

Introduction for WHY give Ms. Roach the right to a fair hearing.

Followed by an intensive point by point argument of 15 pages about the OAH judgement.

This Judgment is wrong because all the EVIDENCE shows clearly that I am innocent of abuse and in fact it was the exact opposite. The VA regained his health with my help while I charged half minimum wage.

All I want is that the EVIDENCE be considered and that the judgment about whether I am guilty or innocent be based on the EVIDENCE.

The evidence has not been looked at- EVER. It was thrown out. 6 days of hearing and 400 pages of backing documentation thrown away because of the misinterpretation of the law. Even the APS agent told me point blank while she was "investigating" the case: "I don't want to hear about any evidence showing you are innocent" and then a month later she filed to put me on the state wide abuse list.

Summary of why the evidence should not have been thrown out:

1. Collateral estoppel cannot be used to hurt the person it is used against
2. The VAPO Appeal was unpublished and cannot be used for any other judgment including against me
3. Summary Judgment is what "reasonable person" would look at. Any one taking the rights of a US citizen away without a hearing cannot be considered a "reasonable person."

I am not a lawyer. Most of what has been brought against me is unconstitutional. It is common sense that you don't throw out all the evidence that shows innocence and make up and quote assertions that are not backed by evidence and call that justice. If your appeals court wishes to follow the trend of ignoring the intelligence of what justice means and only allowing statements backed by a list of court cases labeled *Ms. A vs. Mr. B* than I need 9 months to 2 years to back up my request for an appeal. I have no training in law and will have to take a course on law research in order to back my case. I am the volunteer director and teacher of a Parkinson's program to help people suffering get some relief from debilitating symptoms. I work 100 hours a week at that, so it is hard to fit a course in law into my schedule. If your court insists as Judge Peterson did on me functioning up to the level of a licensed lawyer than I have to insist on having the time to learn law.

If the Appeals court will accept the evidence and just use the law as it was intended and not require hundreds of court cases cited in order to believe the truth, then please proceed and thank-you for looking at the evidence as no one else has.

I have attached pages answering questions 1-3 just in case I have finally come across some people who have the common sense to know that it is in fact, unfair, unkind and sets the worse kind of precedent to deny a person the right to have all true evidence considered. Setting a precedent to ignore evidence not only hurts me, but hurts you and your family's future and the rest of the residents of WA state also.

Please Consider the real evidence and not just the lies.

**Section 1: Why do I think that the decision is wrong?** Because it wasn't based on any facts. You cannot call the repeating of lies FACTS no matter how many times a lie is repeated.

All of my evidence that proves I am innocent has repeatedly been thrown out while the "evidence" against me which are just repeats of lies that Richard Sutherland invented have been repeated without anything any documentation to support them. This has happened for the entire 3 years since APS started her "investigation." The APS agent told me point blank: "I don't want to hear about any evidence showing you are innocent" and then a month later she filed to put me on the state wide abuse list. Richard Sutherland has a lot at stake. He wrote a Trust for Larry giving himself all of Larry's money. Sutherland is a practiced liar and back stabber (he works with security for the Boeing defense contracts) and a sociopath. He controls weak minded people and the APS agent bought every one of his lies without question and the VAPO judge, a friend of Sutherland, also knows the APS agent well. Without doing an investigation (she didn't even go to Larry's house) the APS agent still was obviously backing Sutherland in the VAPO hearing and what was the Superior court judge to do? She went with the gullible agent whom she trusted instead of the honest person (me) whom she didn't know. The only way she could convict me was to throw out the 50 testimonies supporting my innocence and make up "facts" of her own which she did.

I have clear and cogent evidence that the vulnerable adult is being harmed by these proceedings and that the very people who are claiming that I have harmed him are the people who are indeed refusing to help him or have helped harm him themselves. This includes the APS agent who in her own records writes that she helped put the VA in a "memory care unit" (lock down ward) which is a violation of RCW 11.92.190 and he has never even been diagnosed with dementia. The APS agent helped imprison the VA and then came after me to cover up her own abusive actions.

There is clear and cogent evidence that Ms. Roach is innocent of any abuse (I wrote 60 pages of argument proving I was innocent and no one has read it) and in fact helped Larry become healthier and live a better, safer life but NO ONE WILL LOOK AT THE EVIDENCE. I am begging that someone will give me my Constitutional right of making this decision based on the EVIDENCE not on some hand waving of rules about when one judge lies everyone else has to also. The Appeal process is supposed to be to halt bad judicial actions not to reinforce them.

**Here are the 4 legal issues misused to throw out my evidence:**

1. Collateral Estoppel which cannot be used to hurt the person it is used against.
2. The VAPO Appeal was unpublished and cannot be used for other judgments including against me.
3. Summary Judgment is what "reasonable People" would look at. Any one taking any the rights of a US citizen without a hearing is not a "reasonable person." All the reasonable people know I am innocent.

