IN THE SUPREME COURT
STATE OF FLORIDA

BOBBIE SUE WISHART, and
CHARLES F. WISHART,

Appellees, Cross-Appellants,
and Petitioners,

v.

LESLIE M. BATES (BOGGS),
Appellant, Cross-Appellee,
Respondent.

v.

RANDALL A BATES,

Cross-Appellee, Respondent.

CASE NO. 71,370

DCA CASE NO. 86-2408

PETITIONERS REPLY BRIEF

Respectfully submitted,

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true copy of the foregoing was furnished this 5th day of May 1988 to **LESLIE M. BATES (BOGGS)**; Post Office Box 4; Seffner, Florida 33584; and to **RANDALL A. BATES**; 410 West Bloomingdale; Brandon, Florida 33511-7402.

Delivery by HAND [*] MAIL [x]

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BOBBIE SUE WISHART

Charles F. Wishart
CHARLES F. WISHART, Esquire

* Hand delivery to RANDY.
x Mail delivery to LESLIE.

TABLE OF CITATIONS

CITATIONS	PAGE
(a) Florida Supreme Court:	
(2) 1887-1948:	
III-513 **Johnson et al. v. McKinnon,** 54 Fla. 221, 45 So. 23 (1907)	14, 19
IV-695 **Gray v. Gray,** 107 So. 261 (Fla. 1926)	19
IV-693 **Esch et al. v. Forester et al.,** 127 So. 336 (Fla. 1930)	19
(3) 1948-date:	
III-476 **Ryan v. Ryan,** 277 So.2d 266 (Fla. 1973)	13-14
II-219 **Wishart et ux, v. Bates, et al.,** 487 So.2d 342 (Fla. 2d DCA 1986)	19, 20
(f) Florida Statutes (Official)	
III-510 **Section 39.01(27), Definitions- Legal Custody, Fla. Stat. (1977)**	22
III-503 **Section 61.131, Notice and opportunity to be heard, Fla. Stat. (1983)**	6, 25
(i) Florida Rules:	
V-952 **Fla. R. Civ. P. 1.440(a), Setting Action for Trial, When at issue**	4, 14, 18
IV-654 **Fla. R. App. P. 9.020(f), Definitions- Parties**	2
SA-59 **Fla. R. App. P. 9.130(f), Stay of proceedings**	16
IV-656 **Fla. R. App. P. 9.400(a) Costs**	20
III-523 **Fla. Bar. Code Prof. Resp., DR 1-102(A)(4)**	3
III-523 **Fla. Bar. Code Prof. Resp., DR 1-102(A)(5)**	5
III-524 **Fla. Bar. Code Prof. Resp., DR 7-102(A)(1)**	6
III-524 **Fla. Bar. Code Prof. Resp., DR 7-102(A)(3)**	6
III-524 **Fla. Bar. Code Prof. Resp., DR 7-102(A)(7)**	7
III-524 **Fla. Bar. Code Prof. Resp., DR 7-106(C)(4)**	7-8
III-524 **Fla. Bar. Code Prof. Resp., DR 7-106(C)(6)**	7 - 8
(n) Other Citations:	
SA-58 **The Holy Bible, K.J.V., The Companion Bible, Isa. 59, & see pg. 1005 ¶ 15 & note 15**	25

REPLY BRIEF

FORMAT:

To facilitate arguing in response to, and of rebutting the argument presented in the answer brief, that entire document has been folded into this reply brief in a double indented and bolded format with a pagenated copy in the Supplemental Index (SA: p. 1-8).

To avoid confusion the reply brief paragraphs will be numbered.

Additionally, all of the matters found on LESLIE'S page 11 or that were part of the previous summary are deleted and the amended summary argument inserted, as per her instructions to the clerk which accompanied the amended summary argument page.

In addition, since LESLIE has taken certain liberties in alleging facts she did not bother to document, WISHART, rather than striking them, in answering and refuting them, shall supplement the record with a supplemental appendix.

CITATIONS:

Citations will be made as follows:

WISHARTS' Appendix: (A: p. 1)

WISHARTS' Jurisdictional Brief: (WJB: pg. 1)

WISHARTS' Initial Brief: (WB: pg. 1)

WISHARTS' Supplemental Appendix (SA: p. 1)

LESLIE'S Answer Brief: (LA: pg. 1)

PARTIES:

CHARLES, BOBBIE or the WISHARTS, LESLIE, RANDY, and colatterally TIFFANY.

ARGUMENT AND REBUTTAL:

1. The basis issues stem from the WISHARTS being denied due process of law, and taking appropriate means to rectify that to protect TIFFANY and themselves.

2. The record speaks clearly of the many devices used to deny the WISHARTS a fair hearing, and that pattern continues unabated as shall be set forth as LESLIE'S answer brief entitled "RESPONDENT'S BRIEF" is addressed.

3. Let us then start on page 1 of RESPONDENT'S (LESLIE'S) BRIEF which reads:

STATEMENT OF THE CASE AND OF THE FACTS

PARTIES in this case:

TIFFANY BATES, minor daughter,

4. TIFFANY is not a real party, yet, she is the heart and soul of this case, for dissolution of marriage is now automatic, and the point thrust upon us by LESLIE is well taken, that it is TIFFANY'S best interest that should be served.

LESLIE BATES (BOGGS), Tiffany's mother,

RANDALL BATES, Tiffany's father,

5. Randy is a party, yet as was pointed out, he never was served copies of LESLIE'S pleadings in the 2d DCA, which should be procedurally fatal to the opinion, and here LESLIE admits that fact, while at the same time she has once again failed to certify or serve him with any of her pleadings in this matter, a clear violation of Rule 9.020(f), Fla. R. App. P..

BOBBIE SUE WISHART, paternal grandmother,

CHARLES WISHART, Bobbie Sue's husband
(Disqualified as Attorney of record for Bobbie Sue Wishart)

Factual cites to be to:
Petitioners five (5) Volume Appendix as (A: p. 1-4);
Petitioners' Brief as (B: p. 14);

Respondent would first direct this courts attention to "THE FLORIDA BAR'S AMENDED COMPLAINT" A:P.1-4) which stems from Petitioners conduct in this case wherein it is alleged that Charles F. Wishart has violated eight (8) of the Florida Bar Code of Professional Responsibility and Disciplinary Rules; specifially:

6. Here we have an anomaly.

7. WISHART appealed from the Second District Court of Appeal, showing conflict which is well documented, and as would overturn the opinion of that Court's second panel's (A: p. 226-229), and reinstate and enforce the first panel's opinion (A: p. 219).

8. At the same time, CHARLES invoked his Constitutional Officer status on the grounds that the family law system had broken down, that the judges, knowing they were vulnerable to attack have become defensive, such that anyone who tried to follow the law rather than the practice, which would require the use of the extraordinary writs, and great courage, would be attacked by the courts at all levels.

