

No. 21-927

In The
Supreme Court of the United States

Donald Clinton Crabtree,

Petitioner,

v.

Christine Renee Crabtree,

Respondent.

*On Petition For A Writ of Certiorari To
The South Carolina Supreme Court*

**REPLY TO BRIEF IN OPPOSITION TO
PETITION FOR A WRIT OF CERTIORARI**

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Petitioner

QUESTIONS PRESENTED

- I. Did Judge Monet Pincus violate the 1st Amendment protection of freedom of expression and generally condemn religious expression of men?
- II. Did the South Carolina Trial Court err in facilitating divorce of Washington State residents?
- III. Did the Judge George McFaddin ignore substantial exonerating evidence in support of Husband at the beginning of litigation and fail to render him due process?
- IV. Did the Court ignore its own psychological reports and expert testimony and wrongly assign credibility to the Wife?
- V. Did the Court convert issues, conflate mischaracterizations, minimize salient facts and construct findings in order to inappropriately assign credibility to the Wife?
- VI. Do the findings of Judge Monet Pincus demonstrate mischaracterizations, religious persecution, abuse of power in order to exercise prejudice and ignore torts against partnership obligations?
- VII. Does Judge Monet Pincus bring discredit to the judiciary by manifest gender prejudice and malfeasance?
- VIII. Did the Court Facilitate the Wife's Construction of Desertion of the Husband?

- IX. Did Judge Monet Pincus violate 14th Amendment equal application of the law?
- X. Did the Guardian Ad Litem, James Stoddard, manifest bias, and do his actions and assignment by Judge George McFaddin indicate collusion?
- XI. Did the Court err in awarding custody of the children to the Mother?

PARTIES TO THE PROCEEDINGS

Donald Crabtree as Defendant, Appellant/Petitioner

Christine Crabtree as Plaintiff, Respondent

James Stoddard as Guardian-Ad-Litem to Children
[Z.C.], [T.S.], [D.B.], [A.C.]

CORPORATE DISCLOSURE STATEMENT

Not Applicable

RELATED PROCEEDINGS

Supreme Court of South Carolina

Christine Crabtree v. Donald Crabtree, No. 2021-000088 (SC. Jul 06, 2021)

Supreme Court of Washington

Christine Crabtree v. Donald Crabtree, No. 98576-6 (WA. Oct 07, 2020)

Appellate Court of South Carolina

Christine Crabtree v. Donald Crabtree, No. 2018-0000269 (SC. Dec 21, 2020)

Christine Crabtree v. Donald Crabtree, No. 2018-0001571 (SC. 29 Apr, 2021)

Christine Crabtree v. Donald Crabtree, Op. No. 2017-UP-461 (SC 13 Dec, 2017).

Appellate Court of Washington

Christine Crabtree v. Donald Crabtree, No. 80165-1-I
(WA. Apr 20, 2020)

Christine Crabtree v. Donald Crabtree, No. 81164-9-I
(WA. Aug 02, 2021)

Superior Court of Whatcom County, Washington

Christine Crabtree v. Donald Crabtree, No. 19-3-00167-37 (WA. ongoing)

Family Court of Sumter County, South Carolina

Christine Crabtree v. Donald Crabtree, No. 2015-DR-43-1428 (SC. Jan 26, 2018)

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JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. art. I, § 10, cl. 1:
No...law impairing the obligation of
contracts...shall be passed.

U.S. Const., amend. I:
Congress shall make no law respecting an
establishment of religion, or prohibiting the
free exercise thereof...

U.S. Const. art. VI, cl. 2:
This Constitution, and the Laws of the United
States which shall be made in Pursuance
thereof; and all Treaties made, or which shall
be made, under the Authority of the United
States, shall be the supreme Law of the Land;
and the Judges in every State shall be bound
thereby, any Thing in the Constitution or
Laws of any State to the Contrary
notwithstanding.

U.S. Const., amend. XIV § 1:
nor shall any State deprive any person of life,
liberty, or property, without due process of
law; nor deny to any person within its
jurisdiction the equal protection of the laws.

REASONS FOR GRANTING THE WRIT

I. Did Judge Monet Pincus violate the 1st Amendment protection of freedom of expression and generally condemn religious expression of men?

The response argument fails in four ways:

1. Terminology of the lower court makes Husband's expression of religion towards Wife as cause for unfavorable findings due to alleged religious expression. The duty of the government remains to protect the religious expression and freedom of speech according to constitutional provisions. These statements of the Lower Court violate the mandates of the law *prima facie*. Argument of Respondent does not address this burden.
2. Respondent uses Lower Court's acknowledgement of Father's encouragement of children's spiritual background to show Lower Court considers religion¹ as acceptable; however, response argument further contrasts application of religion as Husband as unacceptable. Respondent fails to clarify how the law may pick and choose.
3. Respondent argument appears dependent on emotional triggers in quoting the Husband's

¹ Consideration of religion is required accordance with S.C. Code of Laws § 63-15-240 (13)

statement invoking religious authority to confront the Wife. The emphasis on quoting the Husband without clarifying his meaning implies a tacit premise that religion has no place in family dispute.

