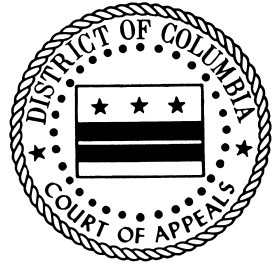


DCCA No. 22-BG-0565

**DISTRICT OF COLUMBIA
COURT OF APPEALS**



Clerk of the Court
Received 07/01/2024 01:21 PM
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In the Matter of

KENNETH L. BLACKWELL

Respondent

**A Suspended Member of the Bar of the
District of Columbia Court of Appeals
Bar No. 441413
Date of Admission: April 1, 1994**

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**Board Docket No. 20-BD-019
Disciplinary No. 2016-D396**

**Respondent's Response to Disciplinary Counsel's Motion to
Revoke Respondent's Probation and Request for Affirmative
Relief**

Respondent, pursuant to Rule 27(a)(4) and (B), respectfully files his Response to Disciplinary Counsel's *Motion to Revoke Respondents' Probation. (Mot.)* along with Respondent's request for affirmative relief. In short, Disciplinary Counsel's motion is without merit, benefits no one, and only serves as punishment.

Background

This matter stems from a complaint with the Office of Disciplinary Counsel (ODC) filed by Ms. Cinzia Allen on October 4, 2016, who is the mother of a child in common with the Respondent, born in 2004. Ms. Allen alleged that Respondent – a sole practitioner- had not paid anything in child support since the “consent” child

support order was issued in the State of Maryland in 2007.¹ Specifically, Ms. Allen alleged that that Respondent “evaded/ignored court orders in both Virginia and Washington, D.C. to make payment on owed child support”² and owes “approximately “\$50,000.00 in back support.” ODC provided a copy of the complaint to Respondent and in reply, on December 29, 2016, Respondent stated; “The allegations made by Ms. Allen are false, without legal foundation and meritless; and the act of a bitter, vindictive, and hostile person.”

Later, and throughout these proceedings, Respondent admitted that from 2007 to 2009, he did not make child support payments to Ms. Allen and instead made payments directly to Ms. Allen and thereby violated Rule 3.4(c). Accordingly, the Court “assume[d] that [Respondent] violated Rule 3.4(c).” In Re: Blackwell, Order, p. 12, 17. In addition, the Court “agree[d] with the Board that [Respondent] violated Rule 8.1(a)” when Respondent answered “No” to what was found to be an

¹ The Maryland child support order required Respondent to make monthly child support payments through the Maryland Office of Child Support Enforcement (MOCSE) but was later modified in 2010, upon the request of the parties to permit payment to be made directly to Ms. Allen.

² The only child support order was issued in Maryland.

“awkwardly phrased” and “subject to interpretation” question by Disciplinary Counsel as to whether Respondent agreed that he had “failed” to pay child support.

The Court noted:

We have not previously considered whether the Rule applies to an attorney who violates a court rule in his or her personal capacity as opposed to his or her representative capacity. [Respondent], however, concedes that “Rule 3.4(c) applies to attorneys who are subject to child support orders.” Accordingly, we assume for purposes of this matter that the Rule applies.

Order, at p. 17.

Accordingly, on August 10, 2023, the Court adopted the Board’s recommended sanction and suspended Respondent for six-months, with all but 60-days of the suspension stayed in favor of three years of probation, with conditions recommended by the Board. *Order* at p. 26; *Mot.* at p. 1. The Court explained:

The six-month period of suspension and three-year period of probation account for the seriousness of Mr. Blackwell’s conduct, *while the stay of all but 60 days and the absence of a fitness requirement reflect **due consideration of mitigating factors and the purposes of disciplinary sanctions.***

Order, at p. 24 (emphasis added).

The Court also listed the several mitigating factors that were considered by the Board in reducing the Hearing Committee’s recommended period of suspension,

namely; a) the underlying conduct did not involve dishonesty; b) there were no prior disciplinary violations; c) Respondent acknowledged his Rule 3.4(c) violation; d) payments were made directly to Ms. Allen and; e) Respondent sought to maintain a relationship with his child. See, Order, at p. 23-24 (emphasis added).

Disciplinary Counsel's Motion

Disciplinary Counsel's motion claims that Respondent "*refuses to comply*" "*with the conditions of probation.*" *Mot.* at p. 2 (emphasis added). Disciplinary Counsel states that Respondent has not provided "any statements from the VDCSE showing compliance with a payment schedule" or "*any evidence*" showing that he "*attempted to comply*" with the August 10, 2023, suspension order. *Mot.* at p. 3.

According to Disciplinary Counsel, Respondent "*has demonstrated a complete disregard for the authority of this Court and the disciplinary system*" and "[i]t is clear [Respondent] has no *intent* to change his longstanding pattern of *ignoring his court ordered child support obligations.*" *Id.* (emphasis added).