9. Advice to CHARLES came in the form of "It's wrong, but there is nothing you can do about it."

10. CHARLES has never felt that submission to tyranny was either wise, practical or expedient, for of what value is a law license if one cannot compel the courts to follow the law, to search out the truth, and to judge righteous judgement.

11. Yet we now have CHARLES not only charged, but declared guilty (SA: p. 55-56) of refusing to obey void orders, and as well of lying to the court.

12. You cannot fight city hall, that is if the Courts will not follow the law.

13. As a direct result of the Courts abuses, the case is now before the Supreme Court, which is just where it should be, to finally determine whether there is any family law left to practice in this state.

14. To that end, a brief analysis of the charges and defenses shall be set forth.

1-102(A)(4) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

15. The idea that CHARLES lied was never raised once until the bar came in.

16. The basis for the charge is one single event, that CHARLES lied when he told Judge Rawlins that he did not know where BOBBIE was (A: p. 139 lns. 22-25), but that he thought he could find her (A: p. 155 lns. 7-18, p. 158 lns. 21-22 and p. 175 l. 18 to p. 176 l. 21) if TIFFANY were protected and the WISHARTS given a hearing.

17. CHARLES answer was no more that a straight answer to a specific question, combined with his duty to protect TIFFANY, and pursue his appellate remedies, directed to overturn the June 2, 1983 Order, and it's offspring.

18. The idea that CHARLES lied came from a documented liar (A: p. 35-51 and Cf. p. 149 lns. 1-13) and had no validity nor evidence to prove the allegation and much to refute it (A: p. 561 to p. 567 l. 2).

19. Experience shows (Holy Bible, K. J. V. Matt. 7: 1-2) that when one has no other proof, the person making judgement imputes their own motives to the actions of the person they are judging, and that is what HOFT did (A: p. 153 lns. 13-25).

20. It is significant that neither HOFT nor JUDGE RAWLINS, who bought HOFT'S analysis, testified to CHARLES alleged lie.

21. JUDGE V. EVANS was put on to prove CHARLES and BOBBIE lied, but not as regards where BOBBIE was, but rather the deception created by the Trial and Appellate Judges, that the WISHARTS had lied to the first panel, by stating they did not have a hearing when they obviously had (A: p. 925-927 and Cf. 928-941).

22. Knowing CHARLES could impeach either HOFT (A: p. 34-51) or JUDGE RAWLINS (Cf. A: p. 146 l. 11 to p. 147 l. 7 with p. 166 l. 22 to p. 168 l. 18) the BAR determined to show CHARLES to be a liar with JUDGE V. EVANS' order that was not even past the time for appeal notice, and which is manifestly false since the WISHARTS' appealed on the violation of **Rule 1.440, Fla. R. Civ. P.** as has been shown from the record, which of corse the BAR did not bother to check.

23. Fortuitously, over CHARLES' objection to admitting an active order as proof as anything, or placing a trial judge to cross-examination (SA: p. 16 line 17 to p. 18 l. 19), which seems quite a unique opportunity, such that CHARLES was delighted to cross-examine JUDGE V. EVANS (SA: p. 11-54) who testified regarding his "Order Granting Motion for Involuntary Dismissal" (SA: p. 17 lns. 10-14, and A: p. 925-927) which clearly

shows JUDGE V. EVANS tried to call the WISHARTS liars (SA: p. 42 l. 1 to p. 43 l. 11) as had the 2d panel of the 2d DCA, until the WISHARTS argued their rehearing motion, (A: p. 928-941), since the record showed they had made no such claim, forcing JUDGE V. EVANS to change his tune (SA: p. 942-943) so that he then was forced to justify the involntary dismissal, not because of the WISHARTS' purported lie, but by declaring the recommendations of Drs. Lipschutz (A: p. 204) who was HRS'S doctor (A: p. 199-200 ¶ 2), Hough (A: p. 16, 205-206) who testified before JUDGE MENENDDEZ, Hedrick (A: p. 207, 295-296,) who testified before JUDGE MENENDEZ, and Hillseth (SA: p. 208- 210) who testified for the first time before Judge V. Evans in 1987, all of which, with the agreement of PRIEDE, the Court Concellor, corroborated the medical neglect issue and reccommending that TIFFANY be with the WISHARTS (Cf. SA: p. 46 l. 20 to p. 48 l. 14), to "...show no right to relief...." (A: p. 925) without showing why all of these doctors were irrelevant.

24. Of course the evidence was old, but that was because the judges had refused to obey the first panel's mandate by returning TIFFANY to the WISHARTS' primary residency, or even with rare exception to enforce the visitation, such that it has been years since the WISHARTS have seen her, but clearly JUDGE V. EVANS thought he could mark the WISHARTS as liars and thus dispose of this troublesome case, a feat his predecessors had failed to accomplish.

25. It is the specific judges, that either are lying or have a disdain for the truth, and the BAR has happily joined into the deceit, and while it is sad to have to say such, it is imperative for the Supreme Court to intervene on the WISHARTS' behalf wherever this tyranny spreads.

DR 1-102(A)(5) engage in conduct prejudicial to the administration of justice;

26. It is not prejudicial to justice to withstand tyranny, to refuse to obey void orders, and rather the WISHARTS should be commended, for exposing such abuses, but rather, TIFFANY should be returned to their custody instantly.

> **DR 7-102(A)(1) file a suit, assert a position, conduct a defense, delay a trial, or take other action on behalf of his client which he knows or when it is obvious that such action would serve merely to harass or maliciously injure;**

27. When JUDGE KNOWLES finally understood that the WISHARTS lost their custodial status over TIFFANY without being afforded an opportunity to be heard and present evidence (A: p. 431 lns. 14-24) he recused himself, and found that a trial de nova was in order (A: p. 93).

28. Judge Steinberg then gave primary residency to BOBBIE.

29. In like kind, the first panel of the 2d DCA reversed and remanded the Final Judgement of Judge Menendez.

30. Clearly, the WISHARTS have not only put forth positions, but prevailed in each round but the last each time, and that because the Courts perceive the WISHARTS as enemies rather than friends, that want first to protect TIFFANY, and secondly to reestablish the law and thereby a defense to dissolution of marriage by restoring the clean hands doctrine, and good moral values to undergird the law.

> **DR 7-102(A)(3) conceal or knowlingly fail to disclose that which he is required to reveal;**

31. WISHART did not know where BOBBIE was, but he would neither lie nor tell had he known her whereabouts since the WISHARTS had legal custody of TIFFANY since (1) the 2 June 1983 Order (A: p. 12-13) was, as a violation of **Section 61.131, Fla. Stat.** void, and as well voided by the Order of 29 November 1983 (A: p. 93).

