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FILED

05/06/2024

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0068

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0068

SAMUEL V. TINTINGER,

Respondent and Appellant,

v.

ASHLEY L. TINTINGER,

Petitioner and Appellee.

FILED

MAY - 6 2024

Bowen Greenwood
Clerk of Supreme Court
State of Montana

APPELLANT'S OPENING BRIEF

On Appeal from the Montana Fourth Judicial District Court,
Missoula County, The Honorable Standing Master Amy Rubin, Presiding

APPEARANCES:

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Appearing on behalf of the Respondent
& Appellant

Attorney for Petitioner
& Appellee

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STATEMENT OF THE ISSUES

1. Did the Justice Court violate my fundamental right to due process of law when Justice Court did not grant me, the Respondent, opportunity to cross-examine the witness, Petitioner and Appellee Ashley Tintinger, after Ms. Turman's Redirect Examination of this witness?
2. Did the Justice Court violate my fundamental right to due process of law when the Court ordered the Petitioner's request for a Temporary Order of Protection be made a Permanent Order of Protection without ever informing me, the Respondent, that this possibility existed?
3. Did Justice Court err when the Court stated that the Petitioner was "following the parenting plan?"

STATEMENT OF THE CASE

I, Samuel V. Tintinger, Respondent and Appellant, am immensely thankful for this opportunity to present my case to the Supreme Court of the State of Montana. I hereby respectfully ask the Court to please extend grace unto me. I am woefully ill equipped to properly handle this matter without competent legal

representation, but nonetheless, I am duty bound to proceed, doing the best that I can.

This PERMANENT Order of Protection which I am now appealing has the power to take away several of my rights for the rest of my natural life, fundamental rights which are granted to me as a citizen of the State of Montana and a citizen of the United States of America, rights which are established and guaranteed protected by both the Constitution of the State of Montana and the Constitution of the United States of America.

I have been and am now still being subjected to punishment by order of the Court, as if I have been charged with, been prosecuted for, and been found guilty of committing a crime. Despite this fact, Order of Protection cases are considered a civil matter, as opposed to a criminal matter. Because Order of Protection cases are considered a civil matter, there is no opportunity available to have court appointed representation through the Office of Public Defenders.

Since the time of the ordering of the initial Temporary Order of Protection close to three years ago, I have never had the means to afford to hire a private attorney to represent me in this matter. Since this case has now reached the level of an appeal to the Supreme Court of the State of Montana, it is well understood that

the legal fees associated with a case of this magnitude are well beyond anything a low income individual could ever be expected to afford.

I have been unable to find any organization willing to offer legal assistance to low income individuals facing Order of Protection matters. The Montana Legal Services Association has a strict policy prohibiting that organization from offering assistance in Order of Protection matters.

In my Dissolution of Marriage hearings, in the Parenting Plan mediations (for, as yet, there has NOT been a Parenting Plan hearing held before a judge), and in the Temporary Order of Protection hearings, all matters which are intrinsically connected to one another, in all of these proceedings, honesty, Your Honors, attempting to represent myself, it has just been above my pay grade. I am a simple man.

I again respectfully ask for the Court to extend grace to me, for I am feeling very unsure about my ability to comprehend and properly follow the guidelines for writing this document, as far as following the correct procedures and format. I have done my best to present my case as the rules of this Court prescribe, but I am aware it is quite likely that my document will fail in some regard, with respect to these requirements. I respectfully ask the Court to not take offense at any errors I may have made, asking respectfully for the Court to offer me the opportunity, if

allowable, to have the Court make known any errors I may have made which may be so grievous that it could place my case in jeopardy, as well as respectfully asking that the Court please offer me the opportunity to fix any such errors.

On August 12, 2023, a Temporary Order of Protection protecting my ex-wife and my minor aged children expired. Under the terms of this Temporary Order of Protection which expired in August of 2023, I was granted NO parenting time with my minor aged children. The Temporary Order of Protection which expired on August 12, 2023, expressly stated in order number 12, "Conflicting orders. If any term of another order conflicts with any term of this order you must follow the more restrictive term." Under order 15, "Other relief as deemed appropriate by the Court: Respondent shall NOT have the children until further order of the Court."

