

☐ EXPEDITE (If filed within 5 court days of hearing)
☒ Hearing is set: Prelim Objection/Motion for Open Court
 Date: 1-5-22
 Time: 9:00am Zoom #:242-974-5214 Rm:4
 Judge/Calendar: Rebekah Zinn/Motion Renewal

(Spelling Correction in ZOOM & Rm #

(LGR 33, GR 33, 1st & 6th Amendment)

PO Box 1711, WA 98584

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**Superior Court of Washington
for Thurston County Family &
Juvenile Court**

(Spelling correction in ZOOM & Rm #)

In Re: Objection & Mot for Accomodation

Selena Ursa Smith dob: 6-11-76
Petitioner

VS.

James Daniel Wells dob: 8-26-65
Respondent

**No. 21-4-00452-34
MEMORANDUM, (Argument &
Counter-Affidavit to
ALL Declarations Attacking
Selena Smith to date) in
Support of Motion for
Reconsideration of Motion. To
JOIN (Rule 30 & 59
by JOHN SMITH**

TO: The Clerk of the Thurston County Family and Juvenile Court, (360)709-3260, 2801 32nd AVE SW,
Tumwater, WA 98512;

AND,

Selena Ursa Smith, mother, e-mail: doublekachina1819@protonmail.com, domiciled in Oregon
mailing address: 6901 26th Ct SE, Lacey, WA 98503, Ph. (360)359-2410

AND,

James Wells (father), e-mail: rodytok@gmail.com, Ph. (253) 948-8260 , addr: 210 Kiona Rd,
Randle WA 98377

I Identity of the Parties

I, John Smith (grandfather of the subject minor(s) in this action) enter this MEMORANDUM, objection, motion to open/accommodate, declaration, & arguments in response to the court closing access to the handicapped and public per the attached exhibit/ADA complaint.

JURISDICTION

I, John Smith, am a journalist, the father of Selena Smith, a U.S. Citizen domiciled in Washington, currently handicapped and housebound recovering from surgery and a long recent stay in Olympia's Providence Hospital. I need accommodation to attend court best rendered via ZOOM sessions as an observer and member of the PRESS.

James Wells is a U.S. citizen domiciled and working in Washington now and at the time he was served as the respondent with original process as the Respondent in this cause in 2020.

Memorandum-objection, motion to open/accomodate: John Smith, (360)427-3599
pinbalwyz@yahoo.com 2 PO Box 1711, WA 98584

Selena, my daughter, is a U.S. citizen residing, working, and domiciled in Oregon , but resided in Washington in 2020 when she filed this lawsuit.

Thus, I, John Smith, have standing to object as a member of the press and a disabled public observer to move the court to correct its violation of my ADA, 1st and 6th Amendment rights on 12-22-23 during the ZOOM court hearing held at 2:00pm as do both parties respectively as well as any member of the public so afflicted by denial to meaningful access to said proceedings.

Therefor, the court has proper in personam jurisdiction with respect to all the parties. All parties received proper notice and the corresponding RTS certifying this fact was filed and remains in the record.

The court has proper subject matter jurisdiction because the abuse alleged by the plaintiff occurred in Washington State, Thurston county, and were entered as findings of fact in the DVPO signed last December in 2020.

The violation of the ADA, the 1st and 6th Amendment gives any person afflicted by that violation standing to object and move the court to remedy its error. Not even Washington's State legislature can moot the federal ADA or trump the U.S. Constitution. The right of transparency in courtroom proceedings belongs not to the court but equally to the people, the press, and the litigants. It is not discretionary.

II DECLARATION

I, John Smith, am the maternal grandfather of my daughter's children who are named as the subjects along with Selena as protected in the DVPO in this case. I am an investigative journalist who often covers courtroom proceedings, am handicapped and housebound due to recent hospitalization and surgery in need of accommodation which invitations by the court to physically show up at the proceedings cannot remedy.

I noted the court opined anyone could attend the hearing in person while vaguely referencing a law the commissioner did not cite before removing me from the ZOOM session. I believe such a denial of access to the proceedings and accommodation is reversible error.

I maintain and publish a community blog given to reporting on public officials and courtroom proceedings in order to serve and better inform the public. The actions of this court last Wednesday gave rise to the specter of England's notorious Star Chamber. Justice by all the parties is not served by, nor the truth revealed by court proceedings behind closed doors. Rather, it breeds distrust in the public's mind as to the fairness of the judiciary.

I am attaching an ADA Complaint form as an exhibit and by way of referencing its contents as argument, points, and authorities. After hours of research, I could not find the law referenced, but not cited, by the commissioner—a law clearly unconstitutional in any event and on which basis I object to its existence or implementation.

