

# REALITY QUEST

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CHAPTER FIFTEEN

## LEGAL MALPRACTICE

Now that I was out on bail, I could finally relax enough to get the facts together to pursue my case against the State of Montana and the Ladenburgs. However, the problems for my family got worse.

The Ladenburgs hired an attorney in Utah to convince a judge that I had better turn over Joshua immediately, or I would get thrown back into jail.

They hired Jo Carol Nessel-Sale, who like her comrade in Kalispell, pulled some very unethical stunts to get what she wanted.

The first thing that Ms. Nessel-Sale did was file an Order to Show Cause that would require me to appear before a judge and show cause as to why I shouldn't turn Joshua over to the Ladenburgs immediately.

When an attorney files an Order to Show Cause, they must serve a copy of the same upon the defendant, me in this case, so as to enable the defendant to appear at the hearing to defend his or her actions. Nessel-Sale mailed a copy of the Order to my uncle's office, who was the original attorney in my divorce case five years ago, and who I hadn't spoken with since, and figured that was a sufficient attempt to advise me of the court date and time. She later explained to a newspaper reporter that she didn't know where I lived because I was "*on the lamb*," and therefore couldn't be legally served by a regular process server.

How in the world could she possibly not know where I was living? I was out on a bail bond, talking to the press, and making my presence known to any that asked? She did not want to know where I was living, because she knew that she would then have to serve me a copy of the said Order To Show Cause, and that I would then be able to defend myself by telling the judge what had occurred in Montana subsequent to the legal divorce I had obtained in this same Utah District Court in which I was awarded full custody of my children in the first place. The judge, if he had any integrity as one, would have smelled a rat and probably not granted the order at that time.

Not only did I have no idea about the Order to Show Cause, but a copy of the said order got to my uncle's office the afternoon of the day that I was suppose to appear in court that same morning. But this was not the lowest thing that Nessel-Sale stooped to to get her clients what they wanted.

She scheduled the court date for 9:30 A.M., in District Court on September 6, 1991. She knew fully well that I was scheduled to be arraigned in Circuit Court at 9:30 A.M. on the **exact same day**. She arranged this so that I could not present my case to the judge and tell him what had happened in Montana. How in the world could I be arraigned in Circuit Court, and appear on an Order to Show Cause in District Court at the same time?

The legal immorality didn't stop there. Having no idea about Nessel-Sale being in front of Judge David Young pleading for an order to make me turn Joshua over to the Ladenburgs, I was ready in circuit court to make my plea of not guilty. I was the first case to be called by Judge Dennis Fewkes. He called my case and I arose and stood before him. His clerk interrupted him and whispered, "Jo Carol Nessel-Sale is in District Court securing an order against this defendant, and has requested that you call Nemelka's case last to give her time to do so." Judge Fewkes, I am sorry to say, because I kind of liked the guy, acquiesced and told me to sit down. He saved my case until last, giving Nessel-Sale ample time to convince Judge Young next door in District Court that I had been given every opportunity to attend the hearing but didn't show, thus giving the judge every reason to issue the order.

Judge David Young was out witted by Nessel-Sale and signed the order.

Nessel-Sale took the order and ran from District Court to Circuit Court where she rounded up a constable and waited for me to exit my arraignment.

Right outside the courtroom door, which by the way is illegal in the State of Utah, I was served the order by the constable with Carl Ladenburg, Jay D. Blades, Paula's older brother, and Nessel-Sale standing



nearby with their tongues dripping in anxiety to rip my son's heart out by taking him away from the only family he has ever known.

When the constable gave me the order from Judge Young, I asked him if he was going to arrest me right there, because I was going to defy the order. No way was I going to break Joshua's heart by turning him over to the Ladenburgs. I made a promise to my son months earlier and I wasn't about to break it.

The constable told me he had no authority to arrest me; that Nesset-Sale would now have to get a bench warrant issued to put me in jail; and that's exactly what she did.

I came to the conclusion that judges were nothing more than referees between the attorneys of both sides, and when one side doesn't show up to play, because they didn't know there was a scheduled game, the referee forfeits the game to the side that shows. Likewise, if one team doesn't have a coach (attorney), the judges assume the team isn't going to win anyway, so why not forfeit the game to the team that has the coach there ready to play?

I lost all respect for the legal system that day, especially for judges. I called Judge Fewkes to ask him how he could have possibly allowed what he did in his court. He told me, "Well it might be unethical, but attorneys always do it." "Why didn't you stop it?" I asked. "If you want to sue me, go ahead," he said, and that was the end of my attempting to talk to biased judges whose success depends on the opinions of their peers- other attorneys.

I could see that things were not going to be done ethically at all. I didn't have an attorney, and at this time didn't feel one was necessary if I just told the truth in all things.

