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RE: Roth/Hicks case number 15-2-30089-7 4

14-3-00778-8  
DCLR  
Declaration/Affidavit  
1078245



# 14-3-00778-8

Linda Myhre Eriow  
Thurston County Clerk

2017 FEB 27 PM 3:48

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WA

( **Annette M Roth** )  
( petitioner )  
( v. )  
( )  
( **Stephen K Hicks** )  
( restorer )

(AMMENDED) DECLARATION  
of Stephen Hicks

DECLARATION OF RIGHT OF PARENTAGE AND AVOIDANCE OF HARM

I have not seen my son Lucas in nearly two years. The time allotted for reviewing my case has been severely insufficient. I have not been provided a fair and meaningful hearing. I need to be able to establish my side of the story. An inaccurate depiction of the facts in our case has been established. Unfortunately, this has created a potentially detrimental problem for my son and his emotional development.

HISTORICAL CONTEXT

Ms. Roth alleged I made a threat on her life in the presence of my son on the 28<sup>th</sup> of November, 2014. I did not make such a threat. Ms. Roth presented no evidence to corroborate this and no police reports were ever filed. Ms. Roth's violent behavior towards me on that day was exposing Lucas to violence. I felt his was a direct threat to my son's psychological health and physical safety. My decision to tell her to leave the home was entirely made in self defense and to protect my son. Ms. Roth left our established residence on May 31<sup>st</sup> 2014, and took our son Lucas with her. I did not have her address until late September of the same year.

This incident was similar to the events On July 10<sup>th</sup>, 2014, where Ms Roth made a claim that I attacked her. During testimony, the court found I acted in self defense which established Ms. Roth as the actual perpetrator of domestic violence towards me. Therefore, in accordance with the statute, a realignment of the parties is appropriate.

There have been dozens of other episodes where I experienced Ms. Roth repeatedly attacking me physically, sexually, psychologically and emotionally, to the point where I feared for my life. Throughout our marriage, and in particular, the one year period leading up to the February 6<sup>th</sup>, 2015, many episodes of abuse and violence were perpetrated towards me by Ms. Roth.

A significant threat to my life occurred in July of 2013, when Ms. Roth made an attempt to end my life via strangulation, which I have described in depth in my affidavit filed with the court.

Despite the court hearings and false allegations, I never interfered with the relationship between Ms. Roth and Lucas. I would never think to prevent her from being with our child. In my mind, coming between a parent and their child is a provocative, threatening act that is detrimental. Knowing this, it stands to reason this behavior is counter-intuitive to finding a healthy resolution for Lucas, during a period of conflict. So, the issue here is not whether we should deprive Ms. Roth of her child, it is that we are depriving Lucas of his father.

Continuing to do so has been extremely harmful Lucas, me, the rest of our family and community.

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Ms. Roth filed statements and evidence in her petition for a protection order on February 6<sup>th</sup>, 2015. Ms. Roth's Attorney, Judith Anne Redford-Hall, presented the statements and evidence entirely out of context, misrepresenting the facts. Ms Hall behaved provocatively during a time of duress for our family.

The evidence they submitted is extremely unreliable, for many reasons; in no way does it present an accurate picture of the reality of our lives.

#### VIOLATIONS BY OFFICERS LEADING TO CONFLICTS OF INTEREST

I have been mischaracterized. My behaviors were misconceived by Ms. Roth, I believe at Ms. Redford-Hall's direction. It cannot be understated, that in order for these court officials to protect themselves from the subsequent exposure of their violations of law in my case, the personal life of my wife, my son, and myself have been exploited. This has been and still is now, a very serious problem for my family.

During our Domestic Violence hearings, a falsified, perjured document was filed by the court case coordinator, alleging I was in violation of a court ordered Urinary Analysis. I informed the court case coordinator Angie Nelson and Attorney Redford Hall I thought they made a mistake. However, my attempts to

correct this were completely ignored. Ms. Hall and Ms Nelson colluded to deceive the court. [see emails]

I passed the court-ordered two week UA test, and took an additional test voluntarily, in order to satisfy the court that I was not using any drugs.

During my defense, I exposed Attorney Redford-Hall's fraudulent behaviors, thus, exposing the illegal acts of Anne Redford and the Court case coordinator. The court, subsequently, used its discretion by imposing an additional, more thorough drug assessment. I passed this drug assessment as well. The results are filed with the court.