4. According to the facts of the case, the Lower Court and Respondent mischaracterize the meaning and intent of the Husband's application of religious content as perpetual means of control versus a provoked response.

With respect to the law, items 1 and 2 are the salient issues. Items 3 and 4 clarify dispute over meaning of facts. The timeline shows a dispute due to a career transition beginning in October of 2014. The timing of Husband's response in Plaintiff's Exhibits 1 and 2 is 31 October and 1 November 2015 respectively. The use of this evidence as beginning cause in the breakdown of the relationship ignores facts showing breakdown beginning a year earlier.

Respondent uses Exhibits 1 & 2 to support a narrative that the Husband invokes religious content repetitively. This interpretation is crucial to the Wife's case. A single situation does not show a pattern. The lack of supporting evidence and opposing evidence leave the concept unsubstantiated. Three forms of oppositional evidence are: 1) Quoted dialogue in Petition of Wife clarifying Husband does not vocalize. 2) The Husband's psychological profile, which a) does not indicate narcissism and b) shows that he is unlikely to respond without provocation. 3) Respondent

claims her concerns toward Husband **began** when Wife received Exhibits 1 & 2.

1. The Husband and Wife's dialogue transcribed in the Question III of the Writ are from an audio recording of 15 December 2014 as documented in Page 109 of the Record on Appeal. Wife accuses the husband of asserting importance. The Husband disagrees, the Wife promptly concedes, but then clarifies that Husband holds importance in his mind.²
2. The Court ordered psychological profile of Husband is favorable stating: a) "findings are not indicative of an individual who engages in unprovoked aggression or has substantial problems related to emotional regulation."³ The psychological tests also state b) "...Specifically, there was not sufficient evidence from the psychological test findings to support Ms. Crabtree's allegations of highly controlling or aggressive tendencies. Rather the test findings appeared valid and did not reveal obsessive-compulsive, narcissistic, or violent tendencies."⁴
3. The Wife states that she began to question the Husband's stability due to the

² Similar to the construct of shaming in accordance with Critical Race Theory. Akin to younger sibling mentality of coveting privileges held by an elder sibling.

³ ROA Vol 2 Page 219 Para 1

⁴ ROA Vol 2 Page 217 Para 6

“admonishment” included in Exhibit 1 & 2 dated 31 October, and 1 November 2015. This was an entire year after her sexual and emotional withdrawal from the marriage. Wife testified that upon this correspondence is when she first became intimidated and realized irreconcilable differences per response Page 5, Lines 11 – 18.

If Wife began to question the stability of the Husband on 1 November 2015, it would follow that she did not perceive unstable behavior by the Husband during the prior year. On the weekend when Wife used her Father in conflict with Husband and Children of 31 Oct 2015 is when Wife received Husband’s rebuke. It’s logical that if Husband did not submit to Wife’s efforts to control over the previous year, that she decided the situation was irreconcilable and retrofit her litigious complaints to make use of the response she provoked.

Having argued that the Husband’s email response is uncharacteristic behavior is necessary to the narrative of the case, but should not be necessary to condemn the language of the Lower Court against Religious expression. Constitutional provisions allow spouses to voluntary bind themselves by various frameworks without government interference. Spouses, equal before the law, may use by-laws, statutes, terms and conditions, or religious frameworks to champion their interests or justify their conduct.

II. Did the South Carolina Trial Court err in facilitating divorce of Washington State residents?

The Respondent argues that litigation began 10 November, 2015, after the Husband's separation from service on 31 December, 2014. The Respondent asserts that this was "over a year." The passage of time between these dates is 10 Months and 10 Days, shy of a year by almost 2 months.

Respondents clarification of South Carolina physical residency laws edify Petitioner's point for jurisdiction. §20-3-30 *S.C. Code of Laws* (1976, as amended), according to Respondent, is clear about the State's intent to facilitate divorce of physical residents, especially military personnel, regardless of their legal state of residence. Given the date of the statute, it may not account for the Service Member's Civil Relief Act (of 2003), which allows for legal state of residence to be other than the physical residence. There appears no contest to parties as legal residents of Washington while physical residents of South Carolina making this case appropriate for Federal Court.

III. Did the Judge George McFaddin ignore substantial exonerating evidence in support of Husband at the beginning of litigation and fail to render him due process?