Disciplinary Counsel concludes that Respondent "cannot be allowed to *continue engaging in this misconduct* while retaining the privilege of membership in the District of Columbia Bar." *Id.* (emphasis added). Thus, Disciplinary Counsel "asks that [Respondent's] *probation be revoked, the he be required to serve the full*

six-month suspension ... and that he be required to fully satisfy his child support obligations prior to reinstatement.” Id. (emphasis added).

However, as shown below, Disciplinary Counsel’s claims are false, exaggerated and without merit. In addition, Disciplinary Counsel’s request to revoke Respondent’s probation would, in effect, subject Respondent to a fitness requirement along with an indefinite period of probation, which is inappropriate and unjustified, and does nothing to serve the public, the profession, the Respondent or the child in this matter, and therefore must be denied.

Argument

I. Disciplinary Counsel’s claim that Respondent “refuses to comply” with this Court’s order and has not provided “any information” regarding his attempts to comply is false.

While Respondent has not provided any statements from the VDCSE, Disciplinary Counsel *failed to disclose* to the Court that Respondent made several attempts to comply with the probation order and notified Disciplinary Counsel of his attempts, *before* Disciplinary Counsel filed its instant motion, to establish a “payment schedule.” See, **Exhibit “A”** (email to Jelani Lowery from Respondent, dated January

11, 2024) and **Exhibit “B”** (Letter to Cinzia Allen, dated June 16, 2024).³ Thus, Respondent’s attempts were to make a payment schedule in compliance with the Court’s order.

These exhibits not only show Respondent’s attempt to comply with the Court’s order, it also shows the consequences of the *evil conduct* that motivated the filing Ms. Allen’s complaint with Disciplinary Counsel on October 4, 2016 in the first place, *i.e.*, to destroy the relationship between a child and its father, which Respondent *repeatedly warned of the consequences and pleaded with Ms. Allen to avoid*. This is clearly supported by the evidence in this case:

Between July 2009 and August 2019, Respondent wrote to Ms. Allen complaining about the manner she was raising D.B., *her refusal to allow him to visit, her efforts to turn D.B. against him, her animosity toward him, and her conditioning his ability to visit with D.B. on the payment of support*. In a 2014 email, Respondent repeated his concern over D.B.’s “*psychological, physical and spiritual development*” in addition to his lack of access. RX 10 at 141. He expressed concern about D.B.’s absences from school and her weight and lack of exercise. RX 10 at 122, 128, 129, 137, 139, 145; RX 19 at 239. He testified that D.B. was 25 pounds overweight in 2009 and weighed in excess of 200 pounds in 2019. Tr. 336-38. In

³ In this regard, it is impossible to establish a payment schedule with VDCSE because its records are “*inaccurate as [Respondent’s] direct payments [to Ms. Allen] were not included.*” See, HC Rept., p. 27, n 28, dated Sept. 3, 2021.

his opinion, Ms. Allen was more interested in money than in his visiting with his child.

HC Rept., FF 63, p. 24 (emphasis added).

As the exhibits once again show, Ms. Allen's failure to accept payment shows that her concern has never been about child support.⁴ And, as the Exhibits also show, the consequences have been greatly harmful to the child.

II. Disciplinary Counsel's claim that Respondent has no "intent" to support his child is plainly false.

Disciplinary Counsel's claim that Respondent has no "intent" to support his child is incredulous and shows a callous disregard for the truth. This claim is particularly egregious given the *facts and circumstances of this case* that were found to be "compelling" concerning Respondent's efforts to support his child and the "*stumbling blocks*" that were deliberately put in his way. As the undisputed evidences showed and continues to show, this "support" is not only financial, but more importantly, spiritually, physically, emotionally and psychologically. *Supra*.

Further, Respondent *present* and *future intent* is stated the exhibits attached (Exhibits A and B). These exhibits not only show Respondent's efforts to provide

⁴ "On August 10, 2019, Respondent emailed Ms. Allen requesting her address, as money orders mailed to her had been returned. On August 12th, Ms. Allen replied that she would not be providing her address..." HC Rept., CL, p. 49, n 50.

financial support, it also shows his effort to support the *spiritual, physical, psychological and emotional needs of the child*. And as can be seen in the undisputed evidence, this is the same intent Respondent wrote in the Parenting Plan in 2004, when the child was only months old, which was to be the model to fully support the child. Although the Parenting Plan was signed by Ms. Allen, the evidence showed that she deliberately harmed the child.

