

DISTRICT COURT, JEFFERSON COUNTY, STATE OF COLORADO

Case No. 95 DR 2748

Division 5

RESPONDENT'S REPLY – TO PETITIONER'S "TIME EXTENDED" RESPONSE TO
RESPONDENT'S MOTION ¹ FILED 12/20/99.

In re the Marriage of:

ANNE E. SMITH,

Petitioner,

and

THOMAS M. SMITH,

Respondent.

COMES NOW the Respondent, Thomas M. Smith via pro-se representation with his reply to petitioner's "time delayed" response to respondent's MOTION REQUESTING INTERFACE AND GIFT EXCHANGE WITH CHILDREN DURING 1999 CHRISTMAS HOLIDAY. Petitioner's response purposely being filed only after extension to again "thwart and impede" the authority of the court in "serving the best interest of the children". Those children being Christine Elise (10) and Robin Cole (14), respondent's biological and only daughters.

Such reply now requesting the court act in an EMERGENCY manner. And order the children be immediately allowed an "extended time" with their father in his home, to curtail the damage of the life impacting children belief's that 1.) they have been completely abandoned by their father and 2.) they are the cause – based on events they performed.

This being required for the "emotional and physical" well being and safety of the children. As petitioner's response, specifically in conjunction her recent violations of court orders and written correspondence, undeniably demonstrates her unremitting inner rage, fears and anger from her personal life manifesting as purely hateful vengeance. Intent only on punishing father (a male figure) - doing so through "total destruction" of child / father relationship. Further Ms. Smith is experiencing a repeat of the highly irrational thinking associated with her depressive state. Together resulting in complete lose of ability to even perceive the needs of the children.

Respondent father's reply while lengthy, provides comprehensive background information to aid in clarification of cause for mother's emotional imbalance, acts of negligence toward children and ultimately – a repeat of the child abuse she suffered. Father prayerfully requests the court's forgiveness regarding his avoiding these revelations in the past. To this date, his silence on background specifics being an attempt to shield the mother and children from a lose of relationship with each other. Husband / father, having operated over the past years believing the revelation to hold high potential for harm to children's opinion of mother. However, faced with **realities of undeniable proof** such omission regarding mother's problems are resulting in severe, "potentially lethal" harm to the children, their father provides them to the court.

¹ MOTION REQUESTING INTERFACE AND GIFT EXCHANGE WITH CHILDREN DURING 1999 CHRISTMAS HOLIDAY

Summary of Pleading's Content

Reply to Content of Petitioner's Response

Petitioner's Mental/Emotional State – Case Background

Petitioner's father - Allan Hallock

Petitioner's life of childhood abuse

Sources of validation available to the court – immediately following:

- St. Joseph Hospital – Psychiatric Services patient records. Such company now: Exempla Healthcare – Psychiatric Center, 650 Filmore Street, Denver CO 80206 303-394-8000, Dennis Armstrong - Director
 - Patient, Allan Hallock 1980, Detox and Intervention Program Patient
- Cottonwood Centers patient records. Such company now operating as: Cottonwood de Tucson, 4110 Sweetwater Drive, Tucson AZ 85745 520-7453-0411, Ronald B. Welch – President/CEO
 - Patient, Allan Hallock 1980 EXTENDED in-treatment program for alcoholism
 - Patient, Anne Smith/Hallock 1988 in-treatment program for “co-dependency”
 - Patient, Jane Hallock (approx 1986) in-treatment program for “co-dependency”
- “Family Program” – mandatory component of in patient addiction / recovery programs. Attended personally by Thomas M. Smith for each of the following parties.
 - Patient, Allan Hallock – alcoholism recovery
 - Patient, Jane Hallock - “life disrupting” co-dependency treatment program
 - Patient, Anne Smith/Hallock - “life disrupting” co-dependency treatment program
- State of Colorado – Motor Vehicle Division, Violation Records
 - For Allan Hallock circa 1968-1979
- City and County of Denver – Arrest/Booking Records
 - For Allan Hallock circa 1970's
- State of Nebraska – Motor Vehicle Division, Violation Records
 - For Allan Hallock circa 1970's
- Court transcripts and/or court records referenced within the text of this pleading.
- Ex-daughter-in-law of Allan Hallock, ex-wife of Michael Hallock (per privacy law, name and residence provided only under proper petitioning by the court.)
- Ex-business co-owner/partner of Allan Hallock, (per privacy law, name and residence provided only under proper petitioning by the court.)