During the negotiations prior to the order of dissolution of my marriage, with the help of professional mediation, I was given the opportunity to voluntarily sign a Stipulated Parenting Plan. This Stipulated Parenting Plan was drafted by and presented to me by the attorney representing Ashley Tintinger, the Petitioner. In this proposed Stipulated Parenting Plan drawn up by the Petitioner's attorney, I was offered the chance to "parent" my children for only one hour per week, under supervision, at Planet Kids in Missoula. The presentation of this plan came with the expressed expectation that if this plan were followed it could be amended in the

future to include more time and less restrictions being placed upon my parenting time.

The attorney representing the Petitioner explained to me that if I did not sign this proposed Stipulated Parenting Plan, I potentially would NOT see my kids AT ALL for close to two more years. When I signed this intensely restrictive Stipulated Parenting Plan that was then ordered by the Court as a part of the order to dissolve my marriage, at that time I had not been allowed to see my children at all since the inception of the first temporary order of protection.

The events that lead up to the ordering of the initial Temporary Order of Protection involved a loud argument that took place at my residence several years ago. At that time, my ex-wife and I were still married, but I was living in my shop, located on my and Ashley's property at 511 Mission Street in Stevensville, Montana. I came home in the evening to find that my oldest daughter had taken an ax to the door of my shop, destroying the lock. According to my daughter, my x-wife, Ashley Tintinger, put my daughter up to doing this act of violence. In two previous incidents of violence, Ashley destroyed the wooden door to my shop, first by taking a baseball bat to the door and then later by taking an ax to the door. I was forced to replace that wooden door with a metal door.

It upset me so much to have my property destroyed again, and this time by my own daughter, reportedly under the prompting of her mother, that I became quite angry and raised my voice very loudly. It has been reported to the Court that I made some sort of vague death threat against an unidentified party. This allegation is simply not true.

I was never charged with making threatening statements by law enforcement. I was charged with disorderly conduct because I raised my voice so loudly in protest after my daughter destroyed the lock on the door to my shop with an ax. The charges were dropped. I was never prosecuted for this charge of disorderly conduct, yet still, as a result of this incident, the Petitioner was able to obtain a Temporary Order of Protection which expired, without incident, in August of 2023.

In this most recent TEMPORARY Order of Protection hearing held in December of 2023, I heard for the first time that the Petitioner is now accusing me of threatening her with a firearm over three years ago. I heard for the first time that my ex-wife is now accusing me of forcing sex upon her over three years ago. May I please state for the record, these two allegations are unequivocally FALSE.

I have never been charged with nor found guilty of assault of any kind, sexual or otherwise, nor have I been charged with or found guilty of child abuse or

child neglect of any kind. The fact that I am now being forced to “parent” my kids under supervision for a few hours each week based solely upon unsubstantiated false witness testimony, this is a horrendous miscarriage of justice. I am optimistic that soon this infringement upon my rights and the rights of my children will be corrected and I will soon be granted an amendment to the Stipulated Parenting Plan by Missoula County District Court which will give me unrestricted 50/50 parenting rights, as I should be entitled to by law.

During the original mediation of the Stipulated Parenting Plan several years ago, the attorney representing the Petitioner explained that if I did not voluntarily sign the Petitioner’s proposed Stipulated Parenting Plan, I could very well end up with NO PARENTING TIME whatsoever, NONE, until the Temporary Order of Protection expired in August of 2023. In an obvious and apparent state of extreme duress, visibly crying, I clearly stated out loud several times that I did NOT want to sign that document! Because I felt I had no other choice, I reluctantly signed the Stipulated Plan and then began seeing my children under supervision at Planet Kids.

Not long after I was permitted to see my children again, the Petitioner, Ashley Tintinger, began to violate the terms of our Stipulated Parenting Plan. She only allowed me to visit with my children at Planet Kids a few times, maybe as

much as somewhere around ten times, I think. I am not sure. The Petitioner began canceling all visits, as I understand it, due to Covid 19 concerns.

Planet Kids has a strict policy requiring that in order for a parenting time schedule to be initiated and/or reinstated, the primary custodial parent must contact Planet Kids FIRST. Despite any and all of my efforts to attempt to get Planet Kids to help me to see my kids, Planet Kids would not reach out to the Petitioner. According to the strict policies of Planet Kids, the primary custodial parent must first reach out to Planet Kids in order to institute and/or recommence the scheduling of any parenting time. I was unable to schedule parenting time at Planet Kids because the Petitioner would not do her part to make that happen.

The Court stated that the Petitioner has been following the Stipulated Parenting Plan. Respectfully, I must contend that this statement made by the Court is simply not true.