Moreover, Disciplinary Counsel's claim that Respondent has no "intent" to support his child is completely contradicted by the *entire record* in this case, which showed that since the birth of the child, Respondent has never abandoned his child and always sought to support his child and be in his child's life. In this regard, the Hearing Committee found the following:

The last factor – mitigation – weighs heavily in [Respondent's] favor. *His testimony concerning his efforts to maintain a relationship with D.B. was compelling, and there is little evidence to rebut his claims that Ms. Allen interfered with those efforts.* Withholding support and paying the support directly to Ms. Allen was one of the few ways in which Respondent could put pressure on Ms. Allen to allow him to establish a meaningful relationship with D.B.

HC Rept., p. 58.

The false and exaggerated overstatements contained in Disciplinary Counsel's motion is no substitute facts. Similarly, the false claims by Disciplinary Counsel have been an aide in Ms. Allen's efforts to continue in this evil path.

III. Disciplinary Counsel's motion does nothing to protect the integrity of the legal profession, the Respondent or the child and is only intended as punishment.

While Disciplinary counsel claims that the discipline imposed in this matter was "a carefully crafted sanction that was intended to allow [Respondent] the opportunity to continue practicing law after a short suspension so that he could earn money as an attorney and make his child support payments" the motion by Disciplinary Counsel would completely contradicts this claim.

First, to adopt Disciplinary Counsel's request would, *in effect*, suspend Respondent indefinitely. Respondent's ability to support his child is dependent on the cooperation, competency and judgment of others and potential litigation, which may take months or years to resolve. As such, the suspension period cannot be determined and would subject Respondent to an indefinite suspension. This is inherently unfair when this Court determined that a six-month suspension with all stayed except sixty-days was the appropriate sanction in this case, and would allow Respondent to ability to financially support his child.

Second, Disciplinary Counsel’s request that Respondent remain suspended until the support obligation is “fully satisfied” is tantamount to a fitness requirement, which this Court refused to impose given the *circumstances of this case* and several *compelling mitigating factors* the Court considered when the sanction was imposed. *Supra*, pp. 3-4.

Third, Disciplinary Counsel failure to disclose the efforts made by Respondent to comply with the probation order to make payment schedule, undermines its request.

Fourth, Disciplinary Counsel’s assertion that Respondent “cannot be allowed to *continue engaging in this misconduct* while retaining the privilege of membership in the District of Columbia Bar” is disingenuous at best. *Mot.* at p. 3. Simply put, there is *no misconduct* and the *circumstances of this case* do not warrant the request made by Disciplinary Counsel.

Fifth, subjecting Respondent to an indefinite period of suspension would deprive the citizens of the District of Columbia of needed representation. In this regard, the Hearing Committee found that Respondent is a “sole-practitioner” whose practice consisted of family law and civil litigation. HC Rept. FF 1. Significantly,

a 2019 report entitled, “*Delivering Justice: Addressing Civil Legal Needs in the District of Columbia*” found:

Access to the civil justice system is critical for thousands of low- and moderate-income people who are living on the verge of a major legal crisis. The civil justice system can help individuals avoid eviction, protect those experiencing family violence, and ensure fair access to safety net benefits. *This is especially true for people who have legal counsel. Absent legal representation, litigants are at a serious disadvantage in court and administrative proceedings.* Judges report that unrepresented individuals often present pleadings and submissions that are of poor quality and lack the knowledge and skills required to litigate their cases. Both substantive and procedural problems can increase the risk that a judge might miss a meritorious claim if filed by an unrepresented litigant. *Studies also show that civil legal aid not only improves outcomes in individual cases but is also a powerful tool in helping low-income individuals create stability in their households and build a better future for themselves and their families.*

Delivering Justice: Addressing Civil Legal Needs in the District of Columbia, p. 14 (emphasis added). The families Respondent has represented consisted of low- and moderate-income families in the District of Columbia.

Finally, Disciplinary Counsel’s request simply voids the mitigating factors in this case and disregards the past, present and future efforts by Respondent to simply be a father to his child.

Respondent's Request for Affirmative Relief

Respondent has earned the “privilege” by years of study and sacrifice, including the blood and sacrifice of his ancestors, to become a member of the District of Columbia Bar. More importantly, Respondent has the duty, right and privilege to be a father.

What has been completely lost in this matter is that Respondent is a sole-practitioner, who does not earn income on a weekly or even monthly basis, and this is the reason Respondent did not make monthly payments from 2007 to 2009, as he admitted. HC Rept., FF 47, p. 8. *Remarkably, not once* did the Court make mention of this fact, and Disciplinary Counsel ignored the same in its request to indefinitely suspend Respondent.

Moreover, the evidence showed and continues to show that great harm was done to his child, not by Respondent's ability to pay child support, but instead by the deliberate efforts by Ms. Allen to alienate the child from Respondent and the child's paternal relatives - with devastating results that are now manifest. Nothing could be worse. The “*stumbling blocks*” that were placed in the child's path by Ms. Allen has harmed the child, and most importantly has *led the child away from God or even a belief in God*.