32. Since the matter was resolved by JUDGE RAWLINS' granting the WISHARTS a hearing before JUDGE STEINBERG, the WISHARTS did not have to (1) go farther in over-

turning the void orders, (2) by Habeas Corpus if CHARLES was left in jail, or (3) by a suit in federal court, for CHARLES was hardly through in pursuing appelate remedies.

33. The Steinberg Order resolved that immediate crisis.

34. There was never a reason to lie and CHARLES did not, and no doubt he could have invoked the attorney-client, husband-wife, pastor-parishoner, and perhaps other privileges, including the fact that he was still running his appellate remedies when each crisis was resolved in his favor, and he had no reason to either lie or disclose the whereabouts of BOBBIE or TIFFANY, so it is proof of the Courts tyranny that he has been found guilty of lying without proof.

> **DR 7-102(A)(7) counsel or assist his client in conduct that the lawyer knows to be illegal or fraudulent;**

35. Clearly, all of these matters that have so upset the Courts are the results of CHARLES skills and courage to identify void orders and overturn them.

36. It is manifest that at worst the WISHARTS and the Courts are arguing about what the law is, which is hardly a breach of ethics for an attorney or a citizen, save for the fact that both the law and the facts are well settled, there is no justiciable issue of either fact or law, and CHARLES is entitled to a fee award from the BAR for filing a sham pleading against him as though he could not treat void orders as void.

> **DR 7-106(C)(4) assert his personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocense of an accused; but he may argue on his analysis of the evidence for any position or conclusion with respect to the matters stated herein;**

35. CHARLES was and is a party to the suit, and no doubt can do all of those things in either his attorney or his party status.

> **DR 7-106(C)(6) engage in undignified or discourteous conduct which is degrading to a tribunal;**

36. As had JUDGE RAWLINS, JUDGE EVANS, testified that CHARLES was respectful to him (SA: p. 51 l. 18 to p. 53 l. 1), save that he argued with him but, **Fla. Bar Code Prof. Resp., DR 7-106(C)(4)**, seems to allow polite argument when it provided:

> ...(H)e may argue on his analysis of the evidence for any position or conclusion with respect to the matters stated herein;

37. Clearly arguing to make a record against for example a ruling that lying and morals are irrelevant to the fitness of LESLIE (SA: p. 23 l. 11 to p. 25 l. 17 and p. 53 l. 5-19) is imperative for it goes to the heart of the WISHARTS case, LESLIE'S fitness (A: p. 248-251), and for a judge to shut off argument before the record is complete is a denial of due process of law, and especially when it consists of refusing to consider perjury and immoral conduct as being irrelevant to the fitness of LESLIE.

38. Of course it is this general attitude found with the social workers, HRS in particular, and far too commonly with the judges, including specifically JUDGE V. EVANS, namely that moral judgements cannot be made since that would impose religion on people, for this has caused the breakdown of family law, and no amount of better administration, nor more specialiation can cure that fatal flaw.

> **Rule 7 106(C)(7) intentionally or habitally violate any established rule of procedure or of evidence.**

39. WISHART has violated no established rules of either procedure or evidence, but on the contrary had been meticulous in obeying the rules, for otherwise real charges would have been filed, and the WISHARTS would have been out of Court long ago.

> **Respondent has been found repeatedly, by the courts, to be a fit and proper person, but has been in litiation for almost five (5) years due directly to Petitioners obsession to have possession of Tiffany by any means, and regardless of how detrimental it is to Tiffany.**

40. The case began with RANDY (A: p. 9 ¶¶ 6-7, p. 10 ¶¶ 14, 1-2) and the WISHARTS alleging LESLIE to be unfit (A: p. 17-19) due to inter-alia her immaturity and inability to care for TIFFANY, and the case has enlarged to the point that LESLIE lies at every turn (A: p. 34- 51, p. 248-251) and that extends to her answer brief as will be documented.

41. LESLIE was found unfit by JUDGE STEINBERG (A: p. 201-202) and that order has never been lawfully reversed, and that on moral grounds.

42. What LESLIE is speaking of when she claims a long line of decisions that she is fit, is that no trial judge since JUDGE STEINBERG, including JUDGES FALSONE, HODGES, and TAYLOR who found her in contempt, would declare JUDGE MENENDEZ'S "Final Judgement" to be void, and that includes after the 1st panel's mandate, and the natural consequence of that position required the 1st panels opinion to be construed to mean that the WISHARTS claimed they had not had a hearing, so all they were entitled was a hearing, leaving the Final Judgement intact, with LESLIE declared fit, and since the record reflects the contrary, the Courts were then compelled to cover their deception by charging the WISHARTS with lying to the first panel (SA: p. 40 l. 7 to p. 43 l. 12), and of course, since the matter is in effect being tried in the lunchrooms of the Courthouse (SA: p. 39 l. 11 to p. 40 l. 5), it was a short step for the 2d panel of the 2d DCA to pick up the same theme (A: p. 228), and thus to overturn the 1st panels decision, while of course ignoring the law of res judicata.

43. Had the WISHARTS known they had not prevailed they would have appealed, but they did prevail, they reversed and remanded the final judgement, and LESLIE'S findings of fitness are based solely on the final judgement which is now not only void but voided.

Respondent filed her "PETITION FOR DISSOLUTION OF MARRIAGE AND FOR CHILD CUSTODY" (A:p. 5-8) on 1 June 1983, the petitioners were included as respondents in the initial petition because they refused to relinquish physical possession of Tiffany, stating that Randall "gave" Tiffany to them and instructed Respondent to "take us to court".

44. Most of this is true save for the allegation wherein LESLIE states that one of the WISHARTS told her to "...take us to court."

45. That was inconsistent with the WISHARTS' desire to reconcile the marriage (SA: p. 18 ¶ 3) and the WISHARTS never told her that.

46. The probable source is the Sheriff who accompanied her to take TIFFANY from the WISHARTS, and reccommended she file a suit when the WISHARTS refused, but the statement as made is false, although LESLIE has been repeating it for this many years.

The issue was ready for a final hearing in November 1983, as is evidenced by the letter of the Honorable Phillip L. Knowles to Petitioners dated 21 November 1983 wherein he states:

"...Mr. Hoft has filed a motion for a final hearing." (A:p. 84)

Petitioners were successful in delaying the Final Hearing until December of 1984 by abuse of the motions practice, misleading the courts, and refusal to obey court orders. (A: p. 1-4)

47. The delays from June to December 1983 were caused by the deceit and trickery of LESLIE through HOFT, including his failing to answer WISHARTS' conterclaims, which led to the confrontations in December wherein the WISHARTS had TIFFANY returned to them by JUDGE STEINBERG.