4. Using a civil case to bring (the VAPO) about criminal charges is a violation of my Constitutional rights and therefore unlawful.

## **1. Collateral Estoppel**

Collateral Estoppel can only be used when the results don't hurt the accused. In Peterson's Judgment look at Page 18 lines 1-2 which are part of the quote of when Collateral Estoppel can be used "(4) precluding relitigation of the issues will NOT WORK AN UNJUSTICE ON THE PARTY AGAINST whom collateral estoppel is to be applied." That in itself should be enough to have this case properly heard and all the evidence supporting my innocence considered.

To use Collateral Estoppel at all first one must have had a fair hearing to start with. The VAPO process allows for the denial of a fair hearing. Anyone who has a bit of intelligence can see that it is not a fair hearing if a judge throws out 50 testimonies based on the assumption that a man can show improvement in his Parkinson's symptoms simply by being near a woman younger than him. (A woman with a size 34AAA chest and a 36 belly who wears skirts below her knees and never wears a shirt that would show her cleavage if she had any and only puts on lipstick if she is going to court.) Anyone looking at me would know that I'm not going to sexually motivate anyone to get up and walk better, especially a 80 year old man. If what Judge Dalton said was true than every man in a nursing home would be jumping and running around the block because all the care-givers are "younger women" even if they are 60.

An other example is the statement restated by OAH judge. "Unwritten agreement was abusive." Anyone with a bit of legal document knowledge would state that was not any harm for Larry, but would harm Ms. Roach as she as no legal recourse to get paid the days she worked and did not get paid for. Then there is the Flomax prescription which I am accused of denying Larry when no one can actually produce that prescription, because it never existed. Why do I keep getting accused of denying Larry Flomax when he NEVER HAD A FLOMAX PRESCRIPTION. If he had had a Flomax prescription I would have given him it, but it is illegal to provide a man with an unprescribed prescription medication.

## **2. Appeal- unpublished judgment**

As far a quoting the Appeal to provide additional "proof" that I was some how abusive, it cannot be legally done. It is an "unpublished judgment" therefore it cannot be used for any other purposes than to just deny me a rehearing at the same Superior court with the same judge. It would be pretty much useless as there is clear evidence that Judge Dalton intentionally ruled against me knowing that she was making a wrong ruling, not that the ruling was just a mistake. An unpublished judgment cannot even be used against me--that is the law.

### **3. Summary Judgment is unconstitutional.**

Persons using "law" that is unconstitutional to harm other people are in fact breaking the law. I have not read up all there is on Summary Judgment, but think about it. Who are the "reasonable people" who decide that someone doesn't deserve a hearing? Sounds like Nazi Germany or North Korea. Witch hunters thought that they were "reasonable people." Klu Klux Klan members still think that they are "reasonable people." And research shows conclusively that killers also think that they are "reasonable people." They will always justify why they had to shoot that person. We have laws and hearings and evidence so that "reasonable people" don't go around hanging, shooting and jailing innocent people.

This case is backed by 400 pages of letters of testimony and documentation that shows without a doubt that I am innocent of any abuse and in fact less abusive than most parents and care-givers. Anyone who throws out that amount of evidence is not a "reasonable person." I did much more than was expected and did that at half minimum wage, not because I couldn't earn more or didn't deserve more, but because I specifically was trying to save the VA money. By helping the VA improve (regain his health) at 1/3 to 1/10 what it cost him to have anyone else help him. See that money section of my brief and argument.

### **4. Civil case to justify criminal actions- unconstitutional**

Using a civil case to bring (the VAPO) about criminal charges is a violation of my Constitutional rights.

Using a VAPO to put me on a state wide abuse list is wrong. It is equivalent to giving me a parking ticket when I was parked correctly and then claiming that since I have been parking incorrectly that I am such a bad driver that I can be convicted for reckless driving and willful endangerment without a hearing. That is what happens when you use a civil case to "prove" that someone is guilty of a criminal offense. Is this what you want for yourselves? Do you want to continue with this course of setting bad precedents for WA state law? Do you want to be part of the problem or the solution?

The VAPO, like a parking ticket, is a civil case and is effective only for a short time (5 years.) It is against my Constitutional rights to have a Civil case be the determining factor for a criminal punishment. The state wide abuse list effects my employment for the rest of my life. The only way in this country that a court or agency is allowed to limit what type of job or business a person can have is from being convicted of a criminal matter. VAPO are used freely and placed on people without looking at the merits of the case because they are not criminal. They are not made to punish the restrained, but to give the VA their right to complete freedom from fear and harassment and harm. There has been clear evidence that the VA, Larry, has been badly abused because of the VAPO by using it as a means of restraining him (violation of the intent of the VAPO and his rights.) I know all this is a violation of my rights. Anyone with some common sense can see that, but no one with any power over my situation seems to believe in common sense so far, so I need time to try to prove by looking up relevant cases that this collateral estoppel in this case is a complete violation of my rights.

