

Indiana Court of Appeals  
Clerk, Indiana Court of Appeals  
State House, Rm. 217  
200 West Washington Street  
Indianapolis, IN 46204

In the matter of L.D. minor,  
Appellant John Downes, father  
121 Gray Knob Road, #21  
TN 37763  
865-376-8850

Case number 45A03-0804-JV-213

Referring to the appeal from the Lake County Superior Court  
Cause NO: 45D06-0606-JT-00541

Addendum to appeal:

This note is to provide information **correcting** misperceptions and relevant facts created by both my lawyer and Child Protective Services.

First of all L.D. was not my first child. My first son was born in 1993 to my wife Heather Downes. His name is John Downes and we all share joint legal and physical custody. I see my son on a regular basis with no restrictions. However, I have reduced contact with my son for fear of further CPS involvement in my life. And now I live in Tennessee.

Second, the language used sounds like my lawyer, having never met me, joined the CPS band wagon by stereotyping my problems. Their reasoning is that because I am on disability for a closed head injury; I must have some other mental condition (mainly some type of unproven paranoia or aphasia) that interferes with my raising L.D. as my child. I strongly contest this notion. My appeal lawyer Mrs. Levinson has mentioned that I sound like "a conspiracy theorist" because I am claiming my civil rights have been violated on several occasions. Mrs. Levinson has never met me. Her knowledge of my condition and present problems are the only record by the courts which is biased against me. No one is in search of the truth. And a rush to judgment is the result. But because I am on disability and no one has bothered to check any of my personal records. They are using the catch word "disability" like I am in a wheel chair and unable to care for my son which is a lie. I think people in general feel they have to protect their reputation by attributing a psychological problem where they have no evidence, nor do they care to look. You will see that in the CPS reports and the legal findings against me how the language is biased and prejudging.

I also do not, please take your pen and underline, I "DO NOT," have a DUI or drug related charge against me. This is a lie perpetrated by the CPS worker who has perjured herself in court repeating it. Now the prosecutor Eugene Velazco has

changed this claim to OWI. I DO NOT HAVE A DUI or OWI.

I can only hope the court hears this clearly. I have never had an alcohol offense in my life. This you will read in the record is the basis of the courts probable cause. I don't know if perjury is against the law in this court by it is certainly not against in Judge Bonaventura's court.

My ability to parent has been tested and found to be sound. The father (John Downes) in this case raised Little John for 11 years by himself. The boy is presently 15 years old and doing fine. The references to previous "substantiated claims" against me are from 1997 and 2002 respectively were with him. The court will not recognize this fact. These claims are 3 to 5 years before L.D. was born. I can explain and annul any concerns as the CPS worker in Porter County did at the time. Suffice to say that there is nothing anyone can do about misperception and an anonymous complaint in the first case and my son's pediatrician made a damage control complaint about me after I made charges to the AMA and Porter Hospital about her unprofessional behavior.

Lastly I pray the court hears my complaints and reads the record as closely as Mrs. Levinson who is still having a hard time finding what I did wrong in this case. All I did so far was to stop cooperating with the court. And everyone agrees that cooperating with the court is not a requirement for taking away my parental rights. All the court was doing in my opinion was to search for my information to use against me including falsely reported drug tests. I have done nothing wrong to lose my rights except try to stay with the mother as long as I could. We are no longer together.

The truth that belongs in the court record, is that in January of 2006 I was told by the Regional Director of the CPS in Gary Indiana that because the baby's mother filed a false battery claim against me that I would never get custody of my son. Even though that case has been dismissed, I lost all faith in the legal system. I quit my 11 year membership with the Board of Directors for Indiana Legal Services and I resigned a 10 year membership on the board of The Pro Bono Attorney Committee.

I pray that the court over turns this error.

Enclosed please read the Notice of Younger and Senator Shaefer's letter.