Because I was expressly forbidden by law to contact the Petitioner, either directly or indirectly, I was unable to ask the Petitioner to please comply with the terms of our Stipulated Parenting Plan. I thought my only option was to wait until the Temporary Order of Protection expired before I would be able to then contact Ashley so that we could make arrangements for me to see our children again. I

understand now that I had the right to petition the Court to find Ashley in contempt of the Stipulated Parenting Plan. I did not understand that until just recently.

Your Honors, please, I just want to fix this. I want to be able to be a father to my own children again. There is no reason why my children should be kept from me, protected from me, none whatsoever. I am truly dumbfounded by the level of misuse of this system of the law that has been allowed to take place in this case, the Order of Protection system, a system which was designed and put in place to protect from further harm victims of abuse. The harm my children are now experiencing because the Court has restricted their opportunity to be parented by their own father is tremendous. My minor children have been and are still being denied the opportunity to have me, their loving and devoted father, and their loving grandmother, Elizabeth Tintinger, my mother, be a part of their lives in any substantial and meaningful way.

Seeing my children for only an hour or two a week in a sterile environment, under supervision, at a place like Planet Kids, this is just not at all healthy for my children. I am being kept from parenting my kids in a healthy normal environment by order of the Court.

I can't go to my children's school and meet their teachers. I am not notified if one of my minor aged children is having any sort of behavioral problems or

academic difficulty in school, or if one of my minor aged children becomes sick or injured. I am not permitted to attend school sporting events. I am not permitted to see one of my minor aged children perform in a school play or see their exhibits at the school science fair. I am forbidden to attend school graduations. I am forbidden by law to ever meet any of the friends my minor aged children associate with at school. I am not even allowed to know WHERE my children go to school?

Why? What did I ever do to deserve this?

Please, your Honors, when I asked Elizabeth Runkle to contact my ex-wife on my behalf about amending the Parenting Plan, this was what I thought I was supposed to do so that I could see my children again. When I first asked Elizabeth Runkle to contact the Petitioner, I was confused about which Parenting Plan was in effect. I believed that the Petitioner's Proposed Parenting Plan filed Jan 25, 2021, was the current, working and enforceable Parenting Plan. Item 4 B i of The Petitioner's Proposed Parenting Plan states, "Ashley and Sam shall meet to amend this parenting plan after August 12, 2023 when the Order of Protection expires."

Because I believed it to be the correct, respectful and appropriate course of action, I contacted my ex-wife through a non-neutral third party via Ashley's email account filed with the court. Elizabeth Runkle did NOT identify herself as a

“neutral” third party. Elizabeth never claimed to be a “neutral” party, but rather stated that she was contacting Ashley for me and on my behalf.

There is nothing in these email communications which was written with the intention to make the Petitioner feel uncomfortable or feel threatened, nor is there any reasonable cause which I am able to identify that gives any substantiation to the petitioner’s claims that these emails made her feel uncomfortable or made her feel threatened in any way, none whatsoever. I have no knowledge whatsoever of any incidents where any of my friends have ever threatened Ashley with harm or harassed her in any way. Her claims that my friends bothered her years ago while we were in the process of getting a divorce, these claims are simply not true.

The three emails I sent through Elizabeth Runkle never received any reply from the Petitioner. The expressed hope of these emails was to arrange an appropriate place and time for me to meet with Ashley so that we could discuss amending the parenting plan, expressly stating that I wanted to avoid this matter ending up back in court. I was hopeful that we could arrange to meet so that we could peacefully amend the parenting plan, expecting that we again would likely require the assistance of a professional mediator.

At that time, I was applying for assistance from the Montana Legal Services Association. I was actively pursuing the possibility of getting them to help me with

mediation of a new round of Parenting Plan negotiations. The emails sent by Elizabeth Runkle on my behalf were sent in the bond of peace, with a spirit of hope.

I was blind-sided by these emails being seen as a reason for Ashley to attempt to obtain another TEMPORARY Order of Protection. I was never served papers by the Sheriff's Department. I did not even learn of the fact that a hearing was set on this matter until less than 24 hours before the hearing was to take place. I received a courtesy call from the Ravalli County Sheriff's Department in which I was notified that Ashley was requesting another TEMPORARY Order of Protection, notifying me that the papers I was to be served were going to be transferred to the Lake County Sheriff's Department for delivery.

