

FILED

OCT 11 2023

KITSAP COUNTY CLERK
DAVID T. LEWIS III

[X] EXPEDITE (if filed within 5 days of Hearing)

[X] Hearing is Set

Date: 10-11-23 Rm. ???

Time: 1:30pm ZOOM #:??? passcode ???

Judge/Calendar: Forbes / In Limine Motion & Proposed Order

In Washington State Superior Court, Kitsap Co.

In re the parenting & support of
Adeline Marylynn Feulner, (child)

Petitioner/s (*person/s who started this case*):

Heather Lynn Wood (mother),

AND

Respondent/s (*Party/Parties*):

Lenard Ray Feulner

No. 07-3-01713-1

Motion IN LIMINE for Special Settings, et al
Accommodation of **Heather Wood** (mother)

(Clerk's Action Required)

TO: The Kitsap County Superior Court Clerk, 614 Division St #202, Port Orchard, WA 98366, (360) 337-716, SuperiorCourt@co.kitsap.wa.us, exparte@kitsap.gov; AND

Lenard Feulner, Respondent, 4101 Anderson Hill Rd. SW, Port Orchard, WA, 98367, lilmissarries@yahoo.com (Lenard's live in girlfriend where he sleeps);

I Identity of the Parties

COMES now, Heather Wood, pro se of necessity, w/o Counsel, indigent, in Forma Pauperis to make the Objections noted here and seek the following relief:

JURISDICTION & VENUE

While the instant case would be properly within Kitsap County's Family Court subject matter and in personum jurisdiction due to the minor child's birth and both litigant's residency in Washington State, the Kangaroo unlawfully held impromptu Post-Hearing on 8-15-23 before Commissioner Clucas, without a scintilla of due process after the regularly scheduled MTSC hearing was disposed of earlier on that same day, and Lenard Feulner's motion dismissed, Clucas had no jurisdiction (neither in personam nor subject matter) nor authority when he subsequently w/o notice or consent, lured the parents back into the Commissioner Clucas' Courtroom in collusion with two non-participating attorneys who observed a commotion/altercation between Heather Wood, mother, and Adeline, her child, OUTSIDE the Clucas Courtroom in the hallway/lobby where it ensued. Nor were the parents allowed to participate, say a word, or cross examine the unsworn 'witnesses'. Thus, Heather Wood takes exception to jurisdiction, and reserves the same throughout these VOID AB INITIO *fruit of the poisoned tree* proceedings in protest despite her appearance. She does NOT consent to this improper jurisdiction and maintains her ongoing objection to the same.

Motion/ORDER In Limine for Special
Setting Accommodation & Affidavit

Objection(s) of Heather Wood, (360)999-8493 pinbalwyz@yahoo.com
c/o 5291 Skokomish Valley Rd, Shelton, WA 98584,
p. 1 of 9

07-3-01713-1
MTL 91
Motion in Limine
15382966



II RELIEF SOUGHT

- 1. Order Heathere Wood be accommodated w/special settings at 1:30pm on Mondays, Wednesdays, and Fridays whether ex parte hearings or standard notice regular in the same manner procedurally, respectively, as though they were calendared on the normal ex parte/regular motion/hearing docket. i.e. Heather shall be allowed to appear on the docket after providing the required notice to all parties in advance and be allowed to utilize the exparte@kitsap.gov e-mail address to provide notice to the clerk and the bench.**
- 2. Enter Findings based on Heather Wood's Indigency and the nature of her critical role in a remote locale as a public school bus driver that her extraordinary request for accommodation is justified and does not excessively burden the Court.**
- 3. Order the Court Clerk to accept into evidence the CD bearing a 21 second video clip w/audio as pertinent, material, and necessary to impeach Adeline Feulner's testimony and advise the Court regarding this cause # as well as cause # 23-2-01534-18 (Emancipation Petition).**
- 4. Order the Kitsap County Sheriff's office to aid and assist Heather Wood's Discovery & Subpoena Duces Tecum process in retrieving Heather Wood's 6-8-13 Police Report filed with the Kitsap Sheriff's office complaining of the sexual molestation and rape of her then 6yo daughter by Lenard Ray Feulner from WASPC which currently possesses the document, but has failed to abide by the Subpoena Duces Tecum duly ordered and served on WASPC in Lacey. The Kitsap Sheriff police report is #K13-005713.**

III DECLARATION OF MATERIAL & RELEVANT FACXTS

3.1.1 I, Heather Wood, am a single mother and indigent employed certified public school bus driver who works in/near Rocjester, Washington in. Thurston County.

3.1.2 My employer has indicated I may lose my job if I continue to fail to show up on time for my duties transporting school children to and from their homes due to my attending Court hearings involving my child, Adeline.

3.1.3 My employer does not have enough certified school bus drivers on staff able to relieve me in my absence while attending court.