As the Hearing Committee noted:

Disciplinary systems are also ill suited to address issues surrounding deteriorating relations between the parents, such as arose in this case. The factors typically considered in mitigation in disciplinary proceedings are far different than those that might be applicable in child support cases. Further, disciplinary systems are ill equipped to balance the competing claims that Respondent failed to pay required support and that Ms. Allen withheld visitation in an effort to force Respondent to pay support. Family courts, and related entities, were created to address these issues and have the expertise to address them. Attorney disciplinary systems do not.

HC Rept., CL 20, p. 37.

Disciplinary Counsel's motion confirms the above as it completely ignores the full reality of this matter and the relentless attempts by Respondent to support his child *financially, spiritually, emotionally, physically and psychologically – including the manifest harm that has been done to the child by the obstacles put in the child's path*. Instead, Disciplinary Counsel now engages in the same activity of making false statements against the Respondent concerning his child and it attempt to place additional "stumbling blocks" in Respondent's attempts to do so.⁵

⁵ Remarkably, after having been notified that Respondent was attempting to establish a payment schedule with Ms. Allen in accordance with the probation order, Disciplinary Counsel could have easily reached out to Ms. Allen and encouraged her to accept payment rather than insisting that two, **now senior**

Accordingly, Respondent's request for affirmative relief is to grant Respondent's *Affidavit of Compliance With D.C. Bar Rule XI, § 14, nun pro tunc*, filed June 27, 2023, in order that Respondent can earn an income to continue to support his child.⁶ In addition, Respondent requests that this Court allow the family court and related entities to further address this matter – not the disciplinary system. Respondent has been sanctioned for his conduct by this Court and the parties, and/or the family court should be left to resolve whatever remains. Any finding by that court can then be addressed in this Court, if need be.

Conclusion

Disciplinary Counsel's motion is without merit, benefits no one, and only serves as punishment. As shown, Respondent made efforts to comply with this Court's order. The *truth* is Disciplinary's Counsel's motion is *without merit, unfair, unjust* and does nothing to promote or protect the integrity of the profession, the public, the child or the Respondent and must be **DENIED** and Respondent's Request

citizens, must only be assisted by a child support agency, especially when the child is now an adult.

⁶ In effect, Respondent has served the *full* six-month period of suspension originally imposed.

for affirmative Relief be **GRANTED**.

Respectfully Submitted,

/s/Kenneth L. Blackwell

Kenneth L. Blackwell
470 L'Enfant Plaza, S.W.
No. 23610
Washington, D.C. 20026
(202) 903-4852
kennethblackwell@yahoo.com
Respondent, *Pro Se*

July 1, 2024

EXHIBIT “A”

Re: [EXT]Re: In re Blackwell 2016-D396

From: Kenneth Blackwell (kennethblackwell@yahoo.com)

To: loweryj@dcodc.org

Date: Thursday, January 11, 2024 at 12:30 PM EST

Mr. Lowery,

You have not addressed the issues I raised.

In addition, not surprisingly you misstate the Court's Order. You fail to note that the Order states, that I have three options and you only named making payments to VDCSE. You omitted to state the options of paying "Maryland" or "through other evidence."

Well, the "other evidence" is that I have contacted Ms. Allen to make payments. She finally called me on January 6 and she recorded the conversation, which lasted for almost an hour. Ms. Allen stated the false narrative that you presented and the Board rejected, and that is, that I was obligated to pay through the VDCSE, although there was no change in payee made and the Maryland Court Order stated that I am to pay directly to Ms. Allen. I suggested that she check and get back in touch with me so that I can make payment arrangements with her and she has not.

As stated, Ms. Allen recorded the call. My child also intervened in the call. She stated that my worst fears had come true. You might recall the endless efforts I made to be involved in my child's life, spiritually, physically, emotionally, psychologically and financially, and Ms. Allen's efforts to prevent me from doing any of these things. You may also recall the evidence of the Parenting Agreement I wrote and signed by both parties which stated that each parent is committed to making sure each parent is involved in the child's life. Most importantly, you may recall that the agreement also states that each parent will teach the child the "principles of God." You need to listen to the recording. My child stated that she is "gay" and that she "does not believe in God" and hated me.

My child angrily stated she was gay because I "abandoned" her and was "not involved in her life". She claimed she "hated men" because I had abandoned her and "sexually abused her." She stated that her "mother did not raise her right" and she added that her "mother let her do whatever she wanted to do." In addition, she called me all kinds of names, "Bitch", "motherfucker" "dick sucker" repeatedly while yelling and her mother did not say a word. When I tried to explain the truth to her, my child had no memory of the truth and instead that she only remembered the lies and distortions that were deliberately put into her mind by her mother. The efforts and struggles I had to endure to be in my child's life was documented in the journals as well as the payments I made, but Ms. Allen claimed to have lost them and you neglected to obtain them for *over two years* during your "investigation"-- how convenient. In addition, the Hearing committed forund that Ms. Allen had alienated me form my child. You have contributed to this as well.

