

Womelsdorf, Pennsylvania to Bellefonte, Pennsylvania, an action that cannot be reasonably interpreted to be threatening or potentially unlawful, by any measure.

179. The Petitioner does not know who stated to the Respondent that, “he is back in Wisconsin now”, or why that person would state such falsehood. The Petitioner continued to reside at his, at the time, permanent residence in Womelsdorf, Pennsylvania and was employed in a full time capacity as a Registered Nurse in Pennsylvania until shortly before leaving Womelsdorf, Pennsylvania in November of 2014. It should be noted that the Petitioner’s place of work could also have been ascertained by Officer Walter had he either asked the Petitioner the question or investigated such.

180. In reference to the complaint the Defendant attempted to file on October 14, 2014, at the Bellefonte Police Department, Officer Walter wrote in his Police Report of October 14 (Exhibit ZY) that he spoke to an individual he described as “Wanda at Judge Ruest’s Office”. “Wanda advised that Brush did live in State College when she filed for a PFA on Feldman, (took way less than three hours to make sense). Less than a week after the PFA was filed, Brush had her throat slit while running on the bike path in State College.”

181. The Petitioner does not know if it was “Wanda” who made this inaccurate statement to Officer Walter with respect the known timeline involving the Respondent, or if Officer Walter mistook “Wanda’s” statement. The correct timeline regarding the sequence of events in this matter is detailed below:

- a. It is the Petitioner’s belief that after a Conference which was held on October 17, 2012, and at which the Petitioner and Respondent came to an agreement, Judge Ruest ordered that the visitation matter be referred to Children and Youth Services for the Parties’ participation in the Custody

Monitoring Program through the Family Intervention Crisis Services (Exhibit V). The October 17, 2012 conference, to the best of the Petitioner's knowledge, was reportedly attended by the Petitioner's Attorney, Attorney Ross, the Respondent's Attorney, Attorney Bierly, and Judge Ruest.

b. As of December 12, 2012, in spite of Judge Ruest's order for the Parties' participation in the Custody Monitoring Program through the Family Intervention Crisis Services on October 17, 2012 (Exhibit V), the Respondent had not allowed the Petitioner to have any visitation with the Parties' Daughter since May of 2012.

c. On December 12, 2012, after a Conference which was reportedly attended by Plaintiff's Attorney, Attorney Ross, Respondent's Attorney, Attorney Bierly and Judge Ruest, upon agreement of the parties, the Order of the Court dated October 17, 2012 (Exhibit V) was Amended such that the parties shall share legal custody of the parties' child, the Respondent shall have primary physical custody of the parties' child, the Petitioner shall have visitation with the parties' child as supervised and recommended by the Custody Monitoring Program through Family Intervention Crisis Services or through the Child Access Center (Exhibit W).

d. At approximately 2:00pm, after the Conference of December 12, 2012, and after the parties' agreed to Exhibit W, the Respondent allegedly was attacked by an unknown subject while taking a walk on PSU hiking trails (Exhibit N, Paragraph 11).

e. On December 13, 2012, Judge Ruest filed a Police Report against the Petitioner with Detective Fishel (Houck) of the State College Police Department (Exhibit B).

- f. On December 14, 2012 Judge Ruest granted the Respondent an Emergency PFA against the Petitioner (Exhibit N, Paragraph 11).
- g. On December 17, 2012, the Respondent filed a Petition for Protection from Abuse with the Centre County Court of Common Pleas (Exhibit N).
- h. On December 17, 2012, Judge Ruest signed a Temporary Protection from Abuse Order against the Petitioner (Exhibit O).

This accurate, traceable timeline of events is completely contrary to Officer Walter's false timeline of "Less than a week after the PFA was filed, Brush had her throat slit while running on the bike path in State College." (Exhibit ZY)

182. Consistent with the theme of Officer Walter's incomplete / incorrect investigation into the Complaint the Petitioner attempted to file with Officer Walter on October 14, 2014, is the approach Detective Craig Ripka (henceforth to be referred to as "Detective Ripka") used when the Respondent presented to Detective Ripka the Petitioner's Petition for the Modification of a Protection from Abuse Order that the Petitioner had signed on or about 6-14-2018 and had filed with the Centre County Court.