3.1.4 My job is critical to the children and school district I serve as well as my survival.

3.1.5 The morning and afternoon hours of this Court's ex parte/regular hearing/motion times is impossible for me to keep and keep my job. I cannot raise and nurture my daughter w/o an income or even survive w/o it. Nor can I drive a school bus while talking on the phone or participating in a ZOOM session. I cannot afford a lawyer. I can arrange to attend court remotely by ZOOM from my remote location. I have run out of money for gas to drive back and forth to Port Orchard from Rochester. Perhaps the Court would consider a change of venue to Thurston?

3.1.6 In discussions w/Jennifer Kluver, clerk (jkluver@kitsap.gov 360-337-7164 X-7008) It is my understanding that it would be possible to conduct ZOOM special settings sessions on Mondays, Wednesdays, and Fridays @ 1:30pm in which I could participate.

3.2.1 I have filed a financial Statement along with my motion to proceed in Forma Pauperis. On the basis of my indigency and the evidence supporting the fact, an Order was signed recently in this cause granting my motion.

3.2.2 My supervisor has agreed to write me a letter I will proffer to this court verifying the critical role I have in transporting school children and the staff shortage making it difficult if not impossible to find alternatives to serve the school children's needs for transportation.

3.3.1 I have a 21 second video clip w/audio of my daughter, Adline snorting a white powdery substance while encouraging her 14yo girlfriend to do likewise. I was furnished the video from the 14yo's concerned mother. This video gives life to my claim my daughter is an at risk youth in the care/custody (by Court fiat) of a man I know to have sexually abused her when she was barely 6yo. I need assistance in prying that 6-8-13 Kitsap Sheriff's report loose from WASPC who has refused, to date, to comply with a duly signed and timely served subpoena to produce the report (K13-005713) from its obstructive grip.

3.3.2 The Clerk's office has refused to receive said CD I submitted into evidence or the record. The video is mercifully short, direct, and to the point necessary in a search for the truth and to help rectify the injustice done by Commissioner Clucas summarily stripping me of my parental rights to raise my daughter and failing to provide me a scintilla of Due Process while doing so, this proceeding amounting to a continuation of that calamity.

3.4.1 Shortly after my daughter's 6th birthday and a visit to her father, Lenard Ray Feulner, she returned visibly upset. When I inquired, Adeline told me her father had touched her front and back privates as well as stuck his tongue down her mouth. Lenard claimed he was only playing 'kitty-kat' licking her face according

to the detective who interviewed him. Lenard also told me this directly. in a 'game' he called 'Kitty-Kat' before kissing her full on the lips and sticking his tongue in her mouth. I believe Lenard was grooming my daughter and never trusted him again. I saw this behavior when she was less than 1yo to 3yo old, but I yelled about it and ordered him to stop. I never saw Lenard stick his tongue down my daughter's mouth. Adeline, at this time, also told me Lenard said my gods were evil and I was going to Hell.

3.4.2 I reported this incident to the Kitsap County Sheriff's office who investigated it and interviewed Lenard. The detective communicated to me Lenard didn't seem surprised to see him and admitted the activity I reported. This included Adeline's report of her father touching her 'front' parts and 'behind' parts during the incident, but Lenard admitted putting his tongue in Adeline's mouth.. However, the detective misled me when he advised me the district attorney wouldn't pursue the matter unless I could prove Lenard did these things simultaneously.

3.4.3. I now need an order from the Court ordering the Kitsap County Sheriff's office to assist me in retrieving the police report I filed and wish to present as evidence along w/the 21 second video clip of my daughter and her 14yo girlfriend snorting a white powdery substance—a pertinent, important, material piece of evidence needed to impeach my daughter's false testimony given in the 8-4-23 MTSC emergency ex parte hearing held before Judge Houser.

3.4.4 WASPC (Washington Association of Sheriffs & Police Chiefs) is an NGO headquartered in Lacey, WA. A public records request was made to them and the Kitsap Sheriff's office for recovery of the document. The Kitsap County Sheriff's office responded the document was no longer in their possession, but reassured me they would try to get it if I provided them with a Supoena, which I did, but they did not. WASPC informed me the police report was no longer a 'public record' per an RCW they referenced. They were advised and had ample notice of the signed subpoena duces tecum they would be receiving, and did. They were advised even private records are subject to subpoena which, the Court may recall, President Nixon found out the hard way. A litigant is entitled to every man's evidence.

3.4.5 WASPC advises they will only furnish the sought police report if the Kitsap County Sheriff's office requests it. The Kitsap Sheriff has chosen not to do so. But this dodge is only germane to a public records request. A subpoena transcends such legal fiction. The Kitsap County Sheriff passes the buck to WASPC and they, in turn, pass the buck to the Kitsap Sheriff. This Court's authority is needed to stop such perfidy in order that a search for the truth may be had and justice done by all the parties. WASPC and the Kitsap Sheriff have made that impossible.

