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IN THE SUPREME COURT OF MONTANA

BRAD RAE RICHARDSON)
Appellant,)
)
-vs-)
)
MISCHELLE VANISKO)
Appellee,)

DA 24-0268

TABLE OF AUTHORITIES

CASES

State v. Blaz

Schiller v. Schiller

Lear v. Jamrogowicz

MONTANA CODE

Rule 404

MCA 26-1-602

MCA 40-15-201

MCA 45-5-503

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OPENING BRIEF

STATEMENT OF THE CASE

1. On November 11th 2018 I received a call from Deputy Niel Marks from the L&C Sheriff's Department.
2. He stated I needed to come in and talk about some issues. I knew it involved Makayla Masse or Kathleen Bryan. I was working on a vehicle for a customer. I locked up my tool box and headed down Montana Ave to the Sheriff's Department which was at that time next to the Court house.
3. Instead of what I expected, I should state what I irrationally expected that they would deal with the issue of Makayla being pregnant and getting high on meth. I was arrested for PFMA, Rape (SWIC), and Kidnapping.

4. I told N.M. that I was afraid M.M. was going to steal my vehicle. (LC)
5. It took me several weeks to get a probable cause affidavit to even know what the details of the accusations were.
6. It included accusations of assault where I was in fact assaulted, it included accusations of rape at night at a place I never had sex with anyone at night (Dahl Rd) it included accusations of rape in a place I never had sex with M.M. (Grizzly Gulch) to reiterate that I have simply never had sex with M.M. on Grizzly Gulch a place she claimed I raped and impregnated her.
7. It included accusations of kidnapping (Fishawk Campground) and a recanted accusation of rape at that place also.
8. I have never raped or kidnapped or assaulted Makayla.
9. My bond was set at 100K. apparently the L&C Sheriffs Department expected for there to be several women to make similar accusations.
10. The State expected to introduce evidence at trial under Rule 404(b). Prior bad acts. Bad acts that never occurred.
11. This is the reality I have faced for the past six years. Lived with and thought about.
12. In February 2023 Makayla and her new partner falsely accused me of felony assault while denying their own acts of assault.
13. In June 2023 Makayla obtained an attorney in the parenting plan case, Mischelle Vanisco.
14. Since I was released from jail in 2019, I have sent approximately 3K emails to the County Attorney. Mostly detailing Makayla's exploits. The how, when, where and why of her personality.

15. Predominately derogatory. I continued this when she obtained an attorney.
16. I don't deny that they are derogatory however they I believe are probative i.e. truthful.
17. Mischelle threatened me with "fees" via email if I did not capitulate to taking L.M. (our minor son) to the Mini Basket for the exchanges. I did not capitulate to that. To reiterate the child M.M. became pregnant with at the Helana college airport campus, not grizzly gulch.
18. Soon thereafter I was contacted by a L&C Sheriff's Department officer and asked "can I see your parenting plan" I showed him the parenting plan when he arrived and he subsequently arrested me for assault with a deadly weapon.
19. It cost me 2500 to bond out. I still did not capitulate to Mischelle's demand that I exchange L.M at the Mini Basket.
20. Mischelle reverted to the original parenting plan and her and M.M. denied me time with L.M. for approximately a year before the final hearing. The reasoning used during that time was never spoken of at the hearing.
21. Again M.M. has managed to take something from me. And additionally, L.M.
22. Mischelle has antagonized me relentlessly throughout this proceeding.
 - a. Threatening me with "fees".
 - b. Having me arrested, or playing part in it knowing that the facts did not support the charge.
 - c. Not serving me with copies and swearing the opposite to the Court.
 - d. Calling witnesses Makayla Masse, Derek Smith, Dustin Morales, Daniel Demming to the stand knowing they intended to lie and did lie.

