the parties deserves no respect. Even now, Selena does her level best to alienate one of the only witnesses that can/will testify to the reputation of the Stokers for truthfulness in a case premised on deception, stalking, harassment, perjury, abuse of process, and lack of jurisdiction from the outset. Selena's actions on 7-17-21 were rooted in self defense for herself and her children by a distraught mother who knew with every fiber in her being her children were being harmed, had been stolen from her through abuse of process under the color of law, and needed her protection. That she was stupid enough to arrive in the enemy's camp without reliable witnesses was not criminal, but should be, stupidity being a cardinal offense under natural law.

Please note, it was Breckn Scott and Alex Stoker who advised Kathryn Stoker to call the police after Selena had played with the children for almost 1.5 hours—hardly the actions of a burglar, given the long standing "laissez faire"/open door that had existed for decades. Breckan Scott, the boutique lawyer willing to put her license to practice law in jeopardy by issuing an unlawful subpoena for NJ security guard Robert K. Kurtz's use to stalk and invade Selena's credit card and harass/persecute her had an agenda: To immediately place the TCSO report of the incident (Sheriff Snazza himself arriving on the scene) in the court file weighing the guardianship dispute to complete her vilification of a mother yearning to be reunited with her children. Oh!—and Alex Stoker's advice to Kathryn to call the police an hour or more into Selena's visit playing with her children? This is the man whose older wife is having trouble conceiving, but has 1 year old Raven Smith-Wells in their possession replete with bonding underway with such a young child. There's not much of a conflict of interest there? A glimpse of the Stokers reveals they are far too old (as am I) to raise such young children. But, they can distribute them. If something isn't done to rectify this miscarriage of justice, I'm convinced my daughter will be dead inside of 2-years. But that would be like expecting an abattoir and the Stokers to have a heart, wouldn't it?

I'm including 4 images received from the TCSO report of the 7-17-21 incident below. Selena is in the police car under arrest looking like a tulip bulb that has been ground in to the earth. Her mother, Kathryn Stoker is the woman who looks like death warmed over. Hans, the man who stated he had always hated Selena is not shown.

I declare under penalty of perjury of the laws of the State of Washington and pursuant to GENERAL Court RULE 13 and RCW 9A.72.085 that the foregoing and what followed is true and correct to the best of my knowledge.

Signed in Mason, [County] Washington [State] on 8-31-2021.

Date: 8-31-21

John Smith (grandfather): X

John Smith

Signature

Printed Name: JOHN SMITH, grandfather



Raven Kachina Smith-Wells in the birthing recovery room w/Selena Smith. No Stokers visited—none!



Patricia McAllister, step grandmother w/newborn Raven and proud mother, Selena Smith.

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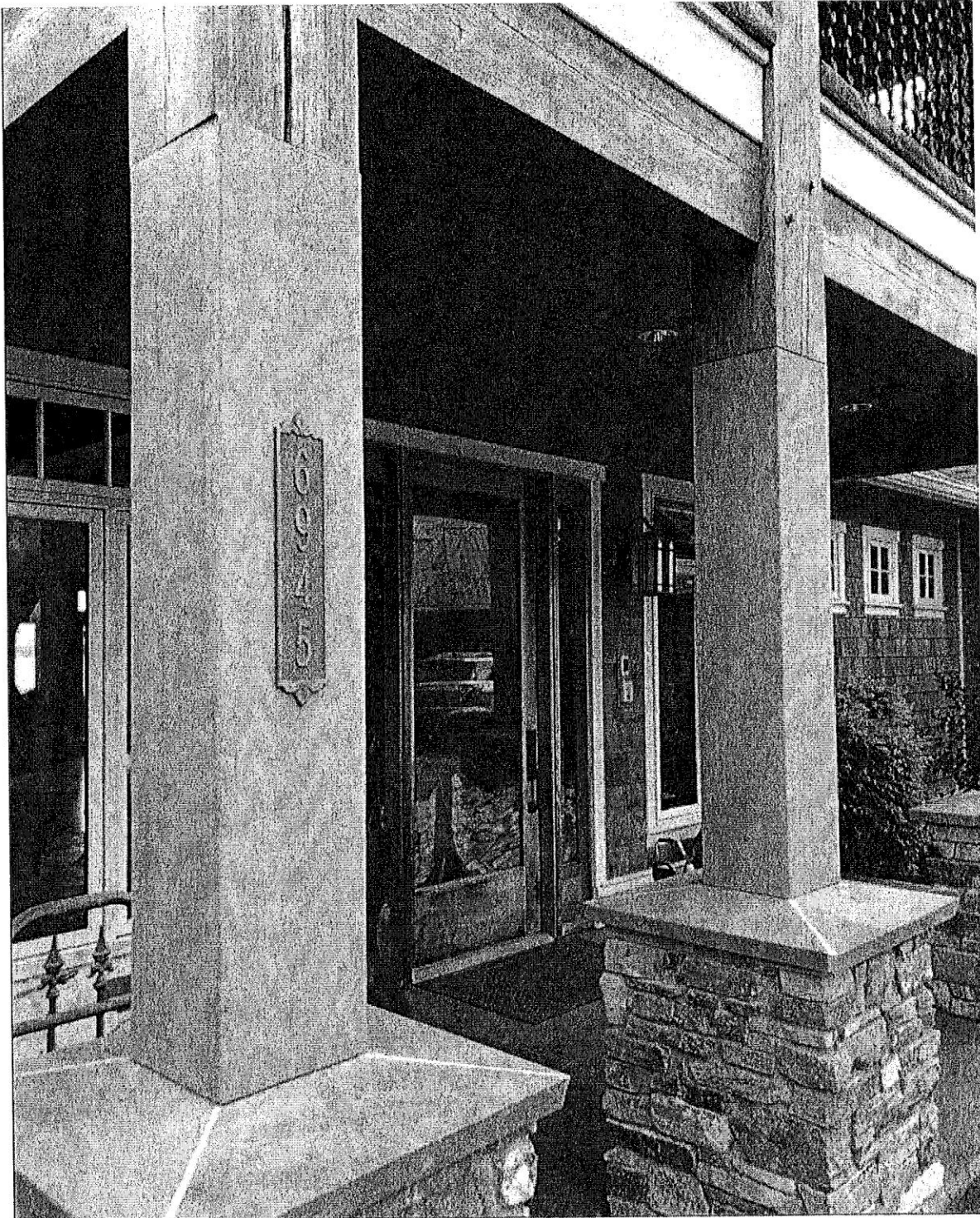
11 John Smith, father of Selena (360)427-3599
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140# 1-handed 6'2" Selena Smith after being mobbed by at least a half-dozen football sized deputies