As you know, but have ignored, Ms. Allen put these things in her mind at age 4 and I sent you the recording where she said she would do this. There are many more recordings where my child states that her mother has told her negative things about me. As you know, Ms. Allen also made

the claim that I sexually and physically abused my child to the authorities. You also know that it was investigated by the police and Child and Family Services and deemed "unfounded" which as you know means it did not occur. This was admitted as evidence. In this regard, I insisted that my child receive counseling but Ms. Allen refused. You also know that Ms. Allen threatened to have me arrested if I attempted to bring money to her for my child. Then she solicited you to bring charges against me to "disbar me" and you obliged. Thus, you also helped to destroy my image in the eyes of my child and the Court did likewise by the many false statements in its opinion. Now, you distort the truth again.

So, this is my report to you of the "other evidence" of my attempts to make payments. Do with it as you please, and answer to God for what you have and will do with it. And when you do, look into your child's eyes and remember how easily it is to destroy and distort a child's life and your role in helping to do so. Then read, Matthew 18:6.

If you have any other questions or concerns, please let me know.

On Thursday, January 11, 2024 at 09:10:37 AM EST, Jelani Lowery <loweryj@dcodc.org> wrote:

Mr. Blackwell,

You have not addressed the issues I raised in my previous email about your compliance with the court and board orders. The DCCA order and the probation agreement you signed with the Board required you to begin making payments to the VDCSE by September 9, 2023. It required you to provide Disciplinary Counsel with the payment schedule, and every three months provide Disciplinary Counsel with a statement from the VDCSE showing your compliance with the payment schedule, or evidence showing that you have made the payments required under the schedule.

Please provide the VDCSE payment schedule. Please also provide a statement from the VDCSE of all payments you have made since September 9, 2023, or some other evidence that you have made the required payments to the VDCSE. If you have filed anything seeking modification of the child support order please provide a copy of the filing as well as any and all orders issued by the court related to your modification request.

Jelani C. Lowery
Assistant Disciplinary Counsel
Office of Disciplinary Counsel
515 5th Street NW
Room 117, Bldg. A
Washington, D.C. 20001
Phone: (202) 638-1501 ext. 1734
Fax: (202) 638-0862
He/him/his

EXHIBIT “B”

June 16, 2024

Ms. Cinzia Allen
5147 Lands End Court
Dumfries, Virginia 22025

14397 Hereford Rd,
Woodbridge, VA 22193

3320 Noble Pond Way #109
Woodbridge, VA 22192

Cinzia:

When Jesus was asked by his disciples, "Who is the greatest in the kingdom of heaven" "And Jesus called a little unto him, and set him in the midst of them, And said 'Verily, I say unto you, Except ye be converted, and become as little children, you shall not enter into the kingdom of heaven'" Jesus went on to say:

6 "If any of you put a *stumbling block* before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea.

7 Woe to the world because of *stumbling blocks*! Occasions for stumbling are bound to come, but *woe to the one by whom the stumbling block comes*!

8 "If your hand or your foot causes you to stumble, cut it off and throw it away; it is better for you to enter life maimed or lame than to have two hands or two feet and to be thrown into the eternal fire.

9 And if your eye causes you to stumble, tear it out and throw it away; it is better for you to enter life with one eye than to have two eyes and to be thrown into the hell of fire.

10 "Take care that you do not despise one of these little ones; for, I tell you, in heaven their angels continually see the face of my Father in heaven."

Matthew 18: 6-10

As you know, I called you earlier this year and you called me back from a blocked number on January 6, 2024. You stated that the call was being recorded and I did not object. Therefore, it can be no dispute as to what was said.

As the recording will attest, the purpose of my call was to give you money for our child and to make payment arrangements, as I have done many times before. I also explained the outcome of the complaint you filed against me with the D.C. Bar and you claimed not to have known the outcome. You stated your belief that I was *required* to pay through the Virginia support agency. I explained that the Maryland Order directed that payment be made to you and was never changed. You agreed, but stated that you "research" the matter and "get back in touch with me." However, I have not heard back from you.

During the call, I also asked how our daughter was doing. You replied, "Why?" I explained and asked again but you remained silent. I repeated, and you did not answer. I then asked, "Is our daughter gay." You did not reply so I asked again and a voice I had not heard in more than 5 years, said, "Yes." It was our child. She then asked if that "made a difference"? I explained that nothing can change or separate my love for her. But she was very, very *angry* and said many things that revealed the "stumbling blocks" that were put in her path that caused her anger and confusion that has led her away from truth and from God.

