

**RIELEN & PARTNERS**  
**LAW OFFICE, ADVOCATES & LEGAL CONSULTANTS**

Jalan Pintu Air No. 7 Blok B 6, Kompleks Mitra Pasar Baru, Jakarta, 10710,  
Telp. (62-21) 70133174, E-mail : rielen1264@yahoo.com

---

To the honorable,

**Ketua Dewan Kehormatan** Daerah PERADI DKI Jakarta

Grand Slipi Tower Lt. 11

Jl. S. Parman Kav. 22-24

Jakarta Barat

**Regarding: Description of Evidence in the Complaint Against Lawyer Ida Bagus Wikantara, S.H. dated 1 December 2014.**

With respect,

This complaint is based on a case that started with a simple divorce already agreed between husband Michael Patrick Donnelly / COMPLAINANT and wife Ni Made Jati with the intention of making a peaceful and fair settlement, but after the entry of IDA BAGUS WIKANTARA S.H. / DEFENDANT the divorce case developed into 4 complicated civil cases and 11 criminal cases in two countries for 10 (ten) years, all handled by the DEFENDANT. Due to the manipulations of the DEFENDANT, the client's family was destroyed. The four victims include two boys of the marriage named Wayan Sean Donnelly, now 22 years old, and Surya Brenden Donnelly, now 20 years old, as well as Michael Patrick Donnelly / COMPLAINANT, as well as Ni Made Jati, the client of the DEFENDANT.

In the course of this case, we allege that the DEFENDANT violated the code of ethics by:

1. Advising and causing the client to violate an existing agreement between husband and wife, with the aim of turning a simple divorce into a fraud by his client directed against her husband and her children;
2. Advising the client to break the law by filing a divorce suit based upon documents which the DEFENDANT knew to be false;

3. Submitting declarations, documents and witnesses to the court which the DEFENDANT himself knew were incorrect or false;
4. Lying to and deceiving his client about Indonesian law with the aim of harming the client and benefiting the DEFENDANT;
5. Lying and deceiving his client about facts and events or dates of events with the aim of harming the client and benefiting the DEFENDANT;
6. Working to prevent and block communications between husband and wife and children;
7. Working to destroy the relationship of former husband and wife, both by law and emotionally, between children and parents;
8. Ruling or advising his client to break the law in two countries namely the Republic of Indonesia and the United States;
9. Using the threat of violence to expel the COMPLAINANT and a business partner from a venture jointly owned by the COMPLAINANT and the client Ni Made Jati.