Since the exposure of the court's agent's illegal behaviors, Ms. Redford-Hall has maliciously pursued to defame my character.

Additionally, Ms Redford-Hall openly stated in court that she would pay for these tests, but has since declined to fulfill that promise.

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Further evidence of Ms Hall's direct harassment towards me and my family is shown in the emails she sent me, which I submitted in support of my Counterclaim. Ms. Redford-Hall had acknowledged in court that she had been served these documents. This counterclaim was ignored by the court due to their unwillingness to address these issues. This is also on the court's record.

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Ms Redford-Hall made false statements in her oral arguments, as if a witness herself, without any first-hand knowledge of the facts of our case.

Unsupported by any authenticated evidence, Redford-Hall alleged that I threatened to kill my child – which is absolutely not true. A one-year no contact order was established on April 15<sup>th</sup>, 2015, under these fraudulent circumstances.

Since then, Attorney Hall has established another additional order for Ms. Roth, and has convinced the court to impose more assessments for me, along with collateral contact with Ms. Hall.

Ms. Hall, Atty has deliberately screened Ms. Roth from any exposure to this illegal behavior. Due to the presence of these conflicts of interest, it is absolutely inappropriate that Ms. Hall have anything more to do with our case.

I motion the court to prevent Ms. Hall's immediately in this case, and also impose sanctions upon Ms. Hall for her breach of duty and violations of law in the amount of \$100,000.00 or the maximum allowable by law in this court.

## THERAPEUTIC JURISPRUDENCE

I have consistently expressed an interest in amicable, peaceful resolutions to our circumstances. I believe as co-parents, it is our duty to work together as best we can. Pursuing a course of therapeutic nature concerning our ability to communicate and interact in a healthy way is in Lucas' best interests.

Ms. Roth has contacted me many times since February 6<sup>th</sup>, 2014, violating the no contact order.

For example, on Fathers Day, Annette called me from an unknown number and says, *"I know someone who would love to speak with you."*

I replied, *"And is he right there hearing you say that to me on the phone?"*

Ms Roth stated, *"he's right here, do you want to talk to him or not?"*

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Ms. Roth has revealed her disingenuous nature in her emails with my mother and father which reveal her campaign to mischaracterize me. [see emails between Ms. Roth and Mr. Hicks' Parents]

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I am a father who helped raise and care for my son, Lucas, since he was born and all I want is to be his dad and have regular contact with him.

I do completely understand where Ms. Roth's fears originate from. No one else does, which is why it is imperative I participate in Lucas' life. Ms. Roth has a condition known as Complex-PTSD. It stems from unaddressed trauma experienced during an abusive childhood. My understanding is that when this type of trauma continues unaddressed for many years, it can have devastating effects on a persons life, and the lives of their loved ones. Along with my experience, I have presented evidence indicating the serious need for Ms. Roth to have assessments by the appropriate professionals. [see emails].

Furthermore, the abandonment issues now established in Lucas mind are yet another form of PTSD. This will need to be addressed now too, compounding the problems instigated by Redford-Hall's unethical tactics.

With therapeutic guidance, Ms Roth may no longer direct any misplaced fears towards me. She can retake control over her own life and no longer feel the need for a protection order – perhaps even encourage the relationship between Lucas and I.

I must express how humiliating this is, for both of us, to have to be discussing these issues in open court. Yet I have been provided no other alternative to protect

my relationship with Lucas, my son. In and of itself, this constitutes a perilous imposition upon my family, by Ms Redford Hall, and her deliberate mis-use of the laws the State of Washington.

I request that the court orders mediation done by a professionals trained in conflict resolution.

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My spiritual beliefs have everything to do with maintaining a relationship with my children. I believe two grown adults who share a child in common ought to be free to establish a mutual understanding without undue influence of politics or third party conflicts of interest, as with a counselor or other non-conflict mediation. This situation does not allow me to have a relationship with my son, and prevents Lucas from continuing to develop a healthy attachment with me.

I have not held any interest in retribution, anger or harm of any kind towards Ms. Roth, and I have no reason to now. My interests are in providing Lucas with our very best as co-parents.