183. The transcript from the hearing held on November 14, 2018 (Exhibit C), contains the following line of questioning conducted by the Petitioner with Detective Ripka as the witness: page 75, Line 24 -25 and Page 76, Line 1 (Exhibit C), "Detective Ripka, you read the petition. Did you read the supporting documents along with the petition?" to which Detective Ripka responded on page 76, Line 2 (Exhibit C), "I read what was given to me." Detective Ripka was then asked on page 76, Line 3 (Exhibit C), "How many pages was what you were given?" to which Detective Ripka responded on Page 76, Line 10 (Exhibit C), "...32

pages.” Detective Ripka was asked on Page 76, Line 11-13 (Exhibit C) “did you notice that of there were exhibits listed to multiple statements there?” To which Detective Ripka stated on Page 76, Line 14 (Exhibit C), “Correct.” On Page 76, Line 15-17 (Exhibit C) Detective Ripka was asked, “So you haven’t seen any of the exhibits, the supporting documentation, much of it written by both attorneys and law enforcement?” To which Detective Ripka responded on Page 76, Line 18 (Exhibit C), “Correct.” On Page 76, Line 19-20 (Exhibit C) Detective Ripka was asked, “So, you are not aware and you did not investigate the validity of any of those statements?” To which Detective Ripka responded on Page 76, Line 21 (Exhibit C), “Correct.” The line of questioning continues as follows, with “Q” representing The Petitioner and “A” representing Detective Ripka:

Page 76, lines 19 – 35; Page 77, lines 1 – 14 (Exhibit C)

Q. Okay. So, you are not aware and you did not investigate the validity of any of those statements?

A. Correct.

Q. Okay. Were any charges filed against the defendant?

A. There's no criminal act, no.

Q. There's no criminal act. Okay. Is it a (criminal act) to threaten a sitting judge?

A. Yes.

Q. Okay. But the defendant performed no criminal act according to the petition that he filed with the Court?

A. Correct.

Q. Okay. So, by your statements, no one was criminally threatened, correct?

A. Correct.

Q. Okay. Did you try to contact the defendant to hear and perhaps put some perspective into the totality of the document . . . ?

A. No.

184. It is the Petitioner's belief that the Petition that Detective Ripka was referencing during his (Detective Ripka's) testimony, contained approximately 69 separate references to Exhibits which supported the Petitioner's various claims, including, but not limited to, the Petitioner's belief that Judge Ruest held extreme bias against the Petitioner which led her to conduct herself in an unethical manner in her handling of Case Number 2012-4656 and / or Case Number 2012-3103, and that Attorney Ross made false criminal allegations against the Petitioner. It should be noted that it is the Petitioner's belief that many of the Exhibits that Detective Ripka failed to examine and / or seek out that supported the Petitioner's contentions in question included documents generated by Law Enforcement, members of the Pennsylvania Bar, Centre County Court Reporters and / or Centre County Judges.

185. Though Detective Ripka did not investigate the facts of the Petition and the evidence supporting the truth and validity of the Petition, he (Detective Ripka) nonetheless concluded in his sworn testimony of November 14, 2018 (Exhibit C) on Page 74, Line 16-18 "The words that were listed in there could potentially cause harm and that that is the trend in what we have been seeing." It seems that Detective Ripka concluded that a citizen peacefully and lawfully exercising his constitutional right to petition the government for a redress of grievances and his

constitutional right to freedom of speech “could potentially cause harm.”

186. It is the Petitioner’s Belief that the conclusion of Detective Ripka’s investigation was to warn the people named in the Petition (who, in some instances, had performed unconstitutional and/or unethical acts) against the Petitioner (who had done nothing illegal, unconstitutional and/or unethical).

187. Upon close examination of both Detective Ripka’s statements under oath, and the Petitioner’s Petition, which was in question, the Petitioner sees nothing that would lead any reasonable man or woman to conclude that the Petitioner made any statement at all that could potentially cause physical harm. It is the Petitioner’s belief that the only potential harm could be to the careers and / or professional reputations of some persons named in the Petition.

188. It is the Petitioner’s belief that in the Commonwealth of Pennsylvania the Factors to consider when awarding custody are specified in Chapter 53 § 5328(a).

189. The Petitioner believes that § 5328(a)(1) states:

Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.

is a factor that is weighted in the Petitioner’s favor as the Petitioner believes he has shown in this document and the attached exhibits that the Respondent has intentionally and knowingly provided the Court with false information in nineteen (19) instances which were damaging to the Petitioner for the purpose of using the Court to wrongfully bar the Petitioner from having a relationship with the Parties’ Daughter.

