

Judge Peter Arnold must be taken off cases involving spousal abuse and child custody

A disturbing pattern of judicial incompetence is surfacing with Peter Arnold. His words suggest he is either divorced or married with no children. Not only have his rulings defied logic, his words reinforce my belief that he should not hear cases involving spousal abuse or child custody.

He has a bizarre concept of custody that is in the best interest of young children. Twice, his decisions have been slapped down by the Wyoming Supreme Court. The first opinion (*Testerman v. Testerman*) was written by Justice Burke and the second (*Buttle v. Buttle*) was written by Justice Kite. *Testerman* has been written about previously in the Cheyenne Herald. Just six weeks ago, a story was told about Arnold's "equal custody" in *Testerman*.

He did exactly the same thing in the *Buttle* case. In fact, his "shared custody", even though with a child 3 1/2 years old, was the same as the *Testerman* case, when that child was but ten months old.

For some unfathomable reason, Arnold decided in both cases that an arrangement of "four on, four off" (days) would be in the best interest of each child.

Only a childless man (or woman) could imagine that volleying a child between two parents, in the *Buttle* case nowhere near equal in parenting experience or skills, would be in the best interest of the child.

Laramie County District Court Judge Peter Arnold comes across as a bitter divorced man because of what he said in the *Buttle* case. He said: "And I want to tell both of you also that I have been doing this kind of work for way too long, over 30 years. I can tell you that it is very, very rare for a marriage to breakdown because of the conduct of one of the parties ..."

In other words, this judge is saying that the behavior of a serial unfaithful wife against a faithful husband or the behavior of an abusive, drunken husband on a defenseless wife is rare in the dissolution of a marriage. About the only thing Arnold got right in his statement is that he's been at this "too long." That he nailed.

Arnold just doesn't get it right where children are involved. Whether granting unsustainable custody or visitation rights to an undeserving parent or failing to appoint a guardian ad litem to protect a child's interest, he is overturned far too often.

The record in the *Buttle* case shows that the father drank heavily (to the point of receiving a DUI while the divorce and child's custody was being argued) and was admittedly verbally abusive to the mother in the presence of the child. Perhaps Peter Arnold does not consider the guy calling her a "pig" and "fat cow" in the presence of their son is abusive.

The Opinion read: "The undisputed evidence showed that Mother had been the child's primary caregiver throughout his life." And, "Father was frequently not at home in the evenings." By way of confirmation, "Father conceded that he chose to rodeo and drink with his friends when he could have been with his family."

Sound like a guy who should get equal custody after the divorce with his child, even though he didn't want it before the divorce? Choosing between a "Bud"weiser and a "Bud" of a son is fairly common in divorce cases.

Judge Arnold consistently crosses the Supreme Court in two areas. First, he tells the wife (mother) that she cannot relocate - in *Buttle*, the mother was going to go to Alabama for a job and in *Testerman*, she was going to return to California for work and would have family nearby to help care for her infant child.

Arnold ordered both of them to remain in Laramie County. In both cases, the Supreme Court told him that his ruling was a violation of the woman's constitutional right to travel. He simply does not listen and he does not care. He knows that no matter how incompetent he is nor how many of his cases are reversed and/or remanded by the High Court, the public will be unaware of his failings and he will be retained every time he faces retention. So he continues to be wrong from the bench. Just like the group "Police" sang

in their hit song, "Every Breath You Take," the Cheyenne Herald will "be watching you," Judge Peter Arnold.

The other consistent, bizarre ruling that Arnold makes is to require the "four on, four off," custody arrangement. In the *Buttle* case, the mother was going to relocate to Saratoga where she has family (after being forbidden to move to Alabama) and the man was working on a ranch in LaGrange. The child is preschool age so that is not the issue. But, by being required to spend four days with his mother, then four days with his father, he would spend a lot of his young life in transit between the two distant towns. He would never settle into a domestic situation in which he could adjust. And he would be in different day cares on different days of the week in different towns. He would not always be in the same home on the same day of the week.

Arnold ordered the same absurd arrangement in *Testerman*. Four on, four off. The Supremes slapped him down in both.

In *Testerman*, Justice Burke wrote: "We will ... reverse the district court's decision regarding Mr. Testerman's visitation." In *Buttle*, Justice Kite wrote: "We reverse the district court's custody order, however, because we conclude that it abused its

discretion in deciding shared custody was in the child's best interest." As Alan Simpson might write, Peter Arnold "wouldn't know what was in the best interest of a child if it bit him in the fanny."

A further danger of Arnold sitting on these cases is that the Supreme Court only rules from the record (documents and testimony), so when Arnold decides that no spousal abuse took place, in spite of testimony by both sides to the contrary, the Supremes won't reverse that decision even though it should be considered in any visitation or custody determination.

The mother alleged she had been abused and provided examples. The father "confirmed that the parties fought and that their fights 'got rough at times'." He also said "he drank regularly, consuming an average of six or seven beers after work, and that he 'probably' did not remember things clearly when he was drunk." The mother alleged that the DUI occurred at 2:30 am, when the father had the child in his care but "apparently" not with him. That was not confirmed nor considered by Arnold.

The High Court reversed the "equal" custody and repeatedly points out to Arnold how he had abused his discretion in conflict with established case law and directions on custody in divorces.

Suicide

A 14 year-old boy wrote the lyrics to the **MASH** theme song, *Suicide is Painless*. Obviously, young people have those feelings of despair and, unfortunately, some act on them. A teen penned those lyrics.

Local families and friends of two young females who have recently ended their lives must be devastated. There can be no greater hurt than losing a child at a young age - whether accidentally, of natural causes, or by suicide.

How can we convince depressed youngsters that things will get better? That there is a silver lining behind those dark clouds? That today's sadness and sorrow can turn into tomorrow's optimism and joy?

Some of the best advice that can be given is to be patient. Whether it is about a job, a relationship or just times in general, perseverance and persistence are two of people's greatest attributes.

When a middle-aged couple, well-known in many circles locally, took their lives together, the daily paper romanticized their act. The Cheyenne Herald criticized the WT-E for doing that. Our position was, and remains, that because two people had given up on living and chose to end their lives together was not, and never will be, a romantic act. It was tragic.

Why do outwardly positive, optimistic and personable young people choose to end

their lives early and dramatically? Those trained and experienced in the subject obviously do not have the answers. Why do some with close-knit and loving families decide to take themselves away from those loved ones when there are so many craving that love, care and concern?

If only we could find the answers. If only we had professionals who could gain the trust and confidence of those who feel so despondent and alone that they'd even consider ending their lives. If only.

Many reach what they consider their personal abyss but rebound. Unfortunately, the human mind, like the human body, is so complex and complicated that no one can find the panacea to convince those troubled that times will get better.

They will. Invariably, they will get better.

Are symptoms recognized but underestimated? Is the hopelessness so far beneath the surface that no one sees it or senses it? If only we could find the answer. Does a young, loved child intend to cause hurt and anguish to those who love them? Or are they oblivious to the reality that those left behind will suffer their absence for the rest of *their* lives? More likely, the one who chooses this end only feels the depression within themselves - not the lasting pain and hurt they'll leave behind. We must convince those on the brink that things will be better.

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