Reply to Content of Petitioner's Response

1. Per para 4-8: petitioner's counsel - clearly defines her own "procedural abuse" and attempts to dictate/control court process. No additional comment needed.
2. Per para 9-17: respondent concedes he knows when Christmas occurs. Respondent offers that petitioner mother also knows that date. Given current orders of the court, it is the absence of ANY effort WHAT SO EVER by mother to initiate and/or foster father/child holiday interface that represents **a vile and in-excusable act of neglect toward the children.**
3. Per para 18-31: respondent submits entire section to be without merit and the intent only to distract the court. Provides no new information, conclusions based purely on conjecture and on assumption, offering not a single item substantial to the children's needs.
4. Per para 32-34: respondent fully concurs with petitioner's counsel. **Petitioner does live and operate her life in a perpetual state of "general denial" of reality.**
5. Per para 35-40: respondent offers to the court, petitioner's counsel's repeated groundless "generalities" and attempts to "dictate to the court it's actions" be ruled as offensive and contemptuous of the court's purpose. Respondent will submit his motion for fees at a later, appropriate time.
6. In her response (and most prior response) petitioner's counsel repeatedly denounces and disparages respondent's writing. Respondent respectfully requests the courts indulgence of his attempt to address opposing counsel's need for grade school level prose. While not wanting to embarrass the court's intelligence by reducing readability level equal to petitioner's counsel (40 enumerated paragraphs, 80% having only 1 sentences and predominantly mono-syllabic words) he has processed this reply. Per the "Flesch Kincaid Grade Level Readability" index it does not exceed the 12th grade level.

Petitioner's Mental/Emotional State – Case Background

7. Petitioner and her counsel, via fully subsidized litigation costs from petitioner's father for over four years, have gone through extraordinary lengths to "destroy my character and capacity for life, **through nothing but professional opinion**". Based wholly on personal dislike, a vindictive attitude and an attempt to protect their "social position" have attempted to manufacture the belief I am a "criminal and person of a dangerous nature".

Anne Smith/Hallock, as well as addicted to "power through deception and guilt", is also an extremely mentally / emotionally abusive individual - to all people, adults and children. **She is also a very culpable physically violent individual.** I've resisted presenting this information to date, for assuredly once in the public record it will find it's way back to the children. When such occurs, unless they are of proper age it will virtually destroy the relationship between them and their biological mother. It was always my intent to try and avoid such a condition. However, my "omissions" have now resulted in unimaginably more

pain and damage to the children, which I can not allow to continue. Never in my wildest thoughts - could I imagine their mother allowing them to be hurt to this extent.

Anne Smith/Hallock's intensely increased aggressive destructive behavior, while not perfectly predictable follows pretty much a chronological escalation. Yet as with all disorder's of her nature, it can arise and subside through time. To aid understanding by those unfamiliar with such conditions, I've presented information basically in date order.

Petitioner's father - Allan Hallock,.

8. Well known in his business, social circles as having "alcoholic behavior" for well over 10 years. While known in his frequented bars as a "gentle alcoholic" Allan Hallock in fact was extremely physical in many ways during his periods of drinking. During the middle / later childhood years of his two children he acquired multiple DUI's, lose of drivers license on more than one occasion, was incarcerated following street fights and having other behavior enough to cause his spouse to leave the home. In addition, his physical size (well over 6' and 200#) was at times used against him by his spouse and daughter in attempts to "make him aware" of his behavior. On nights of unpredictable returns to his home they would assemble entry way traps. Using minor items, such as string, pots, pans and whatever knowing his drunken state of imbalance would cause him to stumble and/or fall while hopefully avoiding major injury.
9. Allan Hallock also demonstrates an "extreme" orientation for vengeance toward people he feels ever wronged him. During attendance at one family/friend social gathering, I witnessed his rather "physically painful style" of retribution against no less - the wife of "his best friend". During a serving of party ord ure's Allan Hallock strategically positioned himself and a food tray he carried, to assure the woman got a specific item. Such item being filled with a "extremely hot, mouth burning Oriental mustard". As the item was not hot to the touch, she relishly bite into it, immediately responding in a rather frantic and anguished manner. This was responded to with a muddled laughter by Allan Hallock – depicting accomplishment I concluded. I was then told moments later, he had "finally gotten her after 6 years".
10. At Allan Hallock's "get treatment or else" INTERVENTION event, held in the living room of his house I recall 8 people being present. While clearly lead to believe the use of this technique was the choice of his wife – I learned (following our divorce), from Anne Smith/Hallock herself that she spearheaded and organized it. While conceptually performed with the "best of intentions", the event is basically founded on DIRECT CONFRONTATION - using "shame", "guilt" and "threat" to coerce the drinking individual into seeking treatment. The parties present as I recall were:
 - Allan Hallock and his wife
 - a hired counselor (a large black skinned man)
 - his business partner with whom he had built a financially successful oil company
 - his son and daughter-in-law
 - his daughter and son-in-law (that being respondent – Tom Smith).