48. The next series were skirmishes wherein HOFT tried to return TIFFANY to LESLIE.

49. A trial was set for 5 March 1984 by JUDGE RAWLINS (SA: p. 56-57 ¶ 2), but JUDGE RAWLINS left the division, and at the pretrial before Judge Menendez, LESLIE fired HOFT for the stated reason that he would not guarantee that he would "win", and she would not pay him unless he made that guarantee.

50. Thereafter LESLIE employed TABIO, and thereafter RANDY lost his attorney Tom Fay who went to bible college to train as a marriage counsellor to try to fix what the WISHARTS are contending for.

51. The WISHARTS were given little say in the settings of trial or pretrial during this period as it was done unilaterally and without their being consulted.

52. Their primary involvement was in response to LESLIE'S motions throughout 1984.

53. JUDGE MENENDEZ did not even listen to CHARLES attempts to protest his forthcoming and illegal "final hearing." (A: p. 258-259)

54. It is therefore false to blame the "delays" of 1984 on the WISHARTS, save that they intended to have a fair trial or none at all.

The "PRETRIAL CONFERENCE ORDER" dated 22 August 1984, set this case for trial in December 1984. (A:p. 244-247). This order states:

> **"...the WISHARTS' shall have the right to file an amendment to their pleadings to prove the doctrine of unclean hands, to be filed within ten (10) days from the date of this order".**

55. Here the WISHARTS agree with LESLIE, but as history shows, the "clean hands" doctrine is given no place in the family law of Hillsborough County, or HRS, for otherwise, neither LESLIE nor her attorneys would have dared to lie with such impudence, but since there is no punishment for lying, LESLIE is still in court, and her manifest unfitness is declared fit.

56. Of course it is poetic, although hardly justice, that since the liars are immune, that CHARLES is accused and convicted of lying to both the 2d panel of the 2d DCA, and to Judge Rawlins who did in fact lie to CHARLES.

57. This case is turning into a tragi-comedy, or perhaps Alice in Wonderland.

In Petitioners "MOTION FOR FINAL JUDGEMENT REGARDING THE HABEAS CORPUS, and CONTEMPT" (A: p. 413-421) they state:

> **"on the 4th days of December 1984 WISHART filed, pursuant to Court Order, their GRANDPARENTS' AMENDED ANSWER FIRST AFFIRMATIVE DEFENSE".**

58. Clearly the WISHARTS are found out, by their pleadings, and their exhibits to have transposed a month.

59. Rather yet, let us consider this a matter of clerical error, for the pleading in question was in deed filed timely on the 4th day of not December but September.

Being aware of the petitioners abuses of the motions practice, the Honorable Manuel Menendez disposed of Respondents "MOTION TO STRIKE FIRST AFFIRMATIVE DEFENSE ALLEGED IN GRANDPARENTS' AMENDED ANSWER (A:p. 211-218) wherein:

"The court finds that the wife's Motion to Strike the grandparents' Amended Answer shold be denied and instead, treated as a denial of the allegations contained in the Affirmative Defenses filed by the Wisharts."

60. There is no doubt that the "motion practice" was abused by the Courts, but not by the WISHARTS.

61. Most of the motions in 1983 were by WISHART trying to overturn the loss of TIFFANY without being heard, and to invoke the clean hands doctrine against LESLIE for the lies told that denied the WISHARTS a hearing and a default, since a lie could not possibly be used as an excusable neglect.

62. In 1984 LESLIE was trying to overturn the Steinberg Order, but while there was no clear order to that end, the Courts being effectively thwarted by the simple fact that the WISHARTS got TIFFANY well as they had said they would and she stayed that way until JUDGE MENENDEZ turned her over to LESLIE in December 1984.

63. A certain portion of that pleading was by LESLIE who had been cut off from certain visits, by Doctors orders, due to her neglect of TIFFANY during her visits.

64. Of course after December 1984, the pleadings were directed to the WISHARTS' challenges to the legality of the Final Judgement, and finally has dwindled to motions by the WISHARTS for either the return of TIFFANY to their lawful custody, or in the alternative enforcement of any one of several visitation plans granted them in lieu of that visitation, all of which have been unlawfully denied the WISHARTS.

65. The net result of course has been the unlawful severance of the WISHARTS from all contact with TIFFANY since October 18, 1986.

66. There is abuse of the motions practice, and that by the Courts.

67. The example used by LESLIE makes the point.

68. She cited the Final Judgement, which reflects the fact that the matter was not at issue when the case was put to trial illegally, but a reference to the Pretrial Order is in order to see what was behind the amendment the Motion to Strike was directed to.

69. The WISHARTS had filed motions directed at the dismissal of LESLIE'S pleadings based upon her deceit bringing the clean hands doctrine into play (A: p. 245 ¶ 3 and 246 ¶ 10(c)) and JUDGE MENENDEZ had, rather than granting the WISHARTS motions, declared the matter moot, and as well allowed the WISHARTS an opportunity to plead the matter for presentation at the upcoming trial.

70. **Ryan v. Ryan,** 277 So.2d 266 (Fla. 1973) holds that at least deceit and fraud are still grounds for the application of the clean hands doctrine, the documentation of the fraud and deceit by LESLIE and her attorneys (A: p. 34-51 and SA: p. 33 l. 3 to p. 36 l. 15) is clear, yet it was never applied, and here we have JUDGE MENENDEZ sidestepping his duty by granting their

> ...request for leave to amend their pleadings in order to plead, as a defense, the doctrine of clean hands.... (A: p. 245 ¶ 3)

71. Why would the WISHARTS want to amend rather than be given a dismissal of LESLIE'S pleadings and the denial of Chancery jurisdiction to her for her many lies.

72. The answer is simple, JUDGE MENENDEZ refused to hear and rule on the matter, so he declined, declaring the challenge to the jurisdiction of the Court to be "moot at this time" (A: p. 246 ¶ 10(c)).

73. The result is that the question now before the Supreme Court is whether that question is still moot at this time, or whether the law will be applied.

> **The final hearing of December 1984 granted the natural mother and father shared custody, with primary residency to be with the mother.**

74. The Final Judgement was put to trial while not at issue, was reversed by the 2d DCA, and is both void and voided thereby, LESLIE is unfit, and the WISHARTS are entitled to custody of TIFFANY and a dismissal of LESLIE'S case.

> **Petitioners appealed the Final Judgement, and because the Second District Court of Appeals was of the understanding that Petitioners had been denied the opportunity to be heard, its mandate of 2 April 1986 granted petitioners:**

"only the opportunity to be heard or their petition for Custody of their granddaughter" (A:p. 925-927).

75. LESLIE was a party to that appeal, she received the WISHARTS' pleadings, including their initial brief and she well knows that they reversed the Final Judgement on the grounds that the matter was put to trial while the pleadings were not at issue.