Our child angrily yelled that I was not "involved in her life", that I "abandoned her" and that I "sexually and physically" abused her. She said that you did "not raise her right" and "let her do whatever she wanted to do." She stated that you had her "*sleep with you in the same bed for years*" because you led her to believe that I would "come" and do harm to her. Her words were full of profanity and she called me foul names while yelling and ranting the entire time. She said she "hated men" because of me. This went on for several minutes. Worst of all, *she said that she did not believe in God*. I told her about a conversation we had when she was ten (10) years old, that was recorded, when she called and said "I didn't deserve to have a daughter because of the way [I] treated people." When I asked she knew how I treat people, she answered "because my mother told me." In the same recording, I also asked her if I had done anything "bad" to her and she said "No." She had no memory of this conversation and I invited her to listen to it but she refused, and claimed maybe I "brainwashed her." You did nothing and said nothing during the entire time. Our child has been *despised* and deliberately misled by evil.

Stumbling Blocks¹

2004

Our emails show that almost immediately after our child was born in March 2004, you began your angry tirade because you expected to stop working because I was a lawyer. When I told you that would not occur, on **July 6, 2004**, you filed a complaint for custody in the Virginia court.

In your complaint, you lied and wrote that I was "relocating to Boston" and was "going to take the child." In response, I wrote a "Parenting Plan" that contained *my belief concerning our relationship with our child*, including Custody, Visitation, Travel, Parenting Decisions, Medical Care, and Childcare. The Plan also included the following:

I. Statement of Principles

[The parents] agree that it is in the best interest of their child ... that ***each parent have frequent, continuing and quality contact with the child***, and that each parent share in the responsibilities of child-rearing. ***Each parent fully agrees to cooperate with each other to meet the physical, material, emotional, and spiritual needs of the child***. To achieve this end ***each parent is committed to encourage love, affection, and quality contact between the child and her***

¹ These are documented by exhibits and/or testimony.

parents, her siblings, and the child's paternal and maternal relatives. Each parent hereby commits to these principles and each shall exercise good faith and diligence in maintaining and upholding these principles.

(Emphasis added). Under section V- Parenting Decision, the Plan stated:

a. Child -Rearing

Both parents agree that it is their duty and responsibility to provide the child a religious upbringing and to teach the child the principles of God. The father and mother agree that no form of corporal punishment shall be used towards the child, including hitting, slapping, pushing or shoving. In addition, *each parent agrees that it is not in the child's best interest to yell, scream, shout, or use profanity at or in the presence of the child. Moreover, each parent agrees not to demean or disrespect each other, or the have the child witness such conduct between the parties.*

The Parenting Plan also contained a provision concerning child support (Section VII), which states: "The father shall provide one-half of the monthly expenses for the care of the child." We signed this five-page Parenting Plan on **August 12, 2004**. But the written evidence and your actions shows that you did the complete opposite of everything that was written, and that you *agreed* to.

2005

Nearly a year later, on September 4, 2005, I wrote a handwritten letter to you when our child was 18 months old and stated:

"Shortly after meeting you, I realized that it was difficult to talk with you without you becoming angry. Unfortunately, little has changed since then. You still become easily angered over the slightest things and you do not listen or allow me to talk, You raise your voice and say things that are attacking or do not make any sense. No matter what I say or how I say it, you insist on having it your way.

... I know that if you continue to act this way, you will instill these negative values into [our child]. And she will become as negative and fearful about life as you are. ...I am not even sure if you want me to be a part of [our child's] life by the way you choose to communicate with me. Your close mindedness is something I hope [our child] does not experience because it will simply harm her. ... I cannot rely on anyone but God. *But you completely ignore God when you see fit and disrespect me whenever you feel like it. Frankly, I do not know how you can continue to live like this. Your anger is cruel and a part of you even before I knew you.*

2007

Over the next two years, the circumstances for our child worsened. On December 19, 2007, I wrote you another letter about you *denying me visitation, refusing telephone contact* with our child, and *displaying anger and violence in front of our child*. At the end of the letter, I asked:

“Please contact me and/or answer or return my calls regarding [our child] and the upcoming visitation this weekend. I trust and pray, as always, that this circumstance will be overcome through knowledge, wisdom, understanding and faith. ... God bless you and [our child].