During he VAPO the judge threw out all evidence for my innocence and since there are no evidence against me presented, she invented some. There are not a single perjury signed statement against me or a single medical document presented against me. Lots of the pages presented against me had nothing to do with me. In fact some that showed clearly that the man, Richard Sutherland , who had filed for the VAPA was indeed at that time (and later) seriously abusing the VA.

### **Here is the order of events.**

--Oct 2012 -Kitsap APS agent starts an investigation against me, Ms. Roach, after talking to the sociopath, Mr. Richard Sutherland.

--APS agent refuses to talk to MS. Roach about the events and will only talk to her when her lawyer tells her that she much talk to me. She NEVER explains that there is a case against Ms. Roach to Ms. Roach or her lawyer and refuses to talk to Ms. Roach's references which included all of Larry's current doctors.

-At the VAPO hearing, Nov 30, 2012, the APS agent clearly supports the parties against Ms. Roach by sitting as close as possible and leaning towards the accuser, Mr. Sutherland and the expression on her face was like a lion coming in for a kill. It would have been obvious to the Kitsap Superior judge that the agent clearly was on Sutherland's side and thought that Ms. Roach was guilty.

-The APS agent had turned in a letter to court for the Nov 30, 2012 hearing (which neither Ms. Roach or her lawyer received) which stated that she was investigating the clear evidence that Ms. Roach was guilty. This was not written in legal terms and clearly indicated that she already thought that Ms. Roach was guilty. The APS agent had done no research at that time or at any time after that point. The judge had nearly 1000 pieces of paper handed to her. The one little letter from APS would have been given to her separately that states investigating instead of investigated and could have easily been glanced over and read incorrectly. What is a judge to do? Here we have an APS agent who is clearly siding with the plaintiff who she knows from many years of interaction and one little house-cleaner/ caregiver who she has never met. Who would any reasonable person side with in the few minutes of a hearing? How would the judge know that the APS agent was backing a man who wrote a Trust for Larry just a few months earlier giving himself all of Larry's money and making it so that Ms. Sutherland and her daughter could declare Larry mentally incompetent at any time giving the money to Mr. Sutherland to care for? The APS agent wrote in her notes that this was a "small" change to the Trust.

-Nov 30- The judge, seeing the APS agent backing Mr. Sutherland and thinking that Ms. Roach is just a stupid care-giver who wouldn't make much difference, chose to side with the very wrong and mislead APS agent who later helps place Larry in a dementia ward-a clearly abusive act for a man who has never been medical diagnosed with dementia. (Mr. Sutherland states on Oct 1, 2015 that Ms. Sutherland and her daughter diagnosed Larry with dementia in Oct 2012 when neither have a medical background.) Dementia is a disease of the cerebral cortex and must be diagnosed with a brain scan and a qualified neurologists. It is a lot different than Impaired thinking which happened when you stress an old man by lying to him, overdosing him and telling him he has major brain damage when he does not and locking him in a dementia ward against his will.

-APS agent misrepresents the Superior court judge that she has already done research on the case

when she has done nothing.

-Superior court judge, Dalton, follows APS agent's lead and repeats lies of Richard Sutherland (abuser and stealing Larry's money) and invents further lies including quoting medical records that don't exist. Places a 5 year VAPO on me.

-APS agent files charges against me without verifying even one bit of "evidence" and tell me "I don't want to hear anything about you being innocent."

- Without a hearing I get placed on a life time state abuse list. I have to fight to get off it which means that I am not a defendant and the state does not have to grant me a lawyer.

-After a 6 day OAH 'fair hearing" where I have to represent myself the judge just throws out all the evidence, quotes the original lies of the VAPO hearing, and allows a last minute Summary Judgment to be granted to APS because of the VAPO the APS agent helped put on me with her erroneously backing the abusive party.

The APS legal attorney is supposed to be saving the public money by finding out the truth and correcting APS agent misconduct. This was not the case. The legal advisor seemed obsessed with finding something wrong with Ms. Roach even if it had nothing to do with Larry.

All the courts have done is look at replicas and enhancements of Mr. Sutherland's lies. First Judge Dalton and the APS agent, then the Appeals court comes up with a newer and more abusive "history" by enhancing the lies of Dalton and now Judge Peterson has again copied the lies to try to show that I must have been very guilty.