76. Having cited not the opinion of the 2d panel of the 2d DCA (A: p. 226-229), but rather JUDGE V. EVANS' Order of involuntary dismissal (A: p. 925-927), and having received WISHARTS' copy of their Motion for New Trial (A: p. 928-941) and JUDGE V. EVANS retreat from the position he took in his initial order (A: p. 942-943), since it is clear that the WISHARTS reversed the final judgement (A: p. 219) on the grounds that **Rule 1.440, Fla. R. Civ. P.** had been violated (A: p. 586-594 and p. 355) and not because they claimed they had not had a hearing (A: p. 737-751).

77. LESLIE is without excuse, she knows the truth, and is therefore lying to the Supreme Court, and an application of the Clean hands doctrine will resolve this case.

78. The problems with the motion practice is that the Judges have lost the power to judge because they believe the clean hands doctrine is abolished in family law under **Johnson v. Johnson, 284 So.2d 231** (Fla. 2d DCA 1973) wherein the 2d DCA failed to mention the reservation regarding fraud and deceit in the **Ryan** case they cited.

79. Of course, we must wait the outcome of this case to know.

Petitioners delayed this "opportunity to be heard" until hearings commenced on 23 June 1987.

80. WISHARTS' evidence of medical neglect requires a showing of a recurring pattern of neglect by LESLIE.

81. But the Courts have refused to allow even the visitation granted in the final judgement, as amended, such that the "valid" Final Judgement is void as it relates to the WISHARTS, and therefore the WISHARTS demanded the return of TIFFANY and a period

of delay in order to reestablish a pattern, that is if the Courts continue to refuse to apply the clean hands doctrine to LESLIE.

82. The Courts have deliberately shut the WISHARTS out contrary to law (A: p. 592 ¶ 6), and have then put them to trial with "old" evidence.

83. It is the equivalent of shooting fish in a barrel.

Five (5) days of further hearings, before the Honorable Judge Vernon Evans, resulted in the "ORDER GRANTING MOTION FOR INVOLUNTARY DISMISSAL OF THE WISHART CONTER-CLAIM FOR CUSTODY OF TIFFANY BATES" being rendered on 17 July 1987. (A:p. 925-927)

84. WISHARTS' motion (A: p. 928-941) shows why the matter should not have been tried, certainly not by JUDGE V. EVANS, and that the WISHARTS were denied the opportunity to present the evidence relating to LESLIE'S unfitness.

85. The entire trial was based upon the validity of the void and voided Final Judgement, leaving LESLIE fit, and the WISHARTS retrying a matter due to their deception of the first panel of the 2d DCA.

86. As a result, JUDGE V. EVANS insulted the WISHARTS, their witnesses, and constantly commented about each new piece of evidence, as though it was a waste of his time, and consequently ignored the evidence the WISHARTS presented.

87. When the WISHARTS gave their directions to the reporter asking for excerpts of the times JUDGE V. EVANS made such disparaging remarks, the reporters refused stating that the remarks were made regarding nearly every submission of evidence.

88. Clearly JUDGE V. EVANS intended to dismiss the case from the start on the basis of their having "lied" to the 2d panel of the 2d DCA.

Respondent prevailed again because she is a fit and proper parent.

89. LESLIE prevailed because the evidence regarding her fitness, her lying and her medical neglect were ignored, and often refused admission.

Petitioners state that the courts have tried to shut them out. However, it appears that the Courts are very open to petitioners. For example, their brief for this appeal was due on 14 March 1988. This Court accepted

their "MOTION FOR EXTENTION TO FILE BRIEF" ON 15 March 1988 in contradiction of it's guidelineswhich states:

> **"Motions for extension filed on the due date or after a brief is due will be denied.**

90. The record here developed reflects the WISHARTS to be on the short end of justice so long as the law is so easily thwarted, and the 1 day extension is nothing more than common courtesy.

On 19 March 1988, Respondent received Petitioners "NOTICE OF APPEAL" directed at the "ORDER GRANTING MOTION FOR INVOLUNTARY DISMISSAL OF THE WISHART COUNTER-CLAIM FOR CUSTODY OF TIFFANY BATES" dated 17 December 1987, Nunc Pro Tunc, 14 December 1987, reh. den. 16 February 1988. (A:p. 925-927)

91. Clearly, the same matters the WISHARTS are objecting to in the present appeal are those matters that caused them to be abused and then expelled by JUDGE V. EVANS.

92. It is not clear however that a notice of appeal was necessary until this appeal runs its course since **Rule 9.130(f), Fla.** R. App. P. would, since the initial appeal to the Supreme Court was an interloctory appeal, provide a stay of JUDGE V. EVANS Involuntary dismissal so long as this case is pending.

93. Therefore, the notice of appeal having been filed out of an abundance of caution may not have been necessary, as the case is stayed automatically by the Rule.

Petitioners Brief and Appendix is but another example of Petitioners inability to state true and actual facts.

Petitioners INDEX TO APPENDIX-VOLUME IV reflects that there is a document entitled ADJUDICATION OF CONTEMPT, ORDER REGARDING TEMPORARY CHANGE OF CUSTODY, and NOTICE OF HEARING, by Judge Falsone, dated 25 Feb. 86 on page 755-756.

When in actual fact the document on pages 755-756 is "ADJUDICATION OF CONTEMPT, ORDER REGARDING TEMPORARY CHANGE OF VISITATION, and NOTICE OF HEARING" by Judge John C. Hodges dated 25 February 1986.

94. Again LESLIE has found a clerical error, and wants to declare it a lie, even though the WISHARTS provided a copy of the document in their appendix (A: p. 756),

from which document it may be shown LESLIE erred as well in correcting the name of the judge signing the order which is John G. not John C. Hodges.

95. It should be noted that if all LESLIE can find to accuse CHARLES are clerical errors and not deceit, then CHARLES would take that as proof of his integrity.

ARGUMENT

This entire case is lacking merit.

96. Rather this case cuts to the fundamental principles of justice and due process of law, whether attorneys are to be the lapdogs and servants of a politically oriented judiciary, or can they depend on the courts to defend them whenever tyranny manifests.

If not for the unprofessional misconduct of the petitioners, this litigation would not be in the judicial system.

97. But for the breakdown of the Family Law System, and the discarding of the clean hands doctrine, and morals in general, which would compel the truth to come forth, this case would either be dismissed against LESLIE, or she would long ago have cleaned up her act and an accomodation within the family would have been made.

On 2 April 1986 Petitioners were granted an opportunity to further hearing on the custody portion of the Final Judgement, which was not altered.

98. LESLIE admits that the WISHARTS had a prior hearing, but she refuses to admit that the Final Judgement was reversed notwithstanding the fact it specifically says reversed.

99. What LESLIE and the Florida Bar might call unprofessional conduct CHARLES calls resistant to tyranny in a bar which is losing its right to regulate attorneys who are willing to resist tyranny.

Petitioners delayed having a hearing until June 1987. "Further hearing" consisted of two days in June, 2 days in September and concluded on 14 December 1987. Custody portion of Final Judgement was not altered.