Several days went by and I heard nothing. I called both Sheriff's Departments, but was not able to learn the status of the paperwork I was supposed to be served. I then called the District Court Office in Missoula and learned that the next day a hearing was scheduled to take place.

I was not afforded the opportunity to review the written statement Ashley submitted to the court requesting another TEMPORARY Order of Protection until I was seated in the courtroom. I arrived at the Missoula County Courthouse several hours before the hearing was scheduled to take place. I asked the Clerk of

District Court to please print for me all the documents available related to the hearing scheduled for that afternoon. Ashley's statement was not in the documents reprinted and given to me by the District Court Clerk of Court. As stated above, I was not served with the papers connected with this case until I was seated in the Courtroom.

I was completely overwhelmed. In fact, because I was so overwhelmed, I DID NOT EVEN READ her written statement until after the hearing was already completed.

If I had been given adequate time and opportunity to review the written statement in which the Petitioner asked the court to grant her another TEMPORARY Order of Protection, I am confident I would have been better able to examine Ashley's witness testimony, which would have resulted in the Court being better able to see the fact that Ashley has misrepresented the truth and that Ashley has also lied outright, that the Petitioner has knowingly entered entirely false information into the record, as a means to obtain the Orders of Protection which she has thus far been awarded.

I have been enormously blessed to find a sponsor willing to put up \$7,500.00 to pay the minimum retainer required to hire a private attorney for the process of amending the Parenting Plan in Missoula District Court. I am in the process of

interviewing prospective attorneys and should be blessed to have proper legal counsel representing me for any District Court Parenting Plan hearings that may take place in the future.

There has never been a hearing before a judge regarding a proposed Parenting Plan. I am looking forward to the opportunity to present my case before the Fourth District Court, as I, with the help of a professional attorney, intend to petition the Court to amend the Parenting Plan. I also am optimistic that the Supreme Court of the State of Montana will grant me due process of law and grant me the dignity to be heard further on the facts of this case by remanding this entire matter back to the Court of District Judge Leslie Haligan.

I am optimistic that I will not be let down by the country I served. As a member of the United States Marine Corps., I am duty bound to honor and protect the laws of our great country, which includes the laws of our great state. It is these laws that I rely upon now. An act of the Courts has stolen my dignity, stolen my rights. Further action of the Court could restore my dignity by restoring to me my inalienable rights. May God Almighty, our creator, the creator who has endowed me with these rights, May OUR FATHER IN HEAVEN AND OUR LORD JESUS, receive the glory!

If this recently ordered PERMANENT Order of Protection had been ordered to be a TEMPORARY Order of Protection, as opposed to being ordered permanent, as was requested by the petitioner, I would be granted further opportunity to present information to the Court in another hearing, so that the Court would be able to make a fully informed decision. As it stands now, if I am not mistaken, if this appeals process fails, and this order remains in effect, I will have no legal recourse outside of a civil suit against the State of Montana.

If I had known that the potential existed for this Order to become permanent, which has stripped me of my right to bear arms for the rest of my life, I would NOT have volunteered to proceed with the December 2023 hearing, but would rather have asked that the hearing be set for a later date. I would have asked for this so that I could be better prepared to question the Petitioner on her false testimony.

Despite my lack of opportunity to adequately prepare, and my reservations as expressed to the Court that I have suffered brain trauma which makes it difficult for me to communicate effectively when I am in a state of extreme duress, I was confident that the Court would see the truth and rule that there is no need to put another order of protection in place. The previous order expired with no incidents or allegations of incidents where the order was violated. In my opinion, there was

never a valid reason for the initial Order of Protection and I was quite sure the Court would see that this is the case.

When I volunteered to proceed with the hearing despite my lack of notification, I had not yet received or read the statement the Petitioner wrote to request that hearing. When the Petitioner put forth her staggering false witness testimony during the hearing, I attempted to refute it, but I was ineffective, to say the least. I became very confused. The Court required me to word my questions in such mixed up language, not asking my questions directly, but wording them so that the Court could ask the questions for me. This confused me so terribly, which I clearly expressed to the Court stating, "I don't understand how to ask questions."