I called Nesset-Sale and attempted to negotiate a possible solution in reuniting Brittany and Joshua together and then letting the Ladenburgs take temporary custody of them until this mess was resolved in court. I told her that Joshua was scared to death of the Ladenburgs, and that it would emotionally destroy him to be taken from the only family he has known and place him somewhere he didn't want to be. I told her to have the Ladenburgs bring Brittany to Salt Lake City and let her and Joshua get back together and gain one another's trust. I told them that the Ladenburgs then could visit the children together and gain Joshua's trust before they destroyed the poor kid by taking him away from me and Jackie.

Through the whole ordeal, no one considered the tender feelings of a five year old boy who loved his father and the only family he had ever known more than anything else. Though it was me to blame for keeping Joshua from knowing the Ladenburgs in the past, I only wanted to protect his innocence and work out the product of my mistakes in a way that would not harm the poor boy. Joshua loved Jackie as the woman who had cared for him since the age of one. He loved Brandon, his kid brother, and Caleb his littlest brother. He was quite comfortable in our family, and when questioned whether or not he wanted to live with the Ladenburgs, he would burst out into tears.

Nesset-Sale, like most attorneys, didn't care that what she was doing would destroy a little boy. To be fair to Nesset-Sale, I don't think she had any idea what the truth really was behind the whole incident. She was hired and paid good money to get Joshua from me; and she was going to do what was necessary.

Nesset-Sale must have thought I was stupid, because she tried to set up an appointment with me and Joshua where an independent mediator would talk to Joshua to determine what was best for him. She told me to bring him to a predetermined location which she would set up. The only mediator that was at that location was Carl Ladenburg to take Joshua, and a policeman to give the poor boy to him and throw me in jail again.

I could not negotiate at all with Nesset-Sale, who proved to be very arrogant in her dealings with me accusing me of manipulation and putting myself above the law.

I didn't care about anything but the feelings of Joshua. I knew Joshua better than anyone else. Had Joshua wanted to go with the Ladenburgs, I would have let him. I had let his sister go upon her request and would have done the same for him. However, it will be shown hereafter, how the wolves, i.e., the Ladenburgs and their legal entourage, finally captured their prey, i.e., my dear son Joshua, ripped his heart out and ferociously devoured him.

## **CHAPTER SIXTEEN**

### **NOTHING TO HIDE**

Not at anytime during the dealings with the Ladenburgs have I ever said anything but the truth. When I turned myself into authorities, I was interviewed by the FBI and other law enforcement agencies in Utah. They read me my miranda rights and offered me an attorney before I said anything.



"I do not need an attorney to tell the truth," I told them. "The only people that need attorneys are those who need someone to lie for them."

All along up to this time, I thought that I would be fine and justice would be served, as long as I told the truth. What a fool I was.

I thought about fighting extradition to Montana on the basis of the injustice I had experienced with them. However, the public defender in Utah who was appointed to represent me, was so bogged down with cases that he had no time to look into my request.

I finally decided that I would get this mess over with and go to Montana, turn myself into authorities, and get on with justice. Had I known what was going to take place when I arrived in Montana, I would have fought extradition to the Supreme Court.

Before going to Montana, my father had arranged and posted the \$20,000 bond to get me out of jail. He had phoned the bail bondsman in Salt Lake and had him arrange to transfer the bond to Montana so that I wouldn't have to go back to jail when I arrived there. The bondsman called George Corn, the Ravalli County District Attorney, and made sure that there would be no problem with the bond transfer. Corn told him there would be none.

I drove to Montana, turned myself into authorities, was booked into jail, and waited overnight until the next morning when my bail hearing was set. I assumed that the judge would understand that I was out on \$20,000 bail from Utah, and that Corn had all ready been expecting me to transfer bail to that Montana jurisdiction. Boy, was I mistaken.

The pusedo-judge, (I say this because the guy was some kind of small town part-time judge who filled in when he was needed,) called my case to the bench. When he asked the State what my bail was to be set at, the Sheriff stood and said, "\$75,000 your honor"

I was stunned. "There must be some mistake!" I shot off to the Judge, not remembering that this guy really thought he was a judge. "I was told that I could transfer my bail from Utah to here." This took the judge by surprise and he listened to my protests, but exclaimed, "I'm setting the bail at \$75,000 according to the request of the state."

I was devastated. "What the hell was going on," I thought to myself. If Montana was going to continue to harass me and persecute me when I have been cooperating all along, then I will try doing what many have done before me to bring attention to their unjust treatment. "If you set that outrageous bail, your honor, I will not eat or drink until I am free!" I protested. This psuedo-judge fumbled with some papers, mumbled to himself, and asked me if I needed a court appointed attorney. I accepted the public defender whose card the judge handed me.

When I sat down, the judge called the next case. Guess who came forward? The guy I mentioned previously, who was on his way back to a bar to kill some guy he had earlier fought with. This guy approached the bench with a smile on his face, because who was at his side, none other than Jeff Langton, who had manipulated the law so well back on June 13, 1991, that led to the destruction of my family. (By the way, Langton now sits on the bench as a District Judge himself. There goes any justice I might try to pursue in Ravalli County in the future.)