190. The Petitioner believes that § 5328(a)(2) states:

The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.

is a factor that is weighted in the Petitioner's favor as the Petitioner believes he has shown in this document and the attached exhibits, that the Respondent's allegations and accusations against the Petitioner lack credibility due to the nineteen (19) instances the Respondent intentionally and knowingly provided the Court with false information. The Respondent verified in the December 17, 2012 Abuse Checklist – Attachment to PFA Petition (Exhibit N) that the Petitioner has never Physically abused children in the household. It is the Petitioner's belief that the Respondent has intentionally and knowingly caused significant harm to the Parties' Child by unethically denying her the presence of her loving father in her life by means of the many false allegations and accusations she has leveled against the Petitioner and presented to the Court.

191. The Petitioner believes that § 5328(a)(3) states:

The parental duties performed by each party on behalf of the child.

is a factor that, in fairness, is at least partly moot, as the reason the Petitioner has not performed many traditional "parental duties" is due to the intentionally false criminal allegations made against the Petitioner by Attorney Ross, Judge Ruest's intentional denial of the Petitioner's Right to an unbiased judge, which is a violation of the Petitioner's fifth and fourteenth amendment rights, in case numbers 2012-3103 and / or 2012-4656, Judge Ruest's biased decisions against the Petitioner, and the Respondent's lack of credibility. While, through no choice of his own, the Petitioner has not been allowed to perform traditional "parental

duties” for the Parties’ Daughter, he has for many years now, made every legal effort he could imagine taking, sparing no expense, such that one day he might again be allowed to perform traditional “parental duties”.

192. The Petitioner believes that § 5328(a)(4) states:

The need for stability and continuity in the child’s education, family life and community life.

is a factor that is not weighted against the Petitioner in that should the Petitioner be granted the custody rights he has requested, the Petitioner will ensure that the Parties’ Daughter’s education, family life and community life will remain as continuously stable as is in the Parties’ Daughter’s best interest.

193. The Petitioner believes that § 5328(a)(5) states:

The availability of extended family.

is a factor that is weighted in the Petitioner’s favor as the Petitioner, should he be granted the custody rights he has requested, will in no way deny or interfere with the availability of the Respondent’s extended family. And should the Petitioner be granted the custody rights he has requested, the Parties’ Child will be able to commence a relationship with multiple members of the Petitioner’s Family, including but not limited to the Parties’ Child’s Grandmother Marlene, Grandfather Aaron, Aunt Jillian, Uncle John, Uncle Gary, Aunt Jennifer and cousin Mary Jane (who, like the Parties’ Daughter, is also a young girl).

194. The Petitioner believes that § 5328(a)(6) states:

The child’s sibling relationships.

is a moot factor as, to the best of the Petitioner's knowledge, the Parties' child has no siblings.

195. The Petitioner believes that § 5328(a)(7) states:

The well-reasoned preference of the child, based on the child's maturity and judgment.

is a moot factor at this time, as the Parties' Child at this time cannot make a well-reasoned preference as she has been denied contact with her Father due to the intentionally false criminal allegations made against the Petitioner by Attorney Ross, Judge Ruest's intentional denial of the Petitioner's Right to an unbiased judge in violation of the Petitioner's fifth and fourteenth amendment rights in both case numbers 2012-3103 and 2012-4656, Judge Ruest's biased decisions she perpetrated against the Petitioner, and the Respondent's lack of credibility.

196. The Petitioner believes that § 5328(a)(8) states:

The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where the reasonable safety measures are necessary to protect the child from harm.

is a factor that the Petitioner believes is weighted in his favor. The Petitioner believes that the Respondent's lack of credibility negates the Respondent's false claims of "Domestic Violence" and that the Petitioner has never in any way physically abused the Parties' Daughter, which the Respondent verified as being true in Exhibit O. During the brief Skype conversation the Petitioner had with the Parties' Daughter on January 7, 2014, the Petitioner heard the Parties' Daughter ask the Respondent in a whispered voice "is he still mean" referring to the Petitioner, the connection was terminated almost immediately upon the Parties'

Daughter completed her question. It is the Petitioner's belief that the Parties' Daughter by her statement clearly wanted a relationship with a Father who was not "mean" on January 7, 2014, but the Respondent seemed to have made an effort on January 7, 2014 to turn the Parties' Daughter against him by, at the very least, not answering the Parties' Daughter's question truthfully (as the Petitioner is not mean and loves the Parties' Daughter greater than words can describe) and terminating the conversation between the Petitioner and the Parties' Daughter. It should additionally be noted that during the May 2012 meeting the Petitioner had with the Parties' Daughter she spoke to him and played with him once they left the restaurant. During the Petitioner's meeting with the Parties' Daughter in July of 2014, the Parties' Daughter refused to say even a single word to the Petitioner. It is the Petitioner's belief that the Respondent has taken significant action to turn the Parties' Daughter against the Petitioner between May of 2012 and January of 2014.