Respondent claims both parties came to the Lower Court asking to live apart and indicates that is what they got. This is inaccurate. Petitioner was living in the marital home at time of his initial response filings which included his exonerating audio recordings and numerous supportive affidavits that the Wife made no claims of legal wrongdoing by the Husband. Therefore, the Lower Court had no grounds to remove the Husband from the home nor remove his custodial rights.

IV. Did the Court ignore its own psychological reports and expert testimony and wrongly assign credibility to the Wife?

V. Did the Court convert issues, conflate mischaracterizations, minimize salient facts and construct findings in order to inappropriately assign credibility to the Wife?

Respondent overlooks the multitude of merits raised in questions IV and V and raises alternative evidence attempting to refute the Petitioner's position labelling the Father unfit. Without exception, issues arising over children's medical care start when Wife becomes dissatisfied with Husband's career transition. From October 2014, the Wife attempted to undermine the Father's proactive approach to medical concerns. The Mother's former appreciation of the Father's

proactive approach are forgotten. This is evident in the Q&A at cross-examination of Wife.⁵

Q: Okay, You brought up [Z.C.]'s medicine.

A. Yes

Q. You said that when you were in Washington, you took him to the ER.

A: I did

Q: And that I had issues with his medicine?

A: Yes.

Q: Do you remember which medicine I had issues with?

A: QVAR.

Q: QVAR. Do you remember – do you know what type of medicine QVAR was?

A: You thought it was an oral steroid, which is not good for long term, but it was not an oral steroid; it was an inhaled steroid, which is not unhealthy for long term.

Q: What's our previous experience with steroids and our children?

A: [T.S.] was in the hospital in Korea.

⁵ ROA Vol 3 Page 196 - 200

Q: Who took him to the hospital?

A: The ambulance.

Q: And who rode with him?

A: You did.

Q: Do you recall that I also took [T.S.] off of those steroids that were prescribed?

A: No

Q: Months before we had checkup?

A: No.

Q: Do you recall if the doctor agreed with my decision?

A: [T.S.]?

Q: Correct.

A: He agreed with your decision to take him off early?

Q: Yes.

A: No, I don't remember any of that.

Q: Do you recall who prescribed [T.S.] the steroids that he had?

A: Probably the Korean hospital, so?

Q: The Korean hospital, correct. And who was his provider that we were dealing with? Was it a Korean?

A: Yes -- I don't remember. We were dealing with Koreans.

* * *

Q: Do you remember what [T.S.] went to the hospital for?

A: They couldn't figure it out. They said bronchiolitis, asthma, pneumonia --

Q: Does RSV ring a bell?

A: They put that in there too.

Despite Mother's memory, in both cases with two different children the Father was not opposed to urgent use of steroids, but he is opposed to sustained or preventative use, and in each case, he observed that all care providers supported his prompting to cease use once symptoms subsided. Father's compliant regarding Mother is that she is willing to medicate children for her peace of mind without fully comprehending the details provided by medical personnel.

Prior to Husband's career transition, Wife did not attempt to find fault with the Husband and she relied on him for decision making. Only when she began to demonize him did she regard the Husband's proactive nature to be nefarious.

A significant dispute that arose on 21 April, 2015, prior to the couple's litigation regarding a mole on their youngest son's leg. The Mother became frantic about the possibility of cancer; in contrast, the Father insisted on an opinion from a dermatologist. The Dermatologist did not find the mole to be threatening; however, due to the Mother's anxiety the Dermatologist offered to remove the mole to give the mother peace of mind. The Father disagreed with this, but once litigation began and the Father lost custody of his children, the Mother proceeded with the procedure. As Defendant's exhibit 26 shows, the Wife intensely minimized her Husband's perspective and his fatherly concerns: ⁶

H: So my perceptions are not a factor?

W: No!

H: My feelings are not a factor?

W: No! Because that's insane. And so therefore, my mind of logic –

H: So you think I'm like – you can define me as insane, and then you can dismiss my perspective?

⁶ ROA Vol 2 Page 392

W: You're insane. That's the reason.

H: Hey guys., guys., Go upstairs, go upstairs.

W: I don't think you care about them. I think that you care more about what you want more than you do about their safety. I think you care about more—more about—

H: So what do you think I'm concerned about, with [D.B]?

W: I think that when you were – I think you're concerned about the doctor wanting to make money. Concerned about them.

H: So you think I don't like people making money?