SUMMARY & ARGUMENT

1. It is inherently within the court's power to grant the remedy sought and to sustain the objection filed herein.
2. It is a matter of long standing bedrock jurisprudence that recognizes the right of both the public AND litigants to transparency at each and every step of courtroom proceedings. The right of the press to cover such proceedings is equally fundamental. Our courtrooms are not the proper venue for privacy. Years ago, the Washington legislature passed a law prohibiting the publication of sexually molested children who were the complaining witnesses at trial. Henry Gay, the editor and publisher of the Shelton Journal challenged that law all the way to the U.S. Supreme Court. The high court affirmed Mr. Gay's challenge and overturned the law as unconstitutional, thus tilting toward transparency and freedom of the press over privacy in our courtrooms—the last place litigants should expect such privacy and our most public of forums.
3. Thurston County Family Court has a long history of discriminating against the handicapped and disabled. I've reported on and witnessed it more than once. This instance cut from the same warp and weave is no exception.
4. Standing attaches when a wrong is accompanied by injury and violations of a person's fundamental rights. The right of transparency and meaningful access to the court, including the disabled is that fundamental. The court is obliged to accommodate them in the most direct and non-burdensome way practical.
5. The court demonstrated the state had no compelling interest in restricting ZOOM access to the proceedings when it announced physical access would not be restricted. Yet again, the courthouse staff exposed their bias and prejudice against the handicapped, not to mention ignoring federal and Constitutional law while summarily ignoring the objection immediately posed.
6. The court has impeded the 1st Amendment coverage and 6th Amendment transparency of DVPO proceedings by closing its doors to the public with the excuse of leaving them open a crack for the able bodied and proximate few willing to expose themselves to the risk of plague or infection within its 4 walls. The state's pretext in RCW 7.105.205 language supposing the privacy of litigants trumps the federal ADA (ignored by the court in this instance) and U.S. Constitution is contemptuous of the rule of law and the underlying legal foundation of the Republic. The 6th Amendment guarantees litigants and the public alike, equally, TRANSPARENCY in court proceedings, NOT privacy!
7. America is a nation which does not conduct its most important democratic functions behind closed doors like monarchs and totalitarian regimes do. Nor can it be said civil litigants and their fellow citizens are undeserving/unentitled to such transparency as loss of a civil proceeding can often be more devastating than its criminal counterpart. Justice by all the parties and the public occurs in the full light of public scrutiny which RCW 7.105.205 denies.

See Exhibit 'A' attached below

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 is true and correct to the best of my knowledge.

Signed at Mason, [County] Washington [State] on December 24, 2021 [Date]



Signature of Petitioner or Lawyer/WSBA No.

Selena Smith (mother), pro se

Print Name

I have e-mailed a copy of this entire document to Selena Smith & James Wells on 12-29-21.

Signed at Mason, [County] Washington [State] on July 9, 2021 [Date]

Respectfully Submitted by



Signature of Petitioner or Lawyer/WSBA No.

John Smith, PRESS, father, disabled movant

Print Name

ADA Complaint-Grievance Intake FormCOMPLAINANT NAME: John Smith

DESIGNEE NAME (if applicable): _____

Designee Relationship to Complainant (if applicable): _____

CONTACT INFORMATION (please indicate): ☒ Complainant ☐ DesigneeAddress: PO Box 1711, Shelton, WA 98584Phone: (360)427-3599 E-Mail: pinbalwyz@yahoo.com

DETAILED DESCRIPTION OF SPECIFIC COMPLAINT: (Include all known details such as date(s), location(s), circumstance(s), person(s) involved, witness(es), etc. Use additional paper, if necessary. Attach any other information you believe is pertinent.)

On 12-22-21 in Thurston case # 20-2-30788-34 (DVPO extension motion, Smith v. Wells) @ 2:00pm (Zoom ID 678-408-0165), the presiding court commissioner violated the ADA, 1st, & 6th Amendment by refusing to allow me (& other observers) to remain in the ZOOM session, citing some recent change likely rooted in a local court rule change which she did not specify. In any event, it did/could not moot the federal ADA, 1st & 6th Amendment which provide guaranteed access to mandatory open proceedings for the disabled, public, and litigants alike--an absolute right belonging to all said citizens and not discretionary or superseded by a local court rule where the State has no compelling need evidenced by the fact the commissioner opined I could come (during the present omicron pandemic) and physically sit in the court room despite my explanation I was housebound, recovering from surgery and could NOT attend in person. It revealed the court couldn't justify its actions.

Remedy Requested: (Use additional paper, if necessary.)

Advise all judges & commissioners that a specious local rule/law cannot attenuate or supersede the right of the public, disabled, or press from attending an open public legal proceeding when litigants and witnesses have such access via ZOOM and the courtroom is open to the public. All, especially the disabled must be accommodated which the court could have easily done at no expense or disruption to its proceedings. It violated federal law, the ADA, civil rights, and the Constitution's guarantees to open and transparent equal access to the disabled, the press, the public, and the litigants. I am also an investigative journalist & father of Selena which was known to the court.

Complainant or Designee Signature/Date _____

RETURN TO: ADA Coordinator, Thurston County Human Resources Department
2000 Lakeridge Drive SW, Olympia, WA 98502-6045