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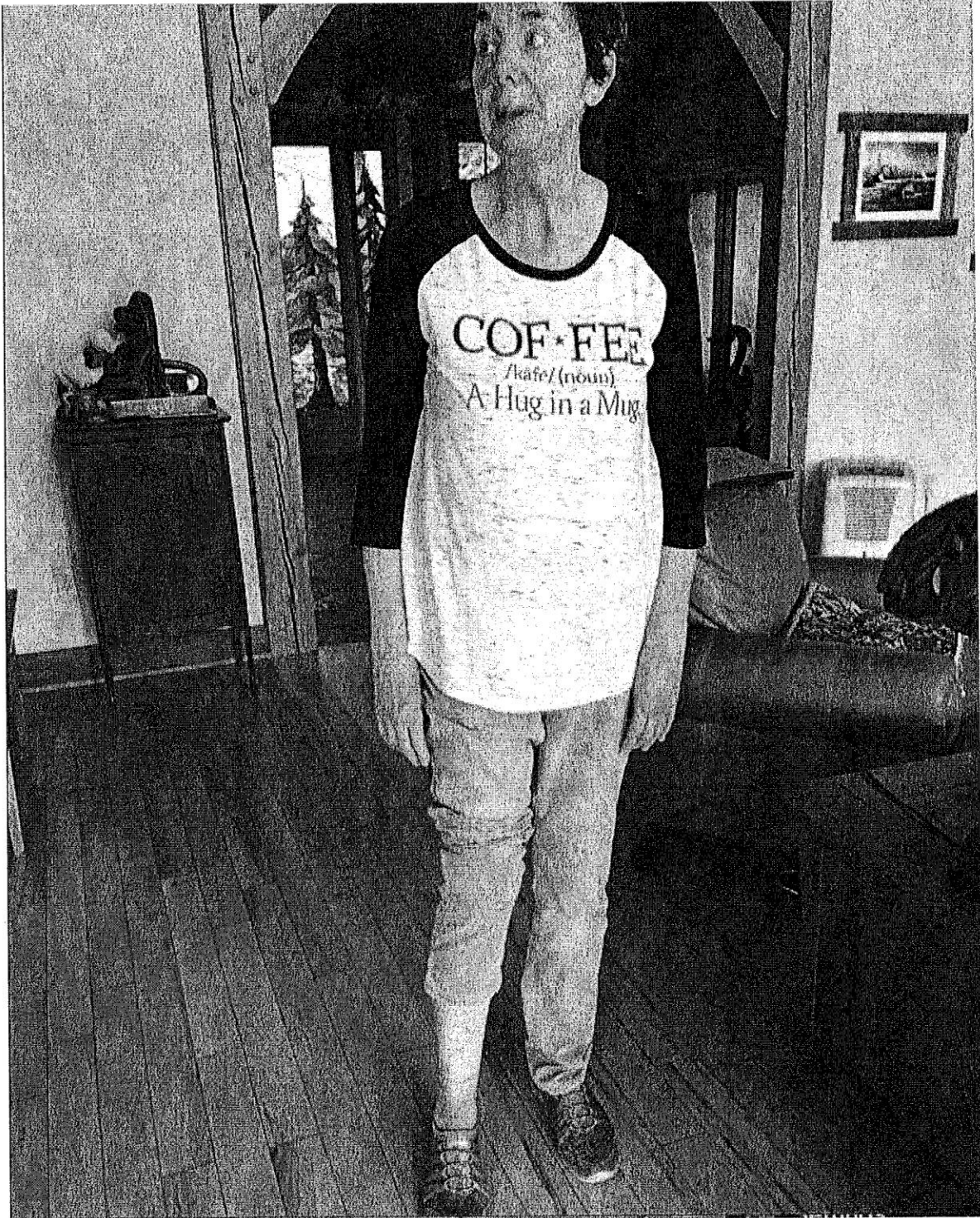
12 John Smith, father of Selena (360)427-3599
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Multimillion dollar waterfront Stoker mansion 76th Ave, NE whose front door is rarely/never latched

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13 John Smith, father of Selena (360)427-3599
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Gramma Kat Stoker, obsessive compulsive child snatcher whose word, even under oath, is unreliable