If when I was originally given the opportunity to postpone this hearing, if I had any understanding of how difficult it was going to be to question Ashley during this hearing, I would NOT have volunteered to proceed, but would have asked for a postponement. When the Court could clearly see how much difficulty I was having properly posing the questions and when the Court could clearly see how much difficulty I was having differentiating between asking questions and entering testimony, should the Court have taken the initiative to offer me the opportunity to rephrase my questions properly? I believe that when it became apparent that I was having such difficulty wording the questions properly the Court

should have been able to better assist me with wording the questions correctly so that the Court could obtain answers to my questions.

Perhaps the Court, when it became apparent how much difficulty I was having, perhaps the Court should have taken the initiative to postpone the hearing? It was clear that the Petitioner was not being examined adequately and that my testimony was not being conveyed adequately.

The Respondent was the aggressor in all the incidents of domestic abuse which occurred in our marriage, including her indirect involvement in the incident directly preceding the original Temporary Order of Protection issued in August of 2021 when she encouraged our daughter to destroy the door to my shop with an ax. I was NOT given the opportunity to cross examine the Petitioner after Ms. Turman conducted her REDIRECT EXAMINATION. The record of this REDIRECT EXAMINATION is as follows....

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9 REDIRECT EXAMINATION

10 BY MS. TURMAN:

11 Q. Ashley, Sam just asked you about a few
12 instances where he felt maybe that you were the
13 aggressor, that you had hit him, used a baseball
14 bat, ripped his clothes. Do you have any
15 recollection of doing any of those things?

16 A. I do not, Your Honor. Only that one
17 night.

18 Q. And had you ever been physical with Sam?

19 A. Only in protection of myself.
20 MS. TURMAN: Okay. That's my only
21 follow-up, Your Honor.
22 THE COURT: Did you have any follow-up
23 questions to that question? And let me just tell
24 you that you've got a lot of witnesses out there.
25 We have a limited amount of time. You're using up

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1 some of your time. That's your choice.

2 MR. TINTINGER: Yes, ma'am. I have one
3 question on -- I know that when the ruling had
4 been given on the protection order and I've still
5 not had my guns. I've had friends hold on to my
6 guns since, and I've only went out bow hunting.

7 MS. TURMAN: Objection.

8 THE COURT: This is not a question.
9 You're going to be testifying later under oath.
10 You're not under oath now. I can't accept
11 anything you're saying.

12 MR. TINTINGER: I don't understand how
13 to ask questions.

14 THE COURT: She's under oath. She's

15 providing testimony.

16 MR. TINTINGER: Yes, ma'am. We're good,
17 ma'am.

18 THE COURT: So that's the end of your
19 question.

20 So then, Ashley, you can step down.

21 Now, we can take a break, say, until 2:30.

The record as published by Jeffries Court Reporting indicates that the Court offered me the opportunity to cross-examine Ashely after her testimony with “follow up questions,” but the record at the head of the record as documented by Jeffries Court Reporting does not state that I cross-examined the Respondent after Ms. Turman’s REDIRECT EXAMINATION.

The record does not indicate that I cross-examined the Petitioner after Ms. Turman’s REDIRECT EXAMINATION with any “follow up” questions because the Court denied me the opportunity to do a cross-examination. I attempted to begin a series of questions, but was told by the Court that the way in which I was phrasing my initial question was improper. I was not given the opportunity to rephrase my initial question, nor was I given the opportunity to ask any other

questions besides the first question I attempted to ask which was objected to by Ms. Turman.

When I stated to the Court, "We're good," I was referring to understanding that Ashley was under oath, NOT that I was done with questioning her. I did not get the opportunity to pose a question beyond my initial attempt at asking a question which was found to be unacceptable by the Court.

When I stated to the court, "I have one question," it was NOT meant as a statement to say that I had just ONLY ONE question. I was never permitted to pose any questions. I was stopped in the progression of thought which was leading up to my first question and then not allowed to proceed. I was preparing to ask several questions about what Ms. Turman raised in her REDIRECT EXAMINATION when Ms. Turman stated, "Sam just asked you about a few instances where he felt maybe that you were the aggressor, that you had hit him, used a baseball bat, ripped his clothes. Do you have any recollection of doing any of those things?"