23. During the rape case I “fired” my attorneys (2) by cursing at them until they quit. After one subjected me to a psychosexual evaluation in preparation for a plea deal (criminal endangerment). In fact, I had a psychosexual evaluation.
24. Makayla Masse “reported” me for “everything you did to me” the day after her and I were fighting over a car that I owned. She wanted the car to get high on meth in while she was homeless doing the same. I did not capitulate. I tried to take the car from her.
25. When M.M. extorts me the County Attorney charged me with “witness tampering”.
26. Likewise, when M.M. threatens me the Court issues Protective Orders against me.
27. It resulted in me getting a psychosexual eval.
28. My third attorney finally took me seriously (to give credit where due) he gave M.M. a deposition in the summer of 2019. As soon as Greg Homulund got back from his trip to a rodeo in Townsend of course.
29. The deposition took four hours. Of course, M.M. stated that the first time her and I went to Grizzly Gulch was after she bought a Green Honda from Sgt. Conrad’s parents in Clancy. The state fought my introduction of prior bad acts under Rule 404.
30. That purchase was at least 2 months after she became pregnant.
31. One of several major inconsistencies with her initial statement.
32. That rape case was dropped in entirety in September 2019, but not before causing me issues.
33. The assault with a deadly weapon charge was dropped in March 2024, but not before costing me time and money.

34. This is a case of false allegations and a woman determined to destroy the father of her child.
35. I don't brag but I consider myself of some principal. Makayla's father spent most of his life in prison. Makayla's mother had several partners throughout Makayla's childhood. . .
36. I sent Mischelle a number of emails, specifically after Makayla became assaultive at the last exchange before the final parenting plan order (we were both stressed) and some after Mischelle filed proposed facts and conclusions but did not serve me a copy. I found out two weeks later from the clerk.
37. Being accused of rape, sitting in jail on a 100k bond, fighting in jail, the death of my dog while in jail, knowing my life was traded for a 500-dollar Lexus ES330 (a car I got from impound in Oregon after I was released, after M.M. sold it to a drug dealer, and a car filled with used meth syringes and a shotgun after Oregon OHP released it to me, in fact her threat to me extended that far)
38. There is no "how to" or "defending against false rape cases for Dummies" in publication. It is/was an experience I would not wish on anyone and the procedures for dealing with such a case tend to be counter intuitive to the victim of such the type of scheme perpetrated by M.M.
39. The Judge called Mischelle to remind her that she had a protection order hearing as she would not have even been present if not for that call.

STANDARD OF REVIEW

1. Abuse of discretion

Schiller v. Schiller

2. Denovo

SUMMARY OF ARGUMENT

1. The Court abused its discretion in not weighing all the factors and then issuing an order against Brad.

ARGUMENT

1. The history in this case is relevant.
Rule 401 Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Relevant evidence may include evidence bearing upon the credibility of a witness or hearsay declarant.
2. The bad acts of Makayla, Mischelle et.al. should have been evaluated by the Court. Rule 404 was not applied correctly when the court refused to hear the testimony of the Respondent.

So Makayla has assaulted me in the past.

There has been witness to that -- witnesses to that.

They're on -- They're on recording.

THE COURT: Okay. So --

THE WITNESS (MR. RICHARDSON): So --

THE COURT: I am sorry to interrupt.

So M.M. is not a party to this.

Pg. 13 Hearing Transcript

3. Specifically Rule 404(b) State v. Blaz
4. I felt somewhat threatened because he labeled it as a warning. And the e-mail, he made comment about -- made a comment about bodies following my client. Pg. 7 Hearing transcript

I responded to that ridiculous remark later to explain the “bodies following” M.M. the ones I was referring to were the deaths of her friends. Brandon Conrad, Hanna Walden and Hanna Fetter. Mischelle understood the meaning I believe and simply wanted to prejudice the court against me.

5. And following that statement, he says that he -- he doesn't have a desire to kill but he has wished me and my client cancer and long slow deaths. And I, particularly given the statement that he had already received from a judge that his words have meaning, I did consider that threatening. Pg. 8 hearing transcript


The world is not fair. Some people live long lives of stealing, manipulating, lying, cheating, using and corrupting. Some people are innocent and get smashed by a truck or cancer etc.

However, I personally would like for more consistency.

Mischelle has lied, repeatedly throughout this ordeal. Helped Makayla to commit perjury et. al. She opposed a guardian ad litem then told the Court she never opposed it.

CONCLUSION

1. Brad asks the Supreme Court to dismiss the Order of Protection and/or remand for another Hearing.




Brad Richardson
Pro Se Appellant, Respondent

CERTIFICATE OF SERVICE

I certify that I have filed this **Opening Brief** with the Clerk of the Montana Supreme Court; and that I have mailed copies to

Mischelle Vanisco
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Brad Richardson
Pro Se Appellant, Respondent

CERTIFICATE OF COMPLIANCE

This appeal is less than 30 pages and 10K words.