When our child was around 7-8 years old and we all were at the doctor's office, you and I were discussing what the doctor said, and she asked you; “*Why are you talking with Daddy?*” You asked her “*Why*” did she ask you that, and she answered, “*Because you don't like him.*” God gave me this opportunity, and I asked our child, “Does Daddy like Mommy?” and she said thought for a moment and said “*Yes.*”

Despite my plea, you refused to cooperate. During the several months when you did not allow me to see or communicate with our child, she become obese. My letter and email to you in March 2009, when the child was 5, requested that we take her to a pediatrician and you refused, claiming I was the “*only person who had a problem with her weight.*”

2009

On March 16, 2009, I wrote you an email where I told you about my observations of our child and the *harm your conduct was inflicting upon her* where she was “fearful” to show love towards me because she was aware of *your anger*. Therefore, she was noticeably conflicted. I also told you that it was wrong to tell our child to “lie” and keep information from me, such as the fact that you took her regularly to “fast food” establishments and that you had a “boyfriend.” I explained that this is a “tactic predators use to molest children” by “telling them to keep secrets” and especially from their parents. I stated that our child “should be taught and encouraged to discuss *anything and everything* with us so that we can always be there to protect her.” I concluded the letter by stating, “**The fact is that [our child] is now aware of things and you should do your part to make sure her feelings are not corrupted or confused by your feelings. Moreover, I hope and pray that you accept the fact that I am her father and for [our child's] sake, make sure that she has a loving relationship with both of us.**”

However, only a few months later, on August 10, 2009, I wrote this to you:

I am now convinced that you are deliberately trying to hurt our child... You have kept her from me and you are deliberately hurting her, her-self image and her relationship with me. You have no regard for her because you heard her crying and saying she wanted to see me. You yelled and called me names in front of her and you were erratic. I left messages stating that since I have

not heard from [our child] in some time, I do not know how she is doing and whether she is dead or alive. **You told [our child] that I said I thought she was dead. That is a very cruel thing to do. You also stated that you will tell her everything negative you can about me because she needs to know the truth as you see it.** I know you are jealous, evil, bitter and angry and that is very sad that you are the mother of my child. ***I knew you were like this about a month after I met you but it was too late, you had already become pregnant.*** I know that I must just stay the course and God will take care of you.

But you continued to put stumbling blocks. You refused to continue to meet me at the Springfield Metro station for my visitation exchange and petitioned the court to require me to come to your home in Dumfries, Virginia from Washington, D.C. to pick up our child even though I was relying on public transportation. Despite these obstacles, I continued to have visitation either by renting a car, asking a friend to drive me to your home or taking the subway and bus, unless you refused to allow me visitation at all. On one occasion, the police were called who told you to give me our child because my visitation was every other weekend and you had refused the prior weekend, which you admitted.

In 2009, you again filed for “sole” custody in Virginia and on October 2009, the court granted joint custody. The court also required us to maintain a “custody journal” where we memorialized events and concerns about our child to each other, including the payment of child support. These Journals contained the concerns *over the years* that I had about parenting our child. Some of the differences we had was that you were not dressing our daughter in feminine clothes or colors and instead buying her clothes that look like boys clothing, buying her boy toys, gearing her to play basketball and you displaying anger in front of her and keeping her from me and my family, and ignoring her weight. Not surprisingly, you claimed to have “lost” these Journals *after* you filed your complaint against me and never produced this evidence with your complaint. But there is still ample proof from other writings of what you have done to our child.

I also sent you research and information concerning the raising of our child - from watching television, foods she should eat and Biblical and Spiritual information - to avoid what has happened to our child. One such information sated:

“The Bible teaches that parent’s top priority in raising children should be spiritual. Proverbs 22:6 says, “Train up a child in the way he should go, and when he is old he will not depart from it.” Our primary task is to prepare them to walk according to God’s plan, will, and purpose for their lives. We are to instill in them an unshakable faith that will protect them from the assault of the Devil....Teach them the ways of God from an early age, and you will be amazed at their resistance to sin and the strength of their faith.

2012

On August 24, 2012, we signed an agreement that I wrote to protect our child from your “boyfriend” who had a confrontation with our daughter and *you called the police on our child who was only 8 years old* at the time. In the police report, you blamed our child for the confrontation and told the police that our child was the problem, and not your boyfriend. The police report is an exhibit as well. However, I investigated and found that your boyfriend, who was at least 10 years younger than you, had a criminal record and should not be around our child. Therefore, you signed an agreement to keep him away from our daughter. This is also an exhibit. The agreement also states:

Neither parent shall communicate *anything negative to the minor child concerning the other parent, including but not limited to statements that: “the child will be taken away” by one parent from the other parent; the other parent is a “liar”; telling the child to keep information or secrets from the other parent, or any other negative information of any kind whatsoever concerning the other parent.*

While the purpose of the agreement was to protect the child from harm by your boyfriend, it was also necessary to protect the child from the *things you were instilling in her mind*.

2014

Still, you continued. On January 31, 2014, you made a false claim that I sexually abused our child with the D.C. Child Protective Services, and filed in court to keep our child from me. The matter was thoroughly investigated and determined to be “UNDOUNDED” which means it did not occur. The proof was the countless letters from me to you pleading for the protection of our child. Also, there were numerous writings where I taught our child not to let anyone, including her father, touch her about her “private parts” and to “tell” us *any* “secret” anyone tells her to keep. In addition, there were several emails where I encouraged you to “take our child to counseling” and I would pay for it, because she was displaying increasing anger but you refused to do so. This shows you had no real concerns because you knew it was a lie.