Flomax is a good example: There have never been one scrap of evidence that a Flomax prescription ever existed while or prior to the time I was helping Larry. The APS agent told me she saw it, but doesn't have a copy even though it doesn't exist. The VAPO judge Dalton goes off on a rampage about the harm that was occurring by not giving Larry the Flomax which he did not have a prescription for. She stated possible side effects of NOT giving him that drug for which he had not a prescription for, but the side effects she listed were for giving him the drug not for NOT giving him the drug. Then she assumed he was a invalid and would not be able to change his wet pants (which did not happen while Ms. Roach was helping, but happened often after she was kicked out per Mr. Cook's testimony) when he was perfectly capable of changing his own clothes if they had gotten wet.

What a waste of time and money to allow a last minute Summary Judgment which negates 6 days of testimony and makes WA state law look like a scam, joke.

It seems that there is a total lack of knowledge of Constitutional law in this proceedings and normally a judge with no experience in that would depend on the lawyer to provide the appropriate legal precedents to back up statements about what is Constitutional. Since I have no legal background this is going to take months of research for me to find the correct cases to prove what is common sense. You can't throw out all the evidence for a person being innocent and contrive evidence of guilt without violating a person's Constitutional rights. No state law is allowed to be used in any manner to take away a US citizen's Constitutional rights. If the courts in WA state

continue with this pattern of judgment dating back to the 1600s the citizen will have to request the USA government to take over the state and restore proper justice.

## **2. What findings of fact should be changed?**

I'll list the mistakes going through part III. HEARING of my OAH "judgment" dated Nov 21, 2015.

### **Section 3.2.2**

Judge Peterson left off half my witnesses: It looks like she was intentionally trying to look like I had a weak showing of witnesses.

Note Dr. John Roberts is a Parkinson's specialists- Movement disorder neurologists. He is the only witness with the knowledge to talk about Parkinson's. All other witnesses making negative assumptions about Parkinson's is just incorrect conjecture.

The following were witnesses along with those listed by Judge Peterson:

Karen Schaefer( VA friend and eye-witness), Dr. Ali Naini (the neurosurgeon for the VA), Ron Darnall (long term friend of VA), Carol Fitzgibbon (professional care-giver provider.) Yvonne Manson did not witness, but she had a written testimony which is part of the exhibits.

### **Section 3.5**

Judge Peterson left of a half day of testimony: Oct 08, 2015

### **Section 3.8**

Just want to make sure and state that I did turn in (never learned if it was filed) a 65??? page ?? what's that brief called?? showing that I was without a doubt innocent of every charge against me. I shouldn't have to prove that I am innocent but I did (they should have to PROVE that I am guilty) and that has not been considered.

### **Section 4.1**

This is misleading. First while I was helping Larry in his home he was not a VA in the sense that he needed help with chores of daily living, ADL. He was indeed over 65. He needed help with his C-PAP at night because he has a ulnar nerve damage (damaged finger coordination) which means he cannot handle the little clips on his C-PAP. He did NOT need help ambulating while at his house, because of his Parkinson's or any other reason. He had stage 1 Parkinson's which means he had a hand tremor and needed to exercise regularly. We were getting ready to go rollerskating just before he tripped on the stairs. He roller skated 3 times a week. I did not rollerskate. I went there with him put his boots on which he couldn't lace because the ulnar nerve damage effected his fingers.

The VA had NO brain injury. When the hospital was checking him over after falling they found he

had a preexisting condition of hydrocephalus which they would operate on if VA desired it. That's the only reason he stayed in the hospital. Larry hates hospitals. He went from Evergreen hospital which was a wonderful location and for rehab at Virginia Mason which Larry hated because it was a very stark uninviting place, but Group health wouldn't pay for rehab at Evergreen.

There was no "history" of undue influence and there was not a single report for such provided. This was something that Richard Sutherland invented. Reporter 2 was Richard Sutherland whose main goal was to get me out of the way so that he could take over Larry's money. He wrote a Trust for Larry Ex A page 32 so that he and his family could declare Larry mentally incompetent at any time and therefore take over Larry money before death as they were the beneficiaries which is not what Larry wanted Ex A--Page 7 #W.

Reporter 1 was Jerry Rathman. He was supposed to be providing outpatient PT for Larry, but told Larry that he needed 6-10 weeks of bed rest which was the opposite of what Larry's doctors had ordered. He refused to call Larry's neurologists, but I did get an appointment with Larry's general physician which Richard Sutherland canceled and also Larry's Parkinson's neurologists, but Richard Sutherland canceled that also. That date is wrong also.