100. Having discussed the causes of delays, and of JUDGE V. EVANS motives, the matter will not be restated.

Now, April of 1988, Petitioners object to the 1984 hearing, the 2 April 1986 2d DCA mandate, the 7 August 1987 2d DCA mandate, and the 1987 hearing on the custody portion of the Final Hearing.

101. WISHART accepts the 2 April 1986 (A: p. 222) and the May 16 1986 Mandate that accompanied it, save for the fact that having prevailed, and reversed the Final Judgement, the WISHARTS cannot reap the benefits of that mandate, and as to the other matters, they reflect a denial of due process of law for the reasons developed above.

Respondent objects to Tiffany's welfare being sacrificed and overlooked because of Petitioners ambitious attempts to undermine the legal system.

102. WISHART would emphatically state that there is no ambitious attempt to undermine the legal system, but rather a simple desire to protect TIFFANY, and as well to preserve CHARLES right to practice law, by exposing and overturning tyranny whereever it interferes with the prosecution of the law.

The Clean Hands Doctrine to which the Petitioners refer must be applied to Petitioners conduct in this issue, and it is further evidence that the issues in this appeal must be dismissed and this case brought to an end.

103. Here the WISHARTS agree, but with a different end than that LESLIE envisions.

QUESTION I

WHEN A MATTER IS PUT TO TRIAL, IN VIOLATION OF RULE 1.440, FLA. R. CIV. P., OVER OBJECTIONS, SHALL NOT THE JUDGEMENT THAT ENSUES BE VOID AND THE PARTIES RESTORED TO THEIR STATUS AS THOUGH THE TRIAL NEVER OCCURED AND THE JUDGEMENT WAS NEVER RENDERED?

With reference to this case, Petitioners insist on, then object to, being heard. If an attorney continally files motions in order to keep an issue from coming to trial, and to maintain the status quo, then there must be some relief in order for the issue to move forward.

Petitioners had insufficient evidence and testimony to prevail, otherwise they would have been anxious to bring it to trial, rather than file motions, raise objections, and use other delaying tactics to prevent a speedy trial and conclusion.

The parties cannot be restored to their status as though the trial never occured. Shortly after the final hearing in December 1984, both Respondent and Randy were remarried. Shortly thereafter, Randall and his new wife became parents of two daughters, and Respondent and her new husband became parents of a son.

Tiffany is with her mother and brother where she rightly belongs.

Randall, Respondent and Tiffany are going forward with their lives. It is only the Petitioners who want to go back five (5) years in time.

104. Since LESLIE did not address the issue the WISHARTS would assume that the reversal of the Final Judgement requires the return of TIFFANY pursuant to the holdings of **Johnson et al. v. McKinnon,** 54 Fla. 221, 45 So. 23 (1907); **Gray v. Gray,** 107 So. 261 (Fla. 1926); **Esch et al. v. Forester et al.,** 127 So. 336 (Fla. 1930) and the cited rule, the balance of the comments being irrelevant, save that neither RANDY nor the WISHARTS get to see TIFFANY.

QUESTION II

DID THE SECOND DISTRICT COURT OF APPEAL OPINION AND MANDATE IN THE WISHART V. BATES, 487 SO. 2D 342 (FLA. 2D DCA 1986) IN REVERSING THE "FINAL JUDGEMENT OF DISSOLUTION OF MARRIAGE" THEREBY VOID THAT JUDGEMENT?

NO. That opinion and mandate did not reverse nor void the "FINAL JUDGEMENT OF DISSOLUTION OF MARRIAGE".

The case was remanded to the trial court for further hearing on the custody issue only.

105. No doubt a distinction had to be made between the dissolution of marriage, and the child custody portions of the final judgement, but having reversed the Judgement, it can have no binding effect on the WISHARTS without denying them the due process the opinion states they were denied.

Petitioners did not have evidence to support their allegations at the onset of this case, and five (5) years of litigation has not changed that fact.

106. Documented lying, immoral conduct, medical neglect of TIFFANY, and LESLIE still insists the WISHARTS have no evidence.

Since the Second District Court of Appeals filed their opinion 16 May 1986, the mandate has been repeatedly clarified for the Petitioners in that the Final Judgement was neither void nor reversed. (A:p. 219, 221-222, 223-225, 226-229)

107. At least LESLIE agrees that the WISHARTS tried repeatedly to overturn the void Final Judgement and to enforce the mandate once the Judgement was reversed, and yet all of that to no practical avail since they do not have TIFFANY in their care.

108. The beauty of a void order is that it can be attacked forever, unless the petitioner runs out of courts that will receive petitions to overturn the void order.

QUESTION III

ARE THE WISHARTS ENTITLED TO THE AWARD OF APPELLATE COSTS AFTER HAVING PREVAILED BEFORE THE 2D DCA IN THE CASE OF WISHART V. BATES, 487 SO.2D 342 (FLA. 2D DCA 1986)?

Petitioners did not prevail and are entitled to nothing.

The outcome of the final hearing was not altered.

Through deceit and dishonesty they gained an opportunity to present further evidence and testimony on the custody portion of the Final Judgement, neither of which they had?

109. A reversal for whatever reason, grants costs unless ordered otherwise, and since no such order was entered as required by **Rule 9.400(a), Fla. R. Civ. P.** the WISHARTS are entitled to costs.

110. Here LESLIE reiterates the lie devised by the trial and appellate courts, that the case was not appealed on the Rule violation, which LESLIE knows full well to be a lie, which was and is intended to inpune the WISHARTS.

It was not a retrial, but further hearing which was actually Petitioners resubmitting old testimony and old evidence which were already in the records. (A:p. 925-927)

111. Much of the evidence was used before, but Dr. Hillseth testified for the first time, and as well Carole Priede, Court Counselor who had written three social reports but had not testified, nor been subject to WISHARTS' cross-examination before JUDGE MENENDEZ, since she was in the hospital and could not testify notwithstanding the fact she was under WISHARTS' subpoena.

112. There was even one piece of evidence that reflected that LESLIE was still neglecting TIFFANY'S medical in December 1985.

113. But in any case, it was to be a trial de nova since the first was a mistrial.

Respondent has been unduly subjected to five years of slander and vile allegations and harrassment from the Petitioners but they have not prevailed.

114. Slander is hardly the word for the truth is a defense to a charge of slander.

115. Note that LESLIE has not denied the lies charged to her, nor the points of law and the facts the the WISHARTS are relying on, but she is relying on the results of the Courts abuse of the WISHARTS to justify herself, while the record reflects her mentors have committed fraud and deceit themselves in a desperate move to stop the WISHARTS.