Now, based on what she now says, you kept her under this lie until this very day. Your only goal was to separate our child from her father and her paternal family because of anger and bitterness that was a part of you from your past.

You kept our daughter from me. I went to court in 2015 and I have a recorded message from our child where she said, I “was trying to take [her] from [you]” and that she would “testify.” As I warned ten years earlier, *“if you continue to act this way, you will instill these negative values into [our child].”*

2018

Over the years you refused any regular contact or communication, including refusing to disclose where our child lived and refusing money from me. In the summer of 2018, I was hospitalized. Later, in the fall our child's school began sending notices to me that our child was *excessively* absent from school. By early December 2018, she had been absent nearly 80%. After learning this and the fact that the school was required to take remedial action long before it reached this point, I contacted the school and "interventions" were implemented, which included parenting counseling to you. During this time, you acknowledged that you had imparted your anger to our child.

2023

Your complaint with the D.C. Bar resulting in this finding:

Respondent testified at length as to his *efforts to maintain a relationship with his child and to establish a relationship with his family*. In his view, those efforts were frustrated by Ms. Allen, *who alienated [the child] from Respondent*. His claim was supported by Ms. Benton, who testified that she had not visited with [the child] since 2018 and that Ms. Allen was reluctant to talk with her "because of her feelings that *she wanted no part of any connections or communications receiving any money*." Eventually, *Ms. Allen asked Ms. Benton not to contact her*. Ms. Benton stated that she felt alienated from [the child] She stated that when Respondent had custody of [the child], the family participated in events with [the child].

The Committee concluded that my "testimony concerning [my] efforts to maintain a relationship with [our child] was compelling, and *there is little evidence to rebut his claims that Ms. Allen interfered with those efforts*." Hearing Committee Report at p. 58.

The truth is that you have deliberately placed stumbling blocks and obstacles in the path of our child, in every way - financially by threatening to have me arrested if I came to your home with money. But I never stopped trying to be involved and involving my family, counselors, pastors and others. Currently our child believes that I abandoned her and your lie that I sexually abused her, which was investigated and found to be false. Because you have distorted her mind, she has gone astray and the only way she can rationalize it is with hurt and anger that ***you instilled in her along with your failure to teach her truth from God***. Likewise, your complaint to the Bar was intended as another barrier but you fail to know that it is not. It only serves as a public and documented testament to the evil that you have done to our child.

The Present

Our child has been misled *spiritually, mentally, physically* and *emotionally* and you have put numerous stumbling blocks in her path that resulted in *confusion*. You provided her improper food and she was bullied and made fun of in school because of her weight. You kept me from knowing that she did not even attend her graduation from elementary school because of the bullying. And the lies and anger you taught her is now manifest. I know *your evil will not prevail*. I also know that you will have to answer to God for wrong you have done to our child by deliberately altering her life in the wrong direction.

I was wrong to have had a relationship with and was deceived. You admitted during the Bar Disciplinary Hearing, which is in the transcript, that you told me that you “could not become pregnant” and insisted on having unprotected sex, including getting “angry” when I initially refused to do so. And your motive was only money for you, and not our child.

The Future

Finally, despite all these obstacles, our daughter can still be saved. And, *only by God*. There are only two Spirits and like us all, in different degrees, there is confusion. There is the *Spirit of Truth* -where there is light- and the *Spirit of error* -where there is darkness. As parents, our responsibility *was and is* to show our child the light, *i.e.*, the way she “should go” by *obeying* God and the reward is the Fruit of the Spirit, which is *joy, peace, patience, gentleness, goodness, faith, kindness, self-control and eternal life*. But as I wrote in 2004, she has been shown the way you wanted her to go and she is full of confusion and darkness by you.

“Take care that you do not despise one of these little ones; for, I tell you, in heaven their angels continually see the face of my Father in heaven.” For, “it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea.

Again, I am doing what I have always done. And, that is to support our child *spiritually, emotionally, physically, psychologically* and *financially*. Why won't you stop the stumbling blocks and do the same in a Godly way?



Cc: The Blackwell Family

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2024, I caused the foregoing *Respondent's Opposition to Disciplinary Counsel's Motion to Revoke Respondent's Probation and Exhibits* to be served electronically to James T. Phalen, Executive Attorney, Board on Professional Responsibility at CaseManager@dcbpr.org and to Jelani Lowery at loweryj@dcodec.org, Office of Disciplinary Counsel.

/s/Kenneth L. Blackwell

Kenneth L. Blackwell