If I had been given the opportunity to properly present my questions after Ms. Turman's REDIRECT EXAMINATION, I would have had the opportunity to have the Court ask the witness the following questions:

1. Does Ashley remember the incident when she hit me with an open fist in the head as I was attempting to flee from her through the laundry room to the safety of my shop?
2. Does Ashley remember that on that day she also tore my clothes?
3. Does Ashley remember that during that same incident just described, the day she tore my clothes, does she remember when I attempted to remove her hands from my clothing that she bit my finger?
4. Does Ashley recall that I called the police after this incident when she hit me in the head, bit me and tore my clothes?
5. Does Ashley recall that after the incident when she hit me, tore my clothes and bit my finger, law enforcement came to our Stevensville home and interviewed both her and me but made no arrest?
6. Does Ashley recall a different incident on a different date sometime after the incident in which she hit me, tore my clothes and bit my finger, a different incident when she became physical with me?
7. Does Ashley remember the day that she was arrested for hitting me and then charged with assault?
8. Does Ashley recall that on the day that she was arrested for assault, on that same day, before law enforcement arrived, she threatened to kill me and to kill herself?

9. Does Ashley recall that it was our oldest daughter who called the police on the day that she threatened to kill me and to kill herself, the day she was arrested and then charged with assault?
10. Does Ashley recall that I did not press charges against her for assault, but that the State of Montana pressed those charges?
11. Was Ashley found guilty of assault?
12. Does Ashley recall the incident when she attacked me physically by hitting the wooden door of my shop with a baseball bat when I was inside my shop after having fled inside there to get away from her, locking the door for my safety.
13. Does Ashley recall the incident when she attacked me physically by hitting the wooden door of my shop with an ax when I was inside my shop, having fled inside there to get away from her, locking the door for my safety?
14. Does Ashley remember the incident when I was sound asleep in our bed and she threw hot coffee on me at 3 a.m. in the morning?
15. Does Ashley remember that law enforcement was called to our home the night she threw coffee on me?
16. Does Ashley remember that on the night she threw hot coffee on me law enforcement interviewed us both, but no arrest was made?

17. Does Ashley recall the MANY other times that she became physical with me, incidents including, but not limited to, the multiple times she threw clothes at me as I fled from her through the laundry room to the safety of my shop, the time she threw hot coffee on me and then later that same night threatened to beat me with a baseball bat? The incident in which she attacked me physically when I was seeking to take shelter from her and escape to the safety of my grow room when she threw fluorescent bulbs and glass beer bottles towards me onto the floor, shattering them, which sent shards of broken glass in my direction?

I would like the Court to understand that there are so VERY MANY incidents in which Ashley became physical with me besides just the incident in which she was charged with and found guilty of assault, the incident I assume she is referring to in her testimony when she states she only became physical with me “only in protection of myself” and “only that one night.”

If I had been given the opportunity to properly cross-examine the Petitioner after Ms. Turman’s REDIRECT EXAMINATION, I am confident that the Court would have been better able to make a properly informed decision. If I had been represented by proper legal counsel, I am confident that the facts of this case would

already have been brought to light and that the Court would have then been as outraged as I am by the fact that Ashley has abused and misused this important and necessary feature of our legal system, the Order of Protection, a feature designed to protect individuals from potential abuse and threats of harm. I pose no threat to Ashley, never have, never will.

Her testimony regarding me assaulting her with threats of violence are absolutely false. Never in my life have I pointed a gun at her, or anyone, NEVER! I have pointed guns only at targets learning to shoot and/or practicing shooting, as a part of my military training in the United States Marine Corps and when hunting big game. To disarm me, a United State Marine, this brings dishonor to ALL MARINES! Without the brave sacrifices of the men and women of our armed services, I would not be receiving the dignity which I am receiving RIGHT HERE RIGHT NOW, dignity that comes from being granted the opportunity to write this document to the Courts that rule our free state.

Your Honors, I taught my oldest daughter to hunt. I taught my oldest son to hunt. During one of our recent visits together at Planet Kids, one of my sons expressed that he "looks forward" to me teaching him to hunt.

Because I always do my best to be careful to follow all the rules at Planet Kids, I was forbidden to fully communicate with my own son, a restriction that has

been placed upon my right to freedom of speech. I could not tell my own son WHY, at this time, I am not allowed to teach him how to hunt. If this order is not changed, I will never again be able to legally hunt except with a bow. If this order is not changed, I will not be able to legally teach my son or any of my other children to hunt with a rifle.

Thank you.

STATEMENT OF THE FACTS

There is only one fact that I know for sure, Your Honors, the fact that I am not an attorney at law. Again, I need to respectfully and humbly ask for the Court to please grant me grace. I have stated my case above to the best of my ability. How to write this section correctly, and all of the other sections correctly, this is just so confusing to me. Like I said before, this is above my pay grade. I am not sure how to do any of this and I am running out of time.