QUESTION IV

DOES NOT THE PRINCIPLE OF RES JUDICATA BAR THE SECOND PANEL WHICH HAD NO ACCESS TO THE RECORD OF APPEAL TO OVERTURN THE JUDICIAL WORK OF THE FIRST PANEL OVER 16 MONTHS LATER AND PARTICULARLY WHEN THE PLAIN MEANING OF THE PRIOR OPINION OF THE FIRST PANEL WAS LOST ON THE SECOND PANEL SINCE THEY CLEARLY DID NOT LOOK BEHIND IT?

Each issue stands on its merits.

Petitioners did not prevail at the first panel. The Final Judgement was not overturned.

Respondent prevailed at the second panel.

Petitioners refuse to comprehend, understand, or accept any order that is contrary to their demands, but deliberate misinterpretation does not alter legal documents.

116. Clearly res judicata applies to the attempt of the second panel to reverse the first panels opinion reversing the Final Judgement as it effects the WISHARTS relationship to TIFFANY.

117. How can LESLIE prevail when the opinion of the second panel of the 2d DCA is based on facts that do not exist, and which violate both law, rules and reason, and con-

trary to LESLIE'S words, misinterpretation does alter legal documents, until the error can be corrected.

QUESTION V

COULD LESLIE RAISE THE ISSUE OF CHANGE OF VISITATION IN THE GUISE OF AN ILLEGAL GRANTING OF CUSTODY WITHOUT AN EVIDENTIARY HEARING WITHOUT RUNNING AFOUL OF THE CLEAN HANDS DOCTRINE?

Petitioners have never had legal custody of Tiffany.

118. The WISHARTS began with a guardianship status pursuant to **Section 39.01(27), Fla. Stat. (1983)** when RANDY gave them a letter of guardianship (A: p. 20) along with physical custody.

119. That status was changed to temporary primary residency in BOBBIE by the STEINBERG ORDER (A: p. 201-202) which Order is still the outstanding legal order.

The courts have consistantly established that the Respondent is a fit and proper parent; that the Petitioners allegations are withot merit; and has further documented that contact with the Petitioners is detrimental to Tiffany.

120. This matter having been discussed will not be restated.

121. The matter of the WISHARTS being detrimental is a result of an HRS report wherein the WISHARTS evidence was ignored, and which was written from whole cloth, and the WISHARTS were not even allowed, by JUDGE V. EVANS, to finish their cross-examination of the writer Margaret Murphy (A: p. 932 ¶¶ 17-28).

QUESTION VI

WHAT ARE THE CAUSES THAT LED TO THE BREAKDOWN OF THE FAMILY LAW COURT IN THE STATE OF FLORIDA, AND WHAT ARE THE REMEDIES?

Respondent would suggest that if this is a valid question, Petitioners misconduct may be the cause; removing Petitioners from the system may be the remedy.

122. The removal of CHARLES seems to be a distinct posibility, but not for cause.

Petitioners are abusing the Family Law Courts, they caused the final hearing to be delayed from mid 1983 until Deember 1984, were granted "further hearing" April 1986, and then delayed that "opportunity" until June 1987.

123. Who is abusing who and what shall be left up to the Court.

Petitioners insist on, then object to, being heard.

124. The matter having been covered will not be restated.

Charles Wishart, officer of the court, was jailed twice, and rightly so, because of his flagrant, deliberate CONTEMPT OF COURT as is referenced throughout Petitioners Appendix. (A:p. 1-4)

125. CHARLES went to jail, as a means to obtain a hearing as would overturn the void orders and protect TIFFANY.

126. Clearly habeas corpus is a rapid appellate remedy when a child is at hazard.

127. Note that it was the courts that violated the law, hearings were denied, and that it was the WISHARTS running to the Courts each time, with the desire to be heard.

128. Further, the WISHARTS were never adjudicated guilty of contempt, and there was never a reason for CHARLES to be jailed, since he was before the court each time.

129. However, it is worthy of note that these necessary tactics as protected TIFFANY brought the ire of the lunchroom group on CHARLES.

130. They are clearly intending to deliver a message, and that message is clear.

131. CHARLES answer to that message is the prior litigation and the present case, if an attorney at law may not practice law without submitting to the approval of a clique, whether they be attorneys, judges or any other group gathered to arbitrarily control the courts, then that law license is worthless to CHARLES, for he will not sacrifice his character for either wealth, or acceptance from a corrupt system, but is more than willing to admit that the system is in need of repair, and is fully and well prepared to help to correct the errors that led to this debacle.

SUMMARY OF ARGUMENT

This litigation is lacking merit and is a sham, the issues of this appeal are frivolous as these questions are not a true reflection of this case, and Petitioners are now attempting to mislead the higher court.

Petitioners have never had legal custody of Tiffany.

The issue was ready for trial in November 1983, but Petitioners delayed it until December 1984, wherein Respondent prevailed at Final Hearing.

Petitioners appealed. The mandate of the first panel has been repeatedly clarified by the 2d DCA and trial judges in that the Final Judgement was never voided nor reversed.

The courts have established that vistation with Petitioners is detrimental to Tiffany, mostly because of their repeated abductions and defiant refusal to obey court orders.

The second panels mandate was unrelated to the first panels mandate, as the second mandate was in reference to appellate costs and visitation being granted at a procedural hearing.

Respondent has consistently prevailed on the true issue. Petitioners have succeeded in abusing rights, privileges, delaying justice, and abusing and missing the legal system.

Every man is entitled to a day in court, but five years?
Every man is entitled to an appeal, but five years?

The principle of Justice implies that one cannot pervert justice, and justice, and justice delayed is justice denied.

132. Since this has been rehashed over and over, no further comment will be made save that LESLIE never denied she lied, nor that the WISHARTS reversed the Final Judgement by invoking the rule violation, and in general she neither impeached nor refuted any of the WISHARTS facts or law, and of course she could not.

CONCLUSION

The issues before this court have no merit.

Respondent is a fit and proper parent that needs the Petitioners out of her life so she can devote her all of energies to being a mother.

The Florida Bar Associations Amended Complaint, facts in Petitioners five (5) volume appendix, the Clean Hands Doctrine, and because Petitioners Brief and Appendix as presented to this court are not true and accurate are sufficient to show that the petitioners, and this case, are both out of order and should be dismissed.

133. Here further comment is warranted.

134. JUDGE NORRIS has declared the 2 June 1983 Order of JUDGE KNOWLES (A: p. 12-13) valid and not void ab initio (SA: p. 9 ¶ 1, and p. 10 ¶¶ 3-7) in spite of the fact that the WISHARTS did not get a hearing and the decree was therefore void on due process principles as incorporated in **Section 61.131, Fla. Stat. (1983).**

135. Within the same paragraphs JUDGE NORRIS declared the void and voided Final Judgement valid and that the writ of habeas corpus which had no return nor rule to show case, and which was enforcing a judgement which was put to trial while the pleadings were not at issue, and had not even been rendered, and which was eventually reversed by the first panel of the 2d DCA, had to be obeyed by the WISHARTS, even they set and appeared at a hearing before JUDGE D. EVANS, who refused to hear them and walked ot of the courtroom, leaving the WISHARTS to their appellate remedies.