It should be noted, the people present were very specifically chosen as those being the "most significant relations" in his life. As of mid 1992, merely 12 years since that event, all 3

relations not of the “nuclear” family suffered major life impacting events. To which Allan Hallock’s response was always the same – “nothing really I can do about it”. Representative of a detached cold hearted attitude that almost defies description.

- His business partner - Allan Hallock sold the company basically in protest of his business partner, who very shortly after experienced an extremely painful divorce of a 20+ year marriage. By agreement within the business, the partner lived in Nebraska where many of the company’s properties were located. Consideration to provide emotional or other types of support were dismissed as “too far away”.
- His son’s wife – A well educated and successful woman, she worked in the same field as her husband and father-in-law. An oil/gas geologist, employed by AMOCO Exploration company, not the Hallock company. After about 7 years of marriage and being intimately involved in the Cottonwood/Hallock family recovery process, she basically left the marriage with no second thoughts - stating flatly “this family is insane”.
- His daughter’s husband - while in the midst of a mid-life crisis and suffering depression, complicated by a medicine reaction on a family vacation I suffered “induced clinical depression”. Being extremely upset and nervous I left to return to Denver. Under parental direction, Anne along “with his grand-children” stayed to complete the vacation at the Hallock Caribbean condominium. Providing no aid to his daughter with regard to her husband’s mental state or logistical travel needs, plus providing no explanation (of reality) to the children the family just stayed the remaining 5-6 days. During Denver mid winter (Jan 93) - totally alone over those 5-6 days with no support system, my depressed condition became so severe I required hospitalization when the family finally returned.

Petitioner’s life of childhood abuse

11. MENTAL, SEXUAL MOLESTATION BY FATHER – forced to model in full frontal view of her father during the “blossoming sexual maturing ages (approximately 12-15). Vailed behind a “playful and silly” attitude of “model your new under-ware for dad” this behavior happened repeatedly during this age range.
12. FATHER’S PHYSICAL INTIMIDATION and PHYSICAL PUNISHMENT OF DAUGHTER – in response to certain behaviors Anne Smith/Hallock was on multiple occasions “physically pursued until caught”, through her home by her father. She being of teen years and he being approximately 6’4” and in excess of 200# in weight. He would then either with his hand or on occasion, with an object spank and hit her on a “bare skinned bottom”
13. EMOTIONAL INCEST as SURROGATE WIFE – During a period of Allan Hallock’s some 10+ year major drinking addiction his wife at one time, choose to simply pack her bags and leave the home. This was with no announcement or by threat or coercion, she simply just packed bags and left – leaving husband and children behind. As an abandoned emotionally empty person Allan Hallock turned to his only daughter for the attention, affection and meaning of the type normally only obtained from a spouse. Being of only age 13 (approx), Anne Hallock/Smith whom acquired and carried out the classic “hero” role within her alcoholic family was in no position to oppose this demand. This incestuous condition of

having to play the role of “emotional surrogate wife” was continued, and even amplified at times following return of the spouse, as the marriage relationship was in turmoil.