Mr. Rahtman states: "AP does not assist AV with toileting. AP is supposed to be providing 24 hour care." Both these statement were untrue as I did assist Larry with toileting right there at the Group health appointment. It was Mr. Rahtman who refused to help Larry to the restroom. I was NOT supposed to be providing Larry with 24 hour care. Mr. Sutherland was the financial DPOA and had invited Larry and myself to stay at his house while recovering because Mr Sutherland and his wife said that they would provide Larry with 24 hour care including toileting and bathing while he needed it. I was not getting paid one dime to stay up all night with Larry when because he needed help every hour to urinate and I wasn't getting paid one dime to take Larry to his appointments where Jerry Rathman and the doctor on staff refused to help Larry. I did all I could do to help Larry with no pay and very little sleep and Richard Sutherland kept sabotaging Larry's rehabilitation.

### **Section 4.3**

This is important. Even the APS agent states that she didn't finish the investigation until Feb 7th, 2013 but she wrote a letter to the VAPO Judge Dalton prior to that in Nov 2012 telling Judge Dalton that I was guilty, 2 months before she even claims that she was finished with the "investigation." During the OAH hearing testimony she testified that she: never considered any other "evidence" than the 2 unbacked vague medical documents; never called Larry's doctors or friends who I gave her to reference; and never even went to Larry's house to see what condition it was in. She based all her "findings" on statements from the Sutherlands (who were stealing Larry's money), Jerry Rahtman (a physical therapist who saw Larry for 30 minutes) whose medical recommendations were against doctor's orders and a social worker who saw Larry for 2 days.

### **Section 4.5-4.6**

This isn't true. I did not miss a single prehearing conference therefore I did not file any petition to reinstate the Appeal. This is invented or detailed wrong in the notes. I really have no idea why she would come up with such "facts." The number may have been changed, but it wasn't because of something I did wrong.

### **Section 4.12**

The department did file for Summary Judgment, but they cannot file anything based on an "unpublished Opinion." That's why it's written as "unpublished opinion." So that no one can use that "opinion" for any other purposes. Judge Peterson should have known this. The department's attorney should have known this. This seems like a scam trying to pull up motions that I wouldn't know just to purposely throw the case. The APS legal representative is not supposed to be backing a misguided agent and throwing justice out the door. He seemed absolutely obsessed with finding something I did wrong even asking me about my taxes which had nothing to do with any of the allegations or any abusive act at all. The legal rep purposely ignored that the VA was being abused by the agent and by the Sutherlands and has used public money into trying to destroy an innocent person.

### **Dalton's Finding at VAPO hearing**

In this next section I may use terminology that you might not prefer like the word lied. You may substitute the words "the court may have been in error," if you prefer. As I reminded Judge Peterson I will remind the Appeals court also: If you cannot understand or do not wish to understand my language you must by law provide an interpreter to translate from engineering argument to legal slang. I cannot talk in a language I have never been trained in and to penalize me because of a lack of "preferred" terminology is unjust and illegal.

I understand that no one wants to believe that a judge could lie, but the definition of lie is to present false information or circumstances as if they were factual. To go along propagating an injustice based on a lie hurts society. It is the child hood story of the Emperors new clothes. If you haven't read it you should. The Emperor is tricked into believing he is getting fabric so fine made for him that only the most refined people can see it. No one wanted to admit that they were not refined enough to see the clothes, so everyone pretended that they could see him wearing beautiful clothing and he proceeded to march down the street in his underwear with the audience all stating how beautiful he looked in his fine "clothes." Only the honest child broke the mesmerism by stating: "He isn't wearing any clothes."

It doesn't matter how many times lies are repeated a 5th grader can still tell that most of what is repeated that Judge Dalton said are lies like: "you dared to charge the exorbitant amount of \$100 a day for care-giving". Why has it been so hard for "the court" to see that half minimum wage is not a lot of money? A 5th grader can go \$100 divided by 24 is \$4.16.

Since Dalton invented evidence which she quoted we do have to put some effort to try to find the "evidence" which she claims exists, but does not-like the Flomax. when we realize things like the "Flomax prescription" never existed then we can get down to fact and discard the fiction. Now in a few months since elections are coming up for Judge Dalton's position the whole state will know she lied so that "reasonable people" can decide if they want to vote a lying Judge back into office. The people won't put up with a lying judge just because the courts want to ignore that fact.

### **Section 4.14**

Most of this section is inaccurate:

1. Mr. Sutherland was not Larry's guardian at that time. Mr. Sutherland appointed to be Larry's

guardian even after the court was presented with clear evidence that Sutherland had cashed out one of Larry's bank accounts, but the money disappeared and evidence that Mr. Sutherland was manipulating and lying to Larry.

2. Judge Dalton did not continue that hearing to give Ms. Roach time, but the Sutherlands threw their testimony at me in court. She was allowing Sutherlands' records to be admitted into the records late. Sutherland's testimony contained NO sworn statements and most of what he wrote wasn't regarding me at all. That's why it didn't end up being used by Mr. Edwards at the OAH hearing. Only about 5 pages of unsworn e-mails was all of Sutherland 500 pages that were used by Mr. Edwards.

