

Robert A. Gibbs, Respondent.
Shasta Co. Jail # 516503
Shasta County Jail
1655 West St.
Redding, CA 96001

Family Court Case # 182773

In and for the Superior Court of California, Shasta County.

July 31st, 2018

Motion to Challenge For Cause

Judge Jody M. Burgess Under

C.C.P. 170.3(A)

Wherefor, Comes now the respondent Robert A. Gibbs, in the above-entitled Family Court matter and does hereby respectfully move to challenge for cause the Hon. Judge Jody M. Burgess (under C.C.P. 170.3(A)) and does hereby offer the following declarative statement in support thereof under penalty of perjury;

1. I am a party (respondent) to the above-entitled family Court matter, currently assigned to the Hon. Judge Jody M. Burgess in Department 11.

2. I do not believe I can obtain any fair hearing before Judge Burgess and that he is Bias against me or my cause in family Court.

3. I believe that Judge Burgess is ^{R.G.}not conducting the above-entitled proceedings in family Court in a manner that does not comport with California Statute or the Due Process Clause of the United States Constitution. (14th Amend. - Authority Cited).

4. I am the loving father of Forest H. Gibbs (D.O.B. 1/27/2014) and do hereby declare that I am and will continue to assert and defend all lawful and natural rights to fatherhood, paternity, custody, access, visitation and association with my daughter.

Robert A. Gibbs, respondent:
96 Shasta Co. Jail # 510503
Shasta County Jail
1655 West St.
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(2)

Family Court Case # 182772

Shasta County Superior Court

(Cont.)

5. Petitioner and respondent Cheri A. Dubuque has intentionally, scurrilously and consistently used any and every form of dishonesty and manipulation to defraud and mislead the family court to make family court orders and findings that benefit her and alienate this father. These tactics include slanderous, false, uncorroborated and unsubstantiated allegations of Domestic abuse, violence etc.

6. I hereby swear, attest and declare under penalty of perjury or Far Worse, that of the very few and isolated, incidents of contact between myself and Ms. Dubuque, I was never the aggressor, not one single incident occurred in the vicinity of our daughter Forest and any force I used was sufficient to actuate self-defense and no more. Furthermore, contrary to Ms. Dubuque's allegations, our relationship was almost completely peaceful with only a very few incidents of physical confrontation. I do not deny in any way that I suffer from P.T.S.D. and have had anger issues. I do not deny in any way that there were on limited occasions in my household raised voices or arguments. However, I strenuously deny that anything ever occurred in the vicinity of our child, Forest, who we were very careful to insulate from any negative energy or emotionality. Furthermore, I assert vociferously that Forest was incredibly, unbelievably happy and joyful in my household. Yes, my home had rattlesnakes, but almost all in the vicinity of my cabin were killed off and Forest was always directly monitored and protected. Yes, my home had very dangerous cliffs - Forest was never anywhere near them. Yes, my home had a shallow creek and we used to let Forest play in it while we supervised from no more than a few feet away.

Robert A. Gibbs, respondent (3)
40 Shasta Co. Jail #510503
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Family Court Case # 182773

Shasta County Superior Court

(Cont.)

Before I go any further, I beg this court to recognise that Cheri A. Dubuque is well aware that if she makes enough exaggerations, misrepresentations, mis-characterisations or outright fabrications, she will likely simply overwhelm the court into believing that at least some, if not all her accusations are true. I beg this court to compare her latest statements to previous ones where she makes no such claims and in fact, defends me. I beg this court to take notice of how absolutely awfully she paints me and our time together. In her 3 page statement is a veritable flood of demonising characterisations. She says not one positive thing about me. Surely, even in destructive or "abusive" relationships there are little moments of sunshine or shared happiness, there are reasons we maintain the relationship etc. I would beg the court to recognise that it is highly suspicious that Cheri A. Dubuque has made nearly every accusation under the sun. There is an obvious, glaring agenda. She is doing everything she can to thoroughly defame me before the court. I hereby assert and declare with every ounce of integrity and forthrightness I have ever or will ever possess, that Cheri A. Dubuque was never forced by me to perform sexually, was never held prisoner or kept against her will, was never attacked by me, never had her "eyes poked out" by me, was never grabbed by the throat and thrown to the ground. Every single one of these accusations and indeed every other accusation she makes in her statement evinces one and only one design: to manipulate this honorable court to deny this loving and honorable father his rightful place in a little girl's life. It is despicable, done out of spite and I beg this court to refuse to be so manipulated.

Robert A Gibbs respondent (4)
Po Shasta Co Jail # 510503
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Family Court Case # 182773

Shasta County Superior Court

(Cont.)

All this court needs to determine the veracity of Dubuques' accusation against me is to honestly scrutinise the very extent of her claims. Very, very few people could possibly be as abusive, controlling and violent as she claims I am. According to her, she was always the victim. According to her, Forest often witnessed my "violent" behavior. I cannot possibly address or refute so many allegations can I? No less than Ernest Hemingway said, "the truth has a certain ring to it" Cheri's accusations do not ring true. Winston Churchill said "the truth is a precious thing because it is so often accompanied by the bodyguard of lies". Cheri is a master at taking some small truth and using it as a foundation for a monument of untruth. She absolutely buries me in lies until I can only tread water by constantly making denials. But then again, this is obviously her goal isn't it? Its almost enough to make the court ignore the fact that she is a convicted violent felon, a violent sexual predator and kidnapper. The court must seriously consider that the impetus of so many allegations could very well be Cheri's desire to distract the court from her character and past. The court must consider the fitness of any parent who would go to such lengths to demonise and alienate the other parent. The court must consider the impact upon Forest of having her loving father so alienated and the courts powers so abused. This is precisely why I must protest to Judge Jody M. Burgess. Judge Burgess is allowing himself to be manipulated. In my opinion, he is a somewhat inexperienced trier of fact. He is ignoring key facts such as the fact that Cheri only has temporary custody because of an ex-parte hearing, that there has been no mediation what-

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90 Shasta Co. Jail # 510503
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(5)

Family Court Case # 5182773

Shasta County Superior Court

(Cont.)

... Soever, that this father is low-income and allowing cheri to move even a short-distance away will devastate the father-daughter relationship, that this father has not been in Forests life for three years and the Court should be encouraging a swift reunion and a strengthening of bonds at a time when they have been weakened, not using this fathers imminent release to justify placing additional and unnecessary obstacles in the way of the relationship. The Court should exercise wisdom and restraint and allow for the process to work itself out in due time, rather than be pressured and hurried into simply defaulting to mothers highly questionable demands. The court must be wise enough to recognise that it is not the mother who is truly in danger but Forests right to know the love and affection of her natural father. Ironically, this fathers impassioned argument is that the court not lose sight of the Forest for the trees.

Whereas, this respondent and father does hereby respectfully move this Honorable Court, to replace Judge Jody M. Burgess with a more experienced Judge, more likely to recognise and avoid manipulation and uphold the rights of all parties including Forest, H. Gibbs and Robert A. Gibbs, to deny at this time mothers attempts to relocate with Forest, to encourage re-unification with father and to temporarily stay all custodial matters until fathers release can facilitate mediation and a more fair and robust process.

Sincerely (and under penalty of perjury),
Robert A. Gibbs
this 31st day of July, 2018

P.S. How bad of a father could one man possibly be who would fight so thoroughly and tenaciously, at a time of great personal strife for him, from the near total confinement of a prison cell, to simply protect his ability to guide, love, and protect his child and remain in her life??

"A lie can travel half-way around the world before the truth can even get its boots on."

-mark twain-