This "would be murderer" was released on his own recognizes. There I was- a father trying to defend his right to be a father, and I was in jail with a bail the authorities knew fully well I could not make. Yes, a bail that rarely gets set even for rapists and felony murderers in that small Montana town.

They put me back into my jail cell and I cried. I cried as I realized that "the system" was a business, a game, which over educated businessmen used to get gain. All I wanted was to confront my accusers, the Ladenburgs, tell the truth, and let a jury of my peers render a decision. All I wanted was the constitutional rights I thought everyone was supposed to be guaranteed.

Well, I soon found out that these rights are not guaranteed unless someone is paid good money to guarantee them for you.

#### CHAPTER SEVENTEEN UNBEKNOWNST TO ME

Little did I know, but at the time I turned myself into authorities, I no longer had custody of Brittany and Joshua and was ordered to pay child support to the Ladenburgs in the amount of \$200 per month.

I was totally unaware that Oleson had filed a petition in Flathead Valley to take custody away from me. However, he did so in a way which made it almost impossible for me to find out about it.



What I was unaware of was that the "speedy" order issued by Judge Erickson on the morning of June 14, taking my children from me and giving them to Paula, also included an order that I appear in his court on the 15th day of August, at 1:30 p.m., to show cause why the children shouldn't be given to the Ladenburgs.

This is what happened back on June 14th:

Oleson got the order signed, faxed it to Langton, who then instructed Paula to take the Order To Show Cause to the sheriff's office and tell them to serve it on me. (See appendix ?, which is the praecipe which Paula filled out at the sheriff's office) Included therein is my address where I should be served the Order, and the best time I could be served the said Order ("*Best time to serve will be 8:00 to 8:30 PM*").

The Sheriff would have left at about 7:45 P.M. in the evening and probably fulfilled his legal obligation perfectly had it not been for one minor problem:

I had taken Joshua and was on my way to Idaho Falls, Idaho at 8:00 P.M.. I had taken Joshua, unbeknownst to Paula Ladenburg, who was probably filling out the praecipe at the same time I was at the Department of Family Services pursuing my strategy to get my kids back.

I was never served that order, nor have I ever been legally served any order from any judge in Montana telling me to give my children to the Ladenburgs or appear in court to defend myself.

Oleson had a big problem now. He knew that I wasn't served the order, but he also knew that he couldn't find me to serve one, because I had fled the corruption of Montana's small town justice.

However, Oleson soon found his pin hole of light through the dark clouds that were covering his case.

When I called the Department of Family Services to set up a time to go say goodbye to Brittany and Joshua, the social worker called me back and said that she had received an order "*...from the County Attorney's office instructing me to turn the children over to the Ladenburgs...*" When I arrived at the Department of Family Services, Kathy Ostrander showed me the order she had received, (the exact document she showed me is included herein as appendix ?), which she asked me if I wanted a copy of.

"Why not," I said. She could have received an order for her to take me out to dinner and give me a hundred dollars, but I wouldn't have paid any attention to her or her order. I was there to get my kids and make a run for justice.

I accepted the copy of the said order to play a long with Ostrander, so that I could gain her trust enough to be able to get Joshua out of the building. I didn't look at the order or worry about it. When I loaded Joshua in the back seat of the car, I threw the copy Ostrander had given me on the floor of my car, where Sheriff's Deputies later found it when they impounded my car at Shane Morris' farm.

The fact is, Ostrander received the order from the District Attorney, which gave her office the authority to turn the children over to the Ladenburgs. She was not instructed to serve me with a legal service, or did she ever have any intention to do so.

Needless to say, Oleson jumped with joy when Ostrander told him what had happened. He had Ostrander affirm that she did indeed legally serve me the order which would convince Judge Erickson on August 15th, that I was fully aware of the hearing, but refused to appear.

If Oleson had intended for Ostrander to serve me, then why did he instruct Paula to fill out the praecipe at the sheriff's office instructing them to do the same at 8:00 P.M.. Oleson knows to this day that I was not legally served anything. He has been covering his butt since then with all the means at his disposal.

So, now I no longer have custody of my children based on an order which was signed by a judge, who read the lies of the petition for the order, signed it, issued an order for me to appear in his court, which I knew nothing about, went through with the hearing on August 15, believed Oleson's lies in the petition, believed that I had been served a copy of said order, and to top it all off, ordered me to pay \$200 per month child support to the Ladenburgs when he had no idea what my financial situation was. (I was making \$4.25 per hour supporting six people)

Alas, now I was in jail fighting to keep my children who I thought I had custody of, but in reality did not, and was required to pay child support to the Ladenburgs in the amount of \$200 per month while sitting behind bars. Right!! ...Continued...