3. Ms. Roach did provide 50 perjury signed declarations all saying how well Larry did with my help and backing financial documents and she threw them all out.

4. Judge Dalton did not review all the document, her law clerk reviewed them. Note: I turned in all my documents a week early in a condition to be turned into court that day. My lawyer chose to wait till the last minute to turn them in to Dalton and I got in trouble for it. I later got a different lawyer.

5. There is no "ordinarily done without testimony:" in a VAPO hearing. She invented that.

6. Dalton restated and added to Sutherland's lies. Even he in testimony for OAH hearing contradicted Dalton as noted in my final argument which hasn't been read.

#### **4.16**

Dalton's lie: Dalton stated that Larry couldn't take care of himself, feed himself, shop for groceries, cook for himself, drive to appoints or manage his finances. No one told her that and it is totally not true. Not a bit of it. Feed himself? He was feeding himself in the hospital. There was never a time when he couldn't feed himself. HE WAS ROLLERSKATING. Who would think he couldn't feed himself? Larry was driving and had a valid drivers license and would go to his appointments by himself before (correct date) November 2009, before I started helping him. True he was an absolute hazard on the road and should not have been driving in 2009, but by 2011 he was a safe and good driver again- after I started helping him treat his sleep apnea.

#### **4.17**

As discovered in the testimony for the OAH hearing on October 8, 2015 (Judge Peterson failed to include this date in the records on page 4.) it would have cost Larry \$176 a night to hire someone to come in and help him with his C-PAP every night. Part of the reason Larry was doing so poorly was the undiagnosed sleep apnea. I continued to just charge him the \$100 a day for sorting stuff for him and a lot of time just being company. \*\*\*I have shown this over and over: Companions get \$10 an hour plus all expenses. For me to do nothing, but sit around and keep Larry company would have cost him \$160 a day plus my expenses.\*\*\* I never billed Larry as a "care-giver." He called me his personal assistant. Personal assistants get \$25 an hour. The two doctors quoted saw Larry after I stopped helping Larry. Dalton quotes the "facts" about while Sutherland took care of Larry not me. Dalton even noted decline while Sutherland "cared" for Larry and blamed me when I was 100 miles away.

#### **4.18**

All the evidence pointed to just the opposite. I had 50 declaration (perjury signed and Sutherland had NO perjury signed declarations) all stating that I showed an exceptional pattern of conduct that was far above and beyond what any care-giver is ever required to do at a small fraction of the cost and I wasn't even his care-giver. Some of these statements were from people who saw Larry several times a week. Sutherland at most saw him 3 times a year.

#### **4.19-4.20**

Here was have a big problem: Judge Dalton is not an expert on Parkinson's disease, (PD). The assumption is that as soon as one is diagnosed with PD is that they are decrepit and have balance issues. Look at Michael J Fox. He has had Parkinson's for years. He plays ice hockey and still works as an actor. Watch him walk. Even with his body experiencing dyskinesia from his medication he steps right up on that curb without any evidence of an issue. The old man in the wheelchair drolling is not like most people with PD. There are many more out and moving like Mr. Fox and as soon as Larry's sleep apnea was being treated by the help I provided at half minimum wage he was doing well and getting better. There were 50 eye-witness reports to this that were thrown out by Dalton.

Second problem is that Dalton states that I am supposed to be paying for a house cleaner. How am I going to be paying for Larry to have a house cleaner or pay for an exterminator which she also stated that I should be doing? I'm only getting paid \$4.16 per hour and that just barely covers my personal bills. How am I supposed to pay for services for Larry? If he was in that bad a shape then his financial DPOA, Richard Sutherland, should have been hiring help for Larry, not the personal assistant or the care-giver.

Larry didn't have mobility issues. I proved in my concluding argument that the photos Sutherland presented to court were rigged and that Larry just had an accident and fell as he was going up the stairs. It had nothing to do with me, nothing to do with the boxes that Sutherland posted on the stairs to take a photo of and even if those boxes had been there I proved that Larry could not have tripped because of them.

The Mold issue: No one saw this mysterious mold except for Richard Sutherland. He produced no photos for court and I assumed that he was talking about the 40 year old spot on mold on the bathroom ceiling skylight as that's the only mold in the whole house. This is the NW and mold is everywhere, except Larry's house. It is one of the most mold free houses I've ever seen. This was an easy stab at any house cleaner saying that there was mold, but a lie. Care-giver, house cleaners or personal assistants are not required to get up on a ladder and replace sheet-rock which is what would be required to "fix the mold" The APS agent NEVER has gone to Larry's house. It is beautiful and as those who saw it at that time "neat as a pin" in the living space. Larry's less than helpful nephew who happened by about once a year told the court that there were mice droppings "all over the house." When questioned during testimony I asked him: "Where?" He said "under the bed, under the sink and in the basement." No care-giver is required to climb under the bed or under the sink to clean and especially not in the basement. Carol Fitzgibbon (Synergy Care Owner) testified to that. There were only 4 carefully cropped and not very clear photos provided to court to show the "mess" of Larry's 4000 square foot home. He provided photos of the hall past Larry's bedroom where he never walked, the video tapes on the baseboard of the stairs and 2 photos of the counters in the