Perhaps the real injustice happening here is that an 8 year old child is punished for something that his biological mother thinks I MIGHT do in the future, yet cannot even state specifically what that is. This is a violation of the fourth and 14<sup>th</sup> Amendments to the US Constitution.

I wish we had someone who was interested in fostering an understanding between us, instead of someone like Ms. Hall who has done the opposite. I believe only a licensed therapist would be able to facilitate this for us, not a lawyer. Once we have the right people involved, it will definitely be the best thing for all three of us.

#### IT'S ABOUT THE FUTURE OF OUR CHILD

Prior to Ms. Roth's petition for an order of protection, I did not stalk her, or impose myself into her space, her residence, out of respect, as her husband, for her wishes to be alone. I would not violate her wishes now, insofar as her wishes do not prevent my relationship with Lucas.

I did, however, express my objections in the past because it was not in the best interests of our child to be adversaries. I advocated that we work things out together because that would be best for him. But my efforts, statements and purpose have been persistently misconstrued by the undue influence of her Attorney.

#### ZERO INTENT TO HARM

It is a paramount concern of mine that my declaration not be interpreted in any

way as an attack or threat. Nor in any way is this an effort to place blame upon Ms Roth for our difficulties. Rather, I wish very much to find a way to properly develop a parenting plan with Ms. Roth that works for both of us, and for Lucas.

**FACTS:**

- 1. This protection order has prevented our ability to resolve our issues and establish a parenting plan.**
- 2. I have never had a motive to harm Ms. Roth or my son, ever. Anyone who states otherwise completely perverts of the truth for some other motive.**
- 3. Ms. Redford-Hall has exploited Ms. Roth's conditions, and caused direct harm to our son and our family.**

My position remains that no valid order for protection actually exists when it is procured by fraud. This is fully supported under Washington State and US Constitutional Law. My assertion implores the court to follow through in administering justice by vacating and voiding the original protection order.

I have established a new future fro myself in Jefferson County. I now live in a three bedroom home on 2.5 acres located in Port Ludlow. I have plenty of work, and I am looking forward to reestablishing my parental role in Lucas' life as soon as possible.

**EDUCATION**

Education always starts at home, with our own families and our own children. . Lucas cannot afford to miss out on the opportunities we have right now, to provide an environment of constancy and love; he needs the consistent parental presence of both his father and mother. I have always desired that we work together to foster an educational environment to his unique advantage, so that he may grow to be stronger than the perilous temptations the world offers him.

I have many ideas for how we may pursue a future parenting plan, in ways I believe are best for our son. Though expediency is essential, I also believe every step of this process should be handled carefully so that Lucas' routine is not abruptly changed in any detrimental way.

I do not want to leave a legacy of unresolved conflict and misunderstanding upon my son. If for no other reason than him, I will strive to do no less than support the knowledge and understanding that will foster his developmental growth.

Lucas' ability to become a loving parent himself relies on our ability to work through these issues and resolve them. I would like us to acquire and share a common goal in our minds; I would like us to, at least, find a way to effectively co-parent.

#### MOTION

I assert that all subsequent actions taken by any court since the protection order, has no subject matter jurisdiction over my life, or the life of our son.

I motion the court to dismiss, vacate, and void the original order. Thus all subsequent orders should be voided as well. The legal costs we have endured are beyond mere dollars, and a serious burden has put upon Lucas' life because of the fraud committed in this court. Lucas deserves to have this consideration. This situation should at once be completely turned around, finally, after so much time has been lost.

#### RIGHT TO CARE

Ms. Roth has been unwilling to pursue a course which would provide for the negotiation of an agreed-upon parenting plan that includes me having contact with my son.

The power imbalance that has been established under the No Contact Order has created an abusive legal environment for me.

#### DECLARATION OF RIGHT OF PARENTAGE

I, Stephen K Hicks Declare I am fully capable of providing proper care and love for my son Lucas. I have, and will always fully support Annette M. Roth's wishes to do the same, as I have always done since the day he was born.

I, Stephen K Hicks, request Ms. Roth and I participate together in a therapeutic counseling environment or mediation so that we can communicate without legal repercussions to resolve this matter.

Thank you , sincerely and without prejudice,



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Stephen Hicks; UCC 1-308  ALL RIGHTS RESERVED