The Mother accuses the Father of selfishness when in fact it is her anxiety that is driving her choices with the children's care. Finally, Respondent strongly misrepresents Father's mistake regarding an allergy as intentional, which is consistent with her constant efforts to mischaracterize. Guardian-Ad-Litem's report referred to a peanut-flour incident:

...he gave an energy bar including peanut material to one of the children who has a peanut allergy".... "The Defendant acknowledge his error on that occasion and it is somewhat understandable that such an

event could occur after a period of several months without contact with the children.⁷

Additionally, the arguably biased Final Order supports Father with visitation and does not render credibility to the outrageous allegation that the Father was attempting to exercise unilateral, non-medical, and unsupervised peanut therapy to the child. This is further supported in argument X.

VI. Do the findings of Judge Monet Pincus demonstrate mischaracterizations, religious persecution, abuse of power in order to exercise prejudice and ignore torts against partnership obligations?

The Petitioner asserts that the Court failed to identify the faults and torts of the divorce in evidence. The Court of Appeals did not account for the fact that the Husband was forced to leave the marital home on the basis of the Wife's contrived "emergency" departure. The rulings of the Court did not acknowledge the Wife's false premises in her initial pleadings that she and the children departed because she and they "feared for their lives." This was later shown to be invalid in Psychological interview of Wife, Guardian-Ad-Litem and witnesses' observations of Children's bond with Father. Therefore, the Wife's actions constituted a Tort, and all the corresponding legal remedies should follow.

⁷ ROA Vol 2 Page 399

VII. Does Judge Monet Pincus bring discredit to the judiciary by manifest gender prejudice and malfeasance?

Respondent claims Husband identified as objectifying women and referenced of (R. Vol. 4 p. 16); however, this reference contains no material regarding this subject. The curious inclination of sexuality having viewed pornography is not synonymous with objectification. This case involves a monogamous male who fathered 4 children with one woman. The Husband does not identify as objectifying women and his 15 years of success in marriage prior to October 2014 career transition is also evidence in support of his claims.

VIII. Did the Court Facilitate the Wife's Construction of Desertion of the Husband?

Respondent reiterates her Argument IV. Same applies in Reply to IV.

IX. Did Judge Monet Pincus violate 14th Amendment equal application of the law?

Respondent argues question was abandoned on appeal according to South Carolina Court of Appeals. The request for initial appeal was De Novo, and all related records were supplied. Appellate

Court preferred segmentation of statements with argument; however, Petitioner stated a multitude of issues and thus aggregated his argument. Appeals Court had opportunities to preserve the issues. Upon requested De Novo review, the Court can identify matters independently due to content, which could include any stated issues on appeal and more. Additionally, the Appellate Court denied multiple requests for case consolidation, which would allow its preferred formatting of argument for the same issues raised in the enforcement order that shortly followed the Final Order in this case.

X. Did the Guardian Ad Litem, James Stoddard, manifest bias, and do his actions and assignment by Judge George McFaddin indicate collusion?

Respondent argues issue abandoned on Appeal. Petitioner's response to whether issues are abandoned is addressed in aforementioned question IX.

Respondent states that Record is totally devoid of any evidence supporting this question despite the confessed bias of the Guardian-Ad-Litem against Husband during cross examination as shown in Petitioner's Writ. Respondent's standard for evidence is not consistent: consider in Argument for questions IV & V she alleges Father's dangerous intent to expose his son to allergens. For evidence she references all four pages of her initial complaint, but there is no mention of this subject. The only other content on the subject is found in the Record a

few pages following the Plaintiff's Affidavit. An email thread from two years earlier, dated 10 September 2013, while the Husband was deployed, states:⁸

I just told our Wing Command Chief about [2nd son] and he said he knew a guy whose doctor could work the child to a tolerance for peanuts so that the body would not over react...I'm still interested in pursuing that type of pathway. Better than him not coming home someday. So, the question I have is: "are there doctors who specialize in this." Are there any nearby? Love Clint

This shows double standard. The nearest evidence in the Record on topic shows the Father was interested in peanut therapy two years prior to subject incident. There are two aspects favoring the Father: 1) He was seeking a professional's input, and 2) he did not act unilaterally on the matter between 2013 and 2015.

The Respondent is hypocritical with respect to standard for evidence. Here She demonstrably forms accusations without supporting evidence, in contrast Petitioner provides substantive evidence supporting this question more than satisfying Respondents respective standard for evidence.

⁸ ROA Vol 2 Page 277

XI. Did the Court err in awarding custody of the children to the Mother?

Respondent did not address merits presented for this question and chose to align this question to an issue on Appeal containing terms such as "more reasonable parent." Referenced issue deemed abandoned at election of Appeals Court. If considered applicable; please see reply in question IX regarding abandoned issues. Respondent further asserted that the points argued in IV & V should satisfy this question. Petitioner herein above showed that the reasoning in Respondent's discussion for questions IV & V is invalid.

CONCLUSION

For the foregoing reasons, the Petition for Writ of Certiorari should be granted.

Respectfully submitted,
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