14. MENTAL ABUSE through FEAR, DREAD and THREAT OF LOST OF LIFE – during her mid-teens age Anne Smith/Hallock, for a rather extended period lived with daily episodes of the “never know” condition regarding her father’s daily safe return. By this time he had acquired multiple DUI’s thus establishing a greatly enhanced risk of vehicular death in her eyes, had been incarcerated for fights and followed a normal procedure of “no normal procedure”. Again, holding the “hero” role, and having to constantly soothe and console her mother’s intense fears of lose of spouse – her own normal adolescent fears and anxieties regarding possible lose of a parent were severely magnified. Causing life long emotional complications, as this occurred in the family home and there was never an emotionally available adult to support her.
15. STOLEN CHILDHOOD, STOLEN DREAMS – while primarily hero, Anne also held the role of “peace keeper” in the alcoholic household. Anne Hallock/Smith suffered many loses of her childhood experiences due to her father’s drinking behaviors. It became a routine for any social occasion or “special personal occasion” to wonder “would dad be drunk?” or “how do we keep dad sober?”. This condition persisting all the way into her marriage. Viewed as her “once in a lifetime” event, Anne Smith/Hallock’s wedding, an event to which she wanted to associate total joy, was rife with a “lose of joy and lose of spontaneous happiness”. The underlying element being two-fold: how do “I” keep dad sober, and if not how do “I” keep from being embarrassed for life. Such persistent thoughts virtually stealing every element of genuine inner comfort and positive energy from her – to this I was personal witness, over a period of days!

Petitioner’s capacity for physical violence

16. **Knife slashing assault of Tom Smith by Anne Smith** (verifiable via court transcript of initial divorce hearing - date approx Winter 95/96). Anne Smith clearly testified as having grabbed an 8 inch kitchen knife, using it to reach out and slash at Tom Smith, hitting him in the arm. This under a condition of only “emotional upset”, as Tom Smith was standing still, having most all his weight on one arm leaning on the kitchen island. Positioned around the corner of the island, Tom Smith was not even directly adjacent to her. In defense of her action she only offered - it was a foolish thing to do.
17. **Assault with a vehicle of Tom Smith by Anne Smith** (verifiable via court transcript of initial divorce hearing - date approx Winter 95/96). Anne Smith’s statements identify full admission of “proceeding in reverse with the family car”, knowing full well his legs were under the back wheel of the vehicle. This being on the driver’s side in total view to her via the mirror. In her defense of this act she offered – I believe I went slow enough to give him time to get out of the way.
18. **Manipulation of others to perform physical assault on her behalf** . (verifiable via written copy of request for restraining order submitted by Anne Smith - date approx Winter 95/96). the event to which she attributed the need for a “temporary restraining order”, involved ABSOLUTELY ZERO PHYSICAL CONTACT with her by me. In fact, her name doesn’t

even appear in the police report used to justify the order. An event to which she alludes to having “fear for her life” was in fact a “pushing/shoving altercation” between two brothers. Occurring within my own home, while attempting to remove my brother from it and protect my family from his physical intrusion via deception and lies. All done in coordination between him and Anne Smith via a secret phone call. She had called upon him to PHYSICALLY COMMANDEER me in my own house to serve her purposes. This during a period of high stress, BUT ABSOLUTELY ABSENT of any physical situations.

WHEREFORE respondent expresses grave concern for current and future “best interest of the children” in both respect to mental/emotional development and physical well being. Hereby requests the court to take IMMEDIATE action. Providing the children both access to a father they have been estranged from for near 2 years through deliberate and specific acts of the petitioner mother and mother’s legal counsel.

Father respectfully requests the court to deny petitioner’s request for any extensions, return a state of “civility” to this process, enter and enforce such orders as to “quash” any further efforts by petitioner’s counsel to continue “bringing damage to the children” her manipulative and mocking abuse of the court’s time and energy.

Respectfully submitted,

Thomas M. Smith
11881 Elk Head Range Road
Littleton, CO. 80127

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the RESPONDENT’S REPLY – TO PETITIONER’S “TIME EXTENDED” RESPONSE TO RESPONDSENT’S MOTION ² FILED 12/20/99. was deposited in the US mail, postage prepaid 18 day of January, 2000 to the following:

Carolyn Sampson, Esq.
215 Union Blvd. #225
Lakewood, Colorado 80228-1840
FAX #: 303-763-6910

Thomas M. Smith

² MOTION REQUESTING INTERFACE AND GIFT EXCHANGE WITH CHILDREN DURING 1999 CHRISTMAS HOLIDAY