I am not college educated. I did graduate from Frenchtown High School, but just barely. My grades in school were below average. I do know that I am a very intelligent man, but I am not “book smart.” The only reason the grammar is so what I will call “fancy” in this document is because I had a friend help me edit it.

The only reason this document is typed is because I hired a friend to type it. The only reason the spelling is correct is because of modern day computer programed spell check.

I am so afraid that I am never going to be able to get this document right. I will never be able to pretend to be a lawyer well enough. I am quite sure of it. I want to give up! **I CANNOT!**

How do you think my Dad felt when he was fighting in the Islands of the Pacific in World War II? Did he give up? Did all the brave men and women give up who have fought in countless unnamed battles to establish and protect the freedoms which the laws of our state and nation grant and guarantee us?

Some were forced to give up, most notably the countless cultures and tribes of the Americas who LOST the War of Independence fought on soil that belonged to their ancestors. The War of Independence continues, as I fight now, a lone soldier, no company or battalion backing me, only the written laws that grant me the dignity to speak respectfully to the Court. I pray that the Supreme Court of the State of Montana will grant me and my family the dignity which has been stolen from us, the dignity we are all supposed to receive as citizens of this state and this country.

SUMMARY OF THE ARGUMENT

Thank you

STANDARDS OF REVIEW

Thank you.

ARGUMENT

Thank you.

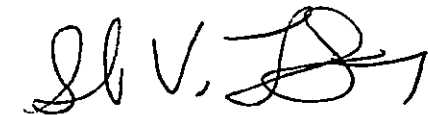
CONCLUSION

I respectfully ask the Supreme Court of the State of Montana to please remand this entire issue, including any and all matters relevant to this case, back to District Court Judge Leslie Halligan for another hearing, asking that she be given authority, if she does not have it already, to overrule her Standing Master's order and dismiss this PERMANENT Order of Protection. In a future hearing before Judge Halligan, I would like to be given the opportunity to respectfully ask the Court to order a PERMANENT NO CONTACT ORDER between myself and the Petitioner.

I respectfully plead with the Court to please merge the matter of the Petitioner's request for a TEMPORARY Order of Protection and the receiving of a

PERMANENT Order of Protection with the matter of amending our current Stipulated Parenting Plan into one District Court hearing, as was suggested by Standing Master Amy Rubin. I am asking for another District Court hearing where I may appear before Judge Halligan, a hearing where I may be granted due process of law and be given the opportunity to be represented by a competent attorney who is able to present new exhibits and to enter further testimony on my behalf.

I respectfully offer thanks to my Father in Heaven and my LORD Jesus Christ for this opportunity. Thank you. May God receive the glory!

A handwritten signature in black ink, appearing to read 'S.V. Tintinger', with a horizontal line drawn underneath it.

Samuel V. Tintinger, pro se
Respondent and Appellant

CERTIFICATE OF SERVICE

I, Samuel V. Tintinger, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellant's Opening to the following on ~~04-29-2023~~:

05-02-2024

Ms. Layla Turman


(406) 243-5759

ASUM Legal Services

University Center, Room 116

32 Campus Drive

Missoula, MT 59812



Samuel V. Tintinger

Appellant, pro se

CERTIFICATE OF COMPLIANCE

Pursuant to Mont R. App. P. 11(4), I certify that Appellant's Opening Brief is printed with a proportionally spaced Times New Roman text typeface of 14 points; double-spaced except for footnotes and for quoted and indented material; and the word count calculated by Microsoft Word for Windows is 37,294 .

A handwritten signature in black ink, appearing to read 'S.V. Tintinger', written over a horizontal line.

Samuel V. Tintinger

Appellant, pro se

CERTIFICATE OF SERVICE

I, Samuel V. Tintinger, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellant's Opening to the following on 04-29-2023:

Ms. Layla Turman

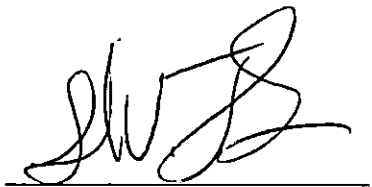
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Samuel V. Tintinger

Appellant, pro se

APPENDIX

Stevensville City Court *Decision and Order* (August 8, 2020) App. A

Fourth Judicial District Court *Decision and Order* (January 4, 2024) App. B