197. The Petitioner believes that § 5328(a)(9) states:

Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.

is a factor that is weighted in the Petitioner's favor, as the Respondent has shown herself to be neither stable nor consistent as evidenced by the nineteen (19) instances in which she has knowingly and intentionally given false information to the Court. The Petitioner believes that the Respondent's inability to testify truthfully about something as basic as the date when child support was first ordered, brings rise to concern about how such a lack of integrity is likely impacting the Parties' Child's emotional needs in a negative manner.

198. The Petitioner believes that § 5328(a)(10) states:

Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.

is a factor that is weighted in the Petitioner's favor in many respects. The Petitioner has received very limited updates in regards to the Parties' Child's activities and updates. To the best of the Petitioner's knowledge there is no evidence contained in the updates the Petitioner has received from the Respondent of the Parties' Daughter having been allowed to, given the opportunity to participate in or receive professional instruction in any extra-curricular athletic activities in which she might enjoy participating. The Petitioner believes that sports, fun, free time and play are exceptionally important to a young girl and would see that such opportunities are provided for the Parties' Child to participate in activities that she enjoys and chooses. The Petitioner does acknowledge that there is documentation from the Respondent of the Parties' Daughter being placed in various academic enrichment programs in addition to her school work, but the Petitioner sees no or very limited documented evidence of balance between academics and other activities. As Paragraph 114 states, to the best of the Petitioner's knowledge, the Parties' Daughter has reportedly only been to the Dentist four times since September 2014. Additionally as Paragraphs 104 thru Paragraph 106 and Paragraph 108 states, the Respondent does not seem to appreciate or understand the medically accepted fact that one's vaccination status can be of exceptionally critical importance.

199. The Petitioner believes that § 5328(a)(11) states:

The proximity of the residences of the parties.

is a factor that is moot at this time. Should a fair decision be reached by the court, the Petitioner will make a reasonable effort such that the residences are in a

reasonable proximity, such that it is in the best interest of the Parties' Daughter.

200. The Petitioner believes that § 5328(a)(12) states:

Each party's availability to care for the child or ability to make appropriate child-care arrangements.

is a factor that is likely weighted in the Petitioner's favor as the Petitioner's typical work week consists of approximately three 12.5 hour days. As such the Petitioner is completely available to care for the child 4 full days every week. The Petitioner does not know if the Respondent is employed at this time, or what hours the Respondent works during a typical work week. Due to the fact that the Petitioner does not know anything about the Respondent's availability, the Petitioner can only surmise that this is a factor that is likely in the Petitioner's favor.

201. The Petitioner believes that § 5328(a)(13) states:

The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.

is a factor that is weighted in the Petitioner's favor. The Respondent's unwillingness and inability to cooperate with the Petitioner is shown by the Respondent's lack of credibility based on the nineteen (19) instances in which the Respondent has intentionally and knowingly provided the Court with false information and the Respondent's action of successfully placing a Temporary Protection From Abuse Order against the Petitioner for having lawfully inquired about the Parties' Daughter's health after having received information from the Petitioner's and his Daughter's Insurance Company. The Petitioner has always

denied perpetrating any physical abuse against the Parties' Daughter, a fact to which the Respondent agreed when the Respondent herself verified in the December 17, 2012 Abuse Checklist – Attachment To PFA Petition (Exhibit O) that the Petitioner has never Physically abused children in the household. It is the Petitioner's view that the Respondent's lack of credibility makes any claims she makes that her actions to "protect a child from abuse by another party" are without merit, and not to be trusted. It should additionally be noted that there are at least three instances of Contempt that have been filed against the Respondent and were placed in abeyance by Judge Ruest. It is the Petitioner's belief that the instances of Contempt that the Petitioner believes the Respondent has committed which are outlined in Paragraphs 86 thru Paragraph 112 of this document further reinforce the fact that the Respondent is unwilling to cooperate with the Petitioner.