kitchen after Larry went to the hospital and I wold just come home and throw the mail on he counter. Larry never walked on the counters. I provided complete clear photos on a DVD to the APS which was ignored. First she said that she didn't get it even though it was reproduced and returned to me during that period for collecting documents. (can't think of what that is called right now.) Then after she lied about that she blew it and said "Well if you had printed the photos like Mr. Sutherland did then I would have looked at them." She never wanted to see evidence that I was innocent and it was her job to go visit the house.

I can't believe that Judge Peterson would even repeat those lies as I presented good testimony that just the opposite was true. The house was well cared for, but I didn't try to clean the basement. Larry never asked me to.

#### **4.20**

Larry asked to leave. He hates being institutionalized and I proved that in my argument and as medical DPOA I am required by law to do what Larry would want for himself if he was considered worthy to sign for himself. He asked to leave. I did not influence him, but could clearly see that he wasn't liking it at Virginia Mason. Larry is an outdoors man. Virginia Mason is a closed up stark dormitory style rehab center with views of the tops of office buildings. I completely understood why he wanted to leave. If Group Health had paid for rehab at Evergreen hospital where the environment is totally different he might of stayed, but he has a record of wanting out of the hospital as soon as possible. It is not abuse to do what an individual. He has rights to pick his own health care options even though he's an old man.

#### **Continued on page 12**

**4.20-** Judge Peterson states that Larry could have gotten as good or better treatment elsewhere. She also states that Dr. Roberts signed for his release. If he had signed for Larry's release than he would have been consulted.

It doesn't matter how good the therapy was, is or would have been. Larry wanted to go and I had no choice but to sign for his release. If Jerry Rathman hadn't refused him outpatient treatment than Larry would have been fine. He still would have been fine if Richard Sutherland hadn't canceled all appointment with his general physician for 40 years, his Parkinson's neurologists and cancel the Parkinson's therapy I finally got him scheduled for. If Sutherland hadn't taken over Larry's "care" and forced him into a dementia ward, Larry would be fine and there would be no case against me. The only reason there is any confusion as to whether Larry was cared for well while I was helping him is that he has been so miserably mistreated afterwards by Sutherland.

#### **4.21**

Where's the evidence for this? What is the definition of "over-exercising"?

I proved in the testimony that has been throw out by Judge Peterson that Larry was getting exactly the right amount of exercise for his condition.

Where is that Flomax prescription? Why does that non-existent Flomax prescription keep coming up as evidence. APS has not come up with it. Richard and Loretta Sutherland have not come up with it. During testimony at the OAH hearing Ms. Sutherland said that it was a "miracle drug" for Larry, but her son-in-law stated that it was not. Larry was peeing all over the couch after they kicked me out

and long after the Flomax prescription was started and Mr. Sutherland stated in the VAPO hearing that Larry had to be put into assisted living being he was urinating on the furniture.

During OAH testimony Mr. Edwards goes on about how he understood that I would state that the Flomax was not a necessary drug (putting words in my mouth) and no one will admit that the Flomax, helpful or not, was not a prescription while I was helping Larry.

I CANNOT GIVE A MAN FLOMAX WHEN HE HAS NO PRESCRIPTION FOR IT. If he had had a prescription for Flomax I would have asked him to take it.

#### 4.22

OK, now I am confused. Summary Judgment was based on the VAPO but now Judge Peterson is quoting parts of the OAH hearing against me and not the testimony that showed that there was some lying going on and that Mr. Cook did not agree with Ms. Sutherland's statements. Loretta Sutherland was clearly proved to be a liar. She told the court that Flomax was a "miracle drug" when Mr. Cook, her son-in-law stated that it did not help Larry's urinary issues. Loretta Sutherland also stated that she told the APS agent I had drowned my previous client, Kaare Erga, in the bathtub, when I provided that Kaare Erga was my fiancée and that his brother was there at death and reported that he had died of lung cancer. Loretta Sutherland also stated that Larry stole her diamond ring while she cared for him, when she did all Larry's laundry, controlled all his belongings and bathed him. How could he steal anything that wouldn't show up in the laundry? She also stated very emphatically that while she was helping Larry she was working 2900 hour a month or 97 hours a day.

