

## **Loveland story isn't**

### ***Love and marriage in the new millennium***

They started dating in high school and married on September 3, 2000. A child soon followed and another a couple of years later. As with most young couples with children, times were tough although they managed to purchase a house.

She was in charge of family finances, but didn't do well at it. In 2005 they were hit with foreclosure on their home. After 5 years of marriage they separated in June 2005 at her request, supposedly because she felt bad about the foreclosure. She was then 24 and Jason was 27.

She complained that she had never been on her own she needed some time, and wanted to force herself to learn to manage money. She assured Jason it was a temporary situation and he reluctantly agreed, all the while asking that they go to marriage counseling. She refused.

But there was more to the story. She had gone back to school in September 2003 and Jason was the parent taking care of the children from the time he picked them up from daycare until they went to bed. Then she decided nightlife was more exciting than her family. It started as just once a week, but soon grew into every night in the local bars while, after Jason got the kids to bed, he'd lie awake waiting for her to come home drunk around 3 AM. He'd try to talk to her about the problem, to no avail, and then he'd have to get up at 5:30 AM to go to work. That went on from December 2004 until their separation in June 2005. All the while their debts were mounting.

Even through this Jason never gave up on his children or family. He found a place to live, took care of the house foreclosure, and began to gain control over his life again. Her response was to treat him worse and worse with every new day.

Jason was naturally confused about what was going on but was trying hard to make things work for the sake of his family. After their separation he was paying for half the children's daycare and lent her money for the damage deposit on her apartment, and other things she needed. She wanted nothing to do with him unless she needed money. Needless to say, the relationship was getting worse, not better, and they both knew it.

### **Enter the DV and divorce industry**

On August 21, 2005, after being separated for 2 months, Jason picked up their two boys (then 2 and 5) with the intent of going to Horsetooth Reservoir with his brother for a day of Sunday boating. However, the weather was windy and his brother decided not to get the boat out. Instead, they all went to Jason's mother's house to swim in her pool.

Jason took the kids back to their mother at 7:30 PM but when she found out they had gone swimming instead of boating she became irrationally angry. She insisted Jason should have called her and threatened to never let him see the kids again. He apologized for not calling but hadn't thought that it was a big deal that they went to his mother's home and not to the lake. Certainly the kids were safer playing in the pool with dad than in a small boat on a lake on a blustery day.

After she had vented her spleen, Jason tried to give her a hug as he was leaving, as he customarily did. She got angry again and kicked him out. He went home, upset and sad as he had countless times before, but not thinking anything more of it.

Jason had the kids again the next day and took them back to their mother around 9 PM without further incident.

Then he had them again on Wednesday, August 24, 2005. This time when he took them back to their mother at 7:30 PM the Loveland police were waiting for him. They informed him that his wife had filed a domestic violence charge against me claiming he had grabbed her and tried to sexually assault her on Sunday when he'd brought the children home.\*1 Note that the police were not responding to an incident in progress but he was arrested without a warrant, underwent a full body-cavity search, and spent 26 hours in the Larimer County Detention Center before being released on a

personal-recognizance bond with the required mandatory restraining order that stated he could not see his kids.

In the two months prior to his arrest, Jason had been hospitalized for depression, tried to convince wife to go to marriage counseling, which she refused to do despite her insistence she didn't want a divorce, let her move out because she said she needed some time to sort things out and learn to manage finances on her own. And now, because of the domestic violence charge, Jason lost his job. Neither one had yet filed for divorce.

Jason later learned, through conversations and emails that friends and his brother's fiancé shared with him, that his wife had been planning this for several months. When they separated she moved into an apartment for which she had been on a wait list for 6 months. She also took every single piece of furniture and possession that they had worked for throughout the marriage.

She left him with the credit card bills and the delinquent mortgage.

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\*1. Case 2005M201226 - Domestic Violence. Statute 18-3-204 Assault 3 - Knowingly/Recklessly causing injury. Class: Misdemeanor 1. Event date: 8/21/2005. Arrest date: 8/24/2005. Case Close date: 6/15/2006.

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## **Finding the right lawyer**

On September 1, 2005, Jason met with a highly-recommended domestic violence lawyer in Loveland.\*2 This attorney advised Jason from the beginning not to take his case to trial. He claimed that Loveland was such a conservative town that the majority of domestic violence cases that went before a jury resulted in a conviction simply because of the nature of the crime. Her word against his was nearly all it took in most cases. Because the prosecutor claimed there were pictures of bruises, Jason was told he had little to no chance of winning even before he saw the "evidence." He also told Jason that if he was convicted it would be on his record permanently. But this incompetent shyster didn't mention that a plea bargain is a conviction and would remain on Jason's record permanently as well. Nor was Jason told that a guilty plea would prevent him from being the custodial parent of his sons.

It took this attorney nearly 7 months after requesting copies of the pictures prosecutors claimed showed bruises on his wife to finally obtain them. In the interim Jason still hadn't been arraigned, and thus his right to a speedy trial was circumvented. Once they did receive the pictures, no bruises were visible except one very light mark on her forearm. Of course there are any number of explanations as to why someone might have a mark on their arm and the pictures were apparently not taken until 3 days after she claimed she was assaulted. Any reasonably competent criminal defense attorney should have been able to discredit such "evidence."

Despite the weakness of the evidence against him, the attorney told Jason again that his best option was to plead guilty and plea bargain for a deferred sentence. Jason was told that if he had no further incidents the DV charge would be dropped and, for a fee, his record could be sealed. This attorney's misrepresentation is typical of unscrupulous attorneys who take clients retainers and then sell them down the river with a plea bargain.

Lacking the zealous representation of a competent attorney, and without prior knowledge or experience with the legal system, Jason then took the plea bargain.

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\*2. At the time the EJF had this attorney on our list of recommended attorneys as well. However, any attorney who proposes up front that their client take a plea bargain in a DV

case is automatically removed. Unfortunately, it is usually only through cases like Jason's that we learn about how an attorney actually handles DV cases as compared to what they claim to do.

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## **She files for divorce**

Any veteran of the DV and divorce industry knows the next step in the game is for the wife to file for divorce now that she has custody of the kids and a restraining order. Following the script, Jason was served divorce papers on September 28, 2005, demanding full custody of their two boys.

About 3 weeks after filing the DV charge, she had her father give Jason a letter telling him the only way he could see the kids was if he paid her for some of her expenses and met several other demands. She dictated how and when his time with the kids was to be spent. Withholding parenting time for money is against Colorado state law and even the female judge called the letter a ransom note. But no penalties attached to her unlawful demands.

The divorce was naturally a bitter one and legal fees for a divorce attorney alone were \$4,000. The DV lawyer cost an additional \$1,000 to do nothing but destroy Jason's life. A lot of money for someone who had next to nothing and a mountain of debt to start with.

With a DV charges, and later conviction, the family court was against Jason from the outset. No matter how much Jason wanted to be a father for his boys, he became simply a paycheck.

Both during the temporary orders hearing on November 15, 2005, and the final orders hearing on February 22, 2006, she was caught lying, but nothing was done. Ultimately, because she had controlled the parenting time for so long, and with a restraining and no contact order in place so he could not contact her or see his boys unless she allowed it, she was given full custody. The boys now can only see their father four times a month, every other weekend and on alternating weeks every other Monday.

However, because of hard evidence that his wife was incapable of managing her finances, which had resulted in the boys jumping from one daycare to another, child support payments are made directly to daycare providers instead of to her. So neither parent wins, the kids lose, and the DV and divorce industry grows richer.

## **The ongoing vendetta**

Since Jason's domestic violence charge, three additional formal complaints have been made that demonstrate how Jason's ex-wife tries to use the legal system to secure control over situations she wants changed, and to ensure Jason and his family have minimal contact with his boys.

Two weeks after the temporary orders hearing, on November 30, 2005, Jason's wife called the Larimer County sheriff, case #05-771, on Jason's father, with whom Jason is living, to investigate an unsafe house. She claimed the drinking water was brown, the house was unclean, there were no beds for the children to sleep on and that they were being made to sleep on the floor, etc. Jason was not home the day the sheriff came, and Jason's dad wisely refused to let the sheriff inspect the house without a warrant.

Following that complaint, on December 27, 2005, social services caseworker Mykel Flory came to Jason's father's house to investigate a report of the house being unsafe. This time Jason was home and let her in. In Jason's words the social worker was stunned after inspecting the house and finding nothing. She asked why Jason thought someone would do that and he explained the divorce situation. Ms. Flory's comment was that she would advise the caller about the difference between a legitimate concern and a false report.

*Their divorce was final March 1, 2006, but that was hardly the end of her vindictiveness.*

On March 9, 2006, Jason's now ex-wife again filed a complaint with the Loveland Police Department, incident # 06-13008, against Daniel Peterson (Jason's stepfather) for making threats against her when she came to pick up the boys from his mother and stepfather's house (Jason's parents and Jason's former in-laws provide drop off and pick up locations for the boys). Jason's divorce lawyer also received a call from his wife's attorney saying that Daniel threatened her and she "*feared for her life.*"

Daniel's son was at home and heard the conversation. No threat was ever made. What did happen was Daniel asked her if she was getting married because one of the little boys had been very upset that night and told Jason he got in trouble for having a black crayon in his pocket that ruined her wedding dress that she had washed the night before. Daniel offered advice and expressed concern about what she said around the boys to avoid upsetting them. The conversation was friendly and at its end, she and Daniel agreed if there was anything else like this that ever came up to call each other or exchange emails. The following night Daniel was taken completely off guard by the phone call from the police. Then in late July of 2006 she filed another false report with the Loveland Police Department that Jason didn't have car seats in his jeep when he had the boys. Jason did notice police cars being around the drop off point for the next few weeks, wasting resources better used elsewhere for public safety.

After completing domestic violence treatment, obtaining unsupervised probation status, and numerous emails back and forth between Jason and his ex-wife regarding issues about their boys, Jason told his ex-wife he planned on attending the boys' yearly doctor exams on March 16, 2007. Jason had only ever missed one of his boys doctor appointments prior to separating.

When his ex-wife realized the restraining order/no contact order was no longer in effect, she immediately filed another temporary restraining order based solely on the previous (almost 2 year old) DV charge. A hearing on her request to impose a permanent restraining order on Jason was held Wednesday, March 28, 2007. Her request was denied and the temporary order was lifted.

However, there is absolutely no reason she can't go "judge shopping" and find one more sympathetic to her fears that the boy's father might actually want to be informed about their medical condition. Or she can make up any other excuse with the help of a publicly-funded "*victim advocate*" or shelter worker since there are no penalties for making false allegations of abuse and subornation of perjury is not a crime in Colorado.

Such games can, and do go on for years while the children's lives are destroyed and the DV and divorce industry grow rich from the public purse.

***The saddest thing about this story is that it is so typical.***

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