202. The Petitioner believes that § 5328(a)(14) states:

The history of drug or alcohol abuse of a party or member of a party's household.

is moot at this time, as to the best of the Petitioner's knowledge the Respondent has no history or alcohol or drug abuse and the Petitioner has no history of alcohol or drug abuse.

203. The Petitioner believes that § 5328(a)(15) states:

The mental and physical condition of a party or member of a party's household.

is a factor that is weighted in the Petitioner's favor. The Petitioner is very concerned about what the Petitioner believes are the nineteen (19) instances in which the Respondent has intentionally and knowingly provided the Court with

false information. The Petitioner is concerned regarding the seeming detachment from reality the Respondent's sworn testimony has from what is documented fact. The Petitioner is concerned regarding the seeming detachment from reality the various documents the Respondent has verified as true which have been shown to contain false and / or contradictory material information. The Petitioner has great concerns in regards to the effect the Respondent's seeming detachment from reality and / or inability to consistently be truthful is having on the Parties Daughter and her development.

204. The Petitioner believes that § 5328(a)(16) states:

Any other relevant factor.

is a factor that is weighted in the Petitioner's favor. Many years ago the Petitioner served in the United States Marine Corps Infantry. The Petitioner rose to the rank of Corporal (E-4), which is a non-commissioned officer, was awarded the Navy Achievement Medal, the Combat Action Ribbon, the Good Conduct Medal, the Sea Service Deployment Ribbon in addition to multiple other awards as documented in the Petitioner's DD-214 (Exhibit ZZB). The Petitioner earned an Honorable Discharge as is noted in Exhibit ZZC. The Petitioner volunteered to serve as he believed, ultimately, that the United States of America was a unique place, with a unique Constitution and a unique Bill of Rights that meant something, and consisted of Real Rights as opposed to, as George Carlin stated many years ago, mere toothless "Temporary Privileges". The fact that the Petitioner's beloved daughter is the one who is paying the price by being denied the presence of her loving father in her life, in exchange for the Petitioner's real world lesson regarding the true meaning and existence of his Constitutional Rights is the bitterest of pills given his honorable service to this nation. In this matter, many,

who know better, have horribly failed an innocent young girl.

205. It is the Petitioner's firm belief and conviction that when all 16 factors specified in Chapter 53 § 5328(a) are examined by a fair and impartial Judge interested in determining what is in the best interest of the child and giving weighted consideration to those factors which affect the safety of the child, at the least, the Court shall grant the Petitioner the following:

- a. The Petitioner to be granted Sole Legal Custody of the Parties Child;
- b. The Petitioner to be granted Primary Physical Custody of the Parties Child;
- c. The Petitioner to be granted the right to communicate by means of any electronic device / method with the Parties' Child;
- d. The Petitioner to be granted the right to utilize video and audio to record any and all interaction the Petitioner has with the Parties' Child and introduce such video and audio recordings in Court as necessary to combat further false allegations perpetrated against the Petitioner.

206. The Petitioner requests the following:

1. Respondent be found in contempt for failing to comply with Paragraph 6 of this Court's Order dated December 27, 2013 (Exhibit ZF), of which the Petitioner originally filed a Petition for Contempt on January 31, 2014 (Exhibit ZA), which the Court placed in abeyance on May 20, 2014 after the Hearing of April 11, 2014;
2. Respondent be found in contempt for failing to comply with Paragraph 1(e) of this Court's Order dated December 27, 2013 (Exhibit ZF), of which

the Petitioner originally filed a Petition for Contempt on January 31, 2014 (Exhibit ZA), which the Court placed in abeyance on May 20, 2014 after the Hearing of April 11, 2014;

3. The Centre County Child Access Center be ordered to release information provided by the parties to the Access Center during the intake process, of which the Petitioner originally filed a Petition for Special Relief on January 31, 2014 (Exhibit ZA), which the Court placed in abeyance on May 20, 2014 after the Hearing of April 11, 2014.

207. Petitioner has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the Child.

Pro Se / Leland Feldman
(Attorney for the Petitioner) (Petitioner)


Phone Number

VERIFICATION

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4909, relating to unsworn falsification to authorities.

8-16-2019
Date

Leland C. Feldman
Petitioner