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August 7, 2006

Dennis Lee Hupp, judge  
Shenandoah County Circuit Court  
112 South Main Street  
Woodstock, Virginia 22664-1423

Nancy J. Glickman, Esquire  
Blue Ridge Legal Services, Inc.  
P.O. Box 436  
Winchester, Virginia 22604

Lawrence J. Mayer, Esquire  
2971 Valley Avenue  
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RE: Brian R. Chapman v. Brenda A. Chapman  
In Chancery No. CH05-198

Dear Mr. Hupp:

I am in receipt of your recent letter, of August 4, 2006, that was sent in response to my "missive" of July 23<sup>rd</sup>. I find it disheartening to see that a man with a degree in law would classify my "OBJECTIONS" as a diatribe. Why should I not be bitter ? Would you or any other member of this court feel the same way if someone were trying to interfere with your relationship with your children ? Or knowingly violate your fundamental rights to equally care for and control your children ?

I have been deprived of a normal relationship with my child for almost 4 years now. I have neither been charged with nor convicted of ANY offense that would cause me to lose my fundamental, protected, supreme court recognized Constitutional rights to equal care and control of the minor child.

I have met the conditions agreed upon by Ms. Chapman and myself for the restoration of all parental rights and responsibilities. Despite that accomplishment, Ms. Chapman and the Court continue to add more hurdles. I have also invoked my right NOT to contract and rescinded my consent from that agreement, since it was made without a full understanding of what my parental rights are and the apparent fact that Ms. Chapman had no intention of allowing me to ever regain custody of the minor child. This court, by the law of defaults, accepted that motion to rescind, which as an action of the law, should

have served to restore my custodial position.

Now, you want to send the whole thing backwards ?! My child was visibly upset to learn that our time together may be reduced again (*I received the letter on Saturday when the child was present, I shared with her that particular revelation so that she could prepare herself for that eventuality, despite what Ms. Chapman or Mr. Mayer may think, I felt the child could handle that information, I do not generally discuss adult issues with her*) This is likely to happen because, once again, I will insist that Ms. Chapman, Mr. Mayer or you Mr. Hupp subsidize the supervision since it is being requested without my consent. And it is you who are requiring it without any evidence to support the need for supervision. I would also request that Ms. Chapman be subject to supervision by a disinterested third party when the child is in her care, since she too has a “history” of abusing children (*Her oldest daughter at home now, Ashley Hurst, suffered physical abuse at the hand of her mother when they lived in Front Royal, there was a CPS finding of founded at that time*) and Briana has reported to me on occasion that she has been whipped by Brenda.

I also object to supervised visitation because it is a violation of my right to privacy in general, and specifically how I parent the child (Briana).

I would also appreciate the opportunity to answer to Ms. Chapman’s “concerns of on-going issues surrounding the visits in” my home. That were ominously alluded to in Mr. Mayer’s letter of July 20, 2006. It seems to me, due process would require that I be permitted to answer to Mr. Mayer’s questions/concerns before any further infringement on the child’s time with me is implemented. At this time, Mr. Mayer has yet to contact me regarding Ms. Chapman’s specific concerns. This is just another example of the bias present in this court and it’s officers.

I hereby reaffirm the memorandum and points of law submitted to this court in case number CH04-239 as if re-written here and request that it be merged with this case.

I hereby reaffirm that I have not committed nor been convicted of any crime of a sexual nature against any child or children under my care/supervision.

I hereby reaffirm the fact that there is no evidence to show that my own child is in any danger of being abused, in any fashion, by her father. To continue to impose sanctions on this petitioner for invoking his fundamental rights and insisting they be recognized and enforced will only serve to cause the child more unnecessary suffering (*the child is only six, and should not be expected to understand the “big picture” and I hate having to lie to her about why we can’t spend more time together...lets just say you and Mr. Mayer are the monsters since I’m not supposed to make derogatory remarks about her mother*)

I hereby reaffirm my request that all my fundamental parental rights be recognized and enforced equally with those of the child’s mother, and that a shared parenting arrangement be ordered. We live in the same town, there is no logical reason why a shared

arrangement cannot work. I reaffirm my information and belief that shared parenting time and joint custody are in the best interest of this child. Pursuant to VA Code 20-124.2 section (B) "...The court shall assure minor children of frequent and continuing contact with both parents, when appropriate, and encourage parents to share in the responsibilities of rearing their children..."

I further reaffirm that there has been no procedure enacted to declare this petitioner an unfit parent--a prior record of traffic infractions does not make the petitioner an unfit parent.

Finally, Mr. Hupp, I would remind the Court that there are 3 cases the petitioner submitted as supporting documents in this case, all 3 are Virginia cases, in two of them (Evans v Evans and Haring v Hackmer) the father was accused of similar unsavory actions and was still granted custody of the minor child. In Williams v. Williams the appeals court did recognize the right of parents in raising their child is a fundamental right protected by the Fourteenth Amendment, and further decided that state interference with a fundamental right must be justified by a compelling state interest, and that to constitute a compelling interest, "state interference with a parent's right to raise his or her child must be for the purpose of protecting the child's health or welfare." Neither this Court nor the guardian nor the respondent can show any legitimate evidence that continued interference in the child's relationship with her father is beneficial to the child, or that the child's health is truly at risk if she were in a joint custody situation and were permitted to spend extended periods of time with her father e.g. whole weekends, over-nights, whole weeks, etc...

Mr. Hupp, I would truly prefer to expend energy, time and limited resources on being a good father to my daughter. However, if you and the other court players will not recognize and enforce my rights in equal fashion with Ms. Chapman, I will be forced to take the next legal steps. You, Mr. Mayer and Ms. Glickman allegedly know the laws, yet you intentionally violate them. Your own letters in response to my pleadings/petitions are evidence that you think you are untouchable--I used to think that too (*that's how I ended up with all those driving convictions that resulted in losses of both freedom and money*) I make no claims of being perfect, we all make mistakes, hopefully we all learn from them. I want to be able to concentrate my energy on being a good father to my child, I would hope you would finally DO the right thing.

Respectfully submitted,

Brian R Chapman, Sui Juris, reserving all rights, surrendering none

Cc: Nancy J Glickman Esq.  
Lawrence J Mayer, Esq.