135. Shades of star chamber.

136. Here is the chairman of the Judges Council of the State of Florida, and the Chief Judge of Polk County finding an attorney guilty of breaching his ethics for refusing to obey such orders.

137. Obviously he had, not a legal but a hard political decision, to either declare CHARLES right as to the manifest law and facts, and thereby put his judges at hazard, or fly in the face of the settled law, and by throwing enough mud at CHARLES hope enough would stick to mark him as an outlaw.

138. He even called CHARLES a liar, when there is no evidence, and the only persons suggesting that did not appear since CHARLES could impeach them for their own misrepresentations.

139. This tactic is hardly a new one.

140. These seems to be nothing new nder the sun, for we find in **The Holy Bible, K. J. V., The Companion Bible, Isa. 59 ¶¶ 1-15** (SA: p. 58), circa 600 B.C. speaks of the

"good old boy system" and particlarly so when the grammar and idioms are enlarged in the footnote to paragraph 15 wherein it reads:

> 15. Yea, truth faileth; and he that departeth from evil maketh himself a prey;
> and the Lord saw it, and it displeased him that there was no judgement.
>
> 15 truth faileth = the truth is found missing.
>
> maketh himself a prey: i.e. is liable to be dispoiled, or outlawed. Rashi says, "is considered mad", as A. V. margin.

141. This lawyer's father was an attorney, and he proudly followed in his steps.

142. This lawyer was offered a clerkship in the Supreme Court but could not serve since he was one semester out in his graduation sequence, but he felt honored.

142. The first thing this lawyer did was sit in traffic court as a substitute judge, three times, until he had a client who had been able to buy continances.

143. An inquiry to another young attorney as to what was going on prompted the reply "Don't rock the boat."

144. My first contact with his trial judge, on a DUI, upon introducing himself to the judge was, "What's this I hear you think this court is corrupt."

145. Since this Lawyer was concerned for his client, this Lawyer took the extraordinary measure of invoking the 4th amendment, and when the motion was denied, he filed his first suit in Circuit Court against that judge, a writ of Prohibition, and won.

146. That Judge is now a personal friend, knew that this Lawyer was doing no more his duty, and later due to the friendship recused himself at CHARLES request when his name came up in this case, and then later testified in this case as to CHARLES integrity and reputation for truth and veracity, which he testified was good, and CHARLES was honored, including before JUDGE V. EVANS, who was rude to him as well.

147. There really does not appear to be any polite way to get the bum's out of the boat without rocking it.

148. It should be noted however that this lawyer never again was appointed to sit as a judge of traffic court while the attorney who exposed his inquiries did.

> **Petitioners now have this case in the Florida Supreme Court objecting to the mandate that gave them five additional days of hearing on the custody issue, and simultaneously in the Second District Court of Appeals objecting to the outcome of that hearing. This case was back in the trial Court in 1987, because of the mandate in 1986, for Petitioners to repeat what they said at the Final Hearing in 1984, that they have been saying since 1983.**

149. The WISHARTS admit to a certain trepidation after being prevented from gathering evidence, or from receiving the primary residency status, of for that matter being prevented from invoking the clean hands doctrine against an habitual liar who needs help in learning to take her responsibilities, rather than being assured that she will be given her "god given rights" no matter how often she lies, abuses her child, or otherwise abuses those rights, and the courts could make one rather nervous and particularly after all that has happened in this case, and is looming on the horizon.

150. It would also seem obvious that a change of venue would not work, for thereafter the hostile judges would know that they could make CHARLES run, and his license would be worthless, so he must stand, looking for help from the appellate courts, and hoping this case will pt an end to such treatment of any attorney worthy of that title.

151. The real issue is whether the Spreme Court will stand up, protect the WISHARTS, punish the trial and appellate judges that have so shamefully mistreated the WISHARTS, dismiss LESLIE'S pleadings, and grant the WISHARTS permanent costody of custody, and leave a path for an attorney to invoke the Constitutional Officer jurisdiction whenever such an event occurs again, and long before 5 years.

152. The alternative is to put CHARLES ot of his misery by disbarment, for he is the antithesis of such a system and will never submit to such tyranny, whether it be his grandchild or that of a stranger that is at hazard, and particularly when the child is in imminent danger of unnecessary surgery.

153. Perhaps a conterforce to the bar's politics and safe law might be met by a bar made up of those attorneys who have been to jail at least once for resisting such heinous and foul tactice and abuses, who cold then certify a complaint to the Supreme Court, which suggestion while sounding facetious reflects a certain portion of truth since it would give the minority power to expose and keep the practices of the majority honest, for after all, that is the ture function fo the courts in the first place.

Petitioners failed to get two trial judges on this case simultaneously. (A:p. 102)

154. A collateral attack on a void order as would have prevented filing a petition for a writ of prohibition and mandamus against Judge Knowles.

Respondent prays this Honorable Supreme Court of the State of Florida will direct its attention to Tiffany and issue its mandate to that effect. To close, seal and destroy this case file would also be in Tiffanys best interest since this case is based soley on slanderous allegations about her mother.

155. TIFFANY has with rare exceptions, and that in measured rersponses, not been served well, and rarely seen, much less inquired of by the Judges who were too preoccupied with delivering their message to the WISHARTS.

156. The Judges effective position is that they have the right to issue arbitrary decrees, to leave the WISHARTS' only the slow and ineffective appellate process, and then to fight off CHARLES'S attempts to prevent the unnecessary surgery by forcing a hearing by extraordinary means and writs, to give them the opportunity to prove that the Court and HRS'S reports are false, that TIFFANY is at hazard, and that she was unlawfully taken from them.

Respectfully submitted,

Respondent
Leslie Bates (Boggs)
P.O. Box 4
Seffner, Florida 33584
Ph. (813) 623-6893

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished this 8th day of April by U. S. Mail to Bobbie Sue and Charles F. Wishart, 410 West Bloomingdale, Brandon, Florida 33511-7402.

/S/
Leslie Bates (Boggs)

157. Note that LESLIE is not serving RANDY who she listed as a party, and that is basically what she did before the second panel of the 2d DCA as well.

158. How can one lose custody of a child without a hearing, be thrown in jail for failing to obey an ex-parte order which enforces a void and de nova'd order?

159. How can one be required a Judgement from a matter put to trial while there was a motion to strike the last pleading, then enforce that judgement with a writ of habeas corpus issued while there was a hearing schedled, which writ was enforcing a void Judgement which had not even been rendered?

160. How can an attorney be charged much less convicted of refusing to obey such tyranny?