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.

DATED this 10th day of October, 2023, in the County of Thurston, WA.

Heather Wood Heather Wood

IV ARGUMENT, POINTS & AUTHORITIES

- 4.1.1 CR 40 speaks to Notice of Trial and Note of issue. In CR40(b), it states:
(b) Methods. Each superior court may provide by local rule for placing of actions upon the trial calendar
(1) without request of the parties, or
(2) upon request of a party and notice to the other parties, or
(3) in such other manner as the court deems expedient

- 4.1.2 CR40(a)(2)...states:

Of Law. In case an issue of law raised upon the pleadings is desired to be brought on for argument, either party shall, at least 5 days before the day set apart by the court under its rules for hearing issues of law, serve upon the opposite party a like notice of trial and furnish the clerk of the court with a note of issue as above provided, which note of issue shall specify that the issue to be tried is an issue of law; and the clerk of the court shall thereupon enter such action upon the motion docket of the court.

- 4.1.3 CR40(a)(5)

states:

Issue May Be Brought to Trial by Either Party. Either party, after the notice of trial, whether given by either party, may bring the issue to trial, and in the absence of the adverse party, unless the court for good cause otherwise directs, may proceed with the case, and take a dismissal of the action, or a verdict or judgment, as the case may require

- 4.1.4 It is inherently within this Court's power and authority to grant the equitable relief sought in II(1) above.

4.2.1 Heather Wood has filed a Motion to proceed in Forma Pauperis and a Financial Statement in this cause only recently. She was found to be below the poverty threshold and her Motion was Granted by Order of the Court—acknowledging her limited means. But travel is expensive, and Rochester, WA. Is far away. Her job and livelihood is at risk according to her own sworn statement and common sense. It is an existential threat to Heather and her child if she should lose these. Yet she may lose her child to this Court and a man who sexually molested/raped her daughter when barely 6yo—an impossible position for a protective mother w/good reason to fear for her daughter's safety—a transparently at risk youth. A Finding of Fact reflecting Heather's dire need to maintain employment in a critical role transporting school children is necessary if Heather is to be accommodated in order to attend Court ZOOM session hearings @ 1:30pm,

M,W, & F. Anything less would be tantamount to denying Ms. Wood, a single mother, meaningful access to the Court given her practical limitations, poverty, transportation expense, work schedule, and distance. The long term expense for a round trip from her domicile in Rochester, WA to Port Orchard and back is estimated to be \$300. This is not sustainable for a woman w/such limited means.

4.3.1 Video Evidence: Rule 402 outlines the general rule of admissibility, Rule 403 deals with the exclusion of evidence on grounds of prejudice or confusion, and Rules 901 to 903 provide standards for authentication and identification of evidence, which can be relevant when submitting video recordings.

Local Court Rules: Many individual counties and courts within Washington state have local court rules that provide specific procedures for the submission and presentation of video evidence. These rules can vary from one jurisdiction to another.

Technology Guidelines: Courts in Washington have increasingly adopted technology guidelines and procedures for the use of electronic evidence, including video recordings. These guidelines may provide instructions on the format, storage, and presentation of video evidence in court.

4.3.2 In any event, the 21 second video evidence on hand submitted on CD is intended to be played for the Court on Heather Wood's personal laptop. Nevertheless, it is paramount the Court take possession of the CD to preserve it for the record and possible appeal to avoid possible challenges to the chain of custody of such incriminating evidence. It would fit in a filing cabinet as easily as 5 pages of a paper document. Because it exposes a minor snorting a white powdery substance, the mother wishes to have this particular record/evidence sealed by the Court.

4.4.1. The relief requested in II(4) is problematic because even in the face of a duly signed and served subpoena duces Tecum, WASPC and the Kitsap Sheriff continue to resist turning over the document filed reporting Lenard Feulner's molestation/rape of his 6yo daughter in 2013, now in his custody thanks to the carelessness of the Kitsap County Family Court. If justice is to prevail, a search for the truth to be had, and the appearance of fairness demonstrated under the circumstances, the Court must lend its weight to breathing life into Representative Dan Griffey's legislation signed into law eliminating Washington's statute of limitation for girls who were under 16 when sexually abused. Sex offenders have no expectation of privacy under law in Washington State.

Respectfully submitted by,

Heather Wood

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.

DATED this 10th day of October, 2023, in the County of Thurston, WA.

Proof of Service of Secondary Process

My name is John Smith, dba: Amicus Curia. I am over 18, a citizen of the U.S. and a Resident domiciled in Washington State. On this date, I provided electronic service of secondary Process to all the parties and the County Clerk of this document at the e-mail addresses designated above on the 1st page of this document before Noon.

John Smith

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.

DATED this 10th day of October , 2023, in the County of Mason, WA