She stated that she rushed into the bathroom to rescue when in fact it was her job to help Larry on the toilette not mine, so what was she doing outside while Larry was on the toilet? This "raised voice" that Mr. Cook heard was clearly not mine as I never closed the bathroom door and Mr. Cook testified that he never saw who was in the bathroom at that time as the door was closed. I could not close the door while I was helping Larry at the Sutherland house as the walker was in the way and my arms are not as long as Loretta Sutherland, so Mr. Cook may have in fact heard Loretta Sutherland in the bathroom and they told him it was me.

#### 4.23

This lie is the dumbest of statements. Judge Dalton has a business degree. Not everyone knows that there are 22 work days in a month, but she produced that right off the top of her head. \$2200 is considered a low income anywhere in the US. That is so easy to look up. At \$2200 a month or \$26,400 a year, I qualified for living assistance in Seattle.

The first line is insane. In no way would an unwritten contract reveal financial exploitation. Any lawyer can tell you that an "unwritten contract" means that I lose the right to sue for the money I never got paid. I doesn't harm Larry at all. It means that since Mr. Sutherland didn't pay my "house hold employee" taxes that I don't have a records that I worked in 2012 and therefore had no way to collect unemployment. That statement that it is financial exploitation to have an unwritten contract is just a contrived misrepresentation of the law, because Dalton just thought she was getting rid of the average stupid car-giver and that she could invent what she wanted. It is a violation of everything Justice and the Judicial system is supposed to represent.

Could Larry afford \$100 a day? I went over this in detail if anyone will every look at my evidence

and argument. First, it doesn't matter. If the plumber comes in to fix Larry's pipes he doesn't charge less because Larry is poor. Second, Larry was not poor. Larry had a really good income and investment fund and while I was working for him his account balance actually went up. So not only should I have gotten paid more, but Larry could have afforded to pay me more.

#### **4.24-4.31**

##### **The Appeal**

It was an "Unpublished Opinion." It is not lawful to quote it for another case. I could argue all day about this "Finding of Fact and Conclusion of Law" that they say exists and it doesn't. That means that Judge Dalton was supposed to say: Look at document XXX and that support that \$100 a day was a lot of money and she didn't. She quoted medical reports that didn't exist and others she just quoted incorrectly. It wouldn't have helped if I had won the Appeal. I learned that I would just have to go back to Judge Dalton's court. She hates me and would never approve of me getting a new hearing. I certainly can't help it that my first lawyer didn't complain at the right time. The blame got put on me: "Ms. Roach didn't complain at the right time", but I tried to complain and Dalton threatened me with jail and my lawyer and his boss both told me to be quiet or I'd end up in jail. Denied the opportunity to complain. Denied my right to a fair hearing and now being pushed onto a state wide abuse list for being the best helper a man could ever have.

My second lawyer Mr. Misner went to watch part of Larry's change of guardianship, as the Sutherland's were proved to be harmful to Larry, and he said he couldn't believe how much obvious hate Dalton had towards me any time my name was mentioned. He said that he had never seen anything like it before. That is the result of being friends with a sociopath, Mr. Sutherland. I don't blame Dalton for her bad judgment. The APS agent was definitely backing Sutherland and Dalton was enamored with Sutherland's lies as all friends of sociopaths are. I just want my future based on a correct judgments instead of favor for friends of the court. I have been denied the consideration of all my evidence showing I am innocent long enough. We need now for you to stand up for the failure of these other people and say this woman needs a fair hearing. We won't be like the rest and throw out the evidence or replay all the lies based on what Richard and Loretta Sutherland said. Do they won WA state courts. Why are they to be beloved and I get not one chance to show the truth?

I complained to him about "the history" that the court clerk repeated the lies and enhanced. He said it doesn't matter as that history isn't really important in a court case judgment. They just put it in for good measure. Great. But now Judge Peterson is repeating the repeated and enhanced lies of the state Appeals court who repeated and enhanced the lies of Dalton who repeated and enhanced the lies of the APS agent who repeated and enhanced the lies of the Sutherlands.

### **3. How should the decision be changed?**

The decision should be to FIND that Ms. Jennifer Roach on no way harmed the VA, Larry, and should not be placed on the WA state wide abuse list. I did nothing abusive and shouldn't be punished for the lies and mistakes of other people, APS representative, judges or lying Trustees trying to steal Larry's money.

It has taken a long time to write this. My "judgment" was sent to me 2 days before Christmas and with the holidays and work and the need to mail early to get this in on time, I have had basically less than 3 days to get this ready to send in. If you need something better to rehear my case. I need more time.

Just so you know. CLEAR does not provide help on these sorts of matters. If one is poor enough or old enough CLEAR may provide help with a loss of job suit or a loss of home. They don't help caregivers stay off abuse lists, even though putting a person on an abuse list without a hearing is a violation of individual rights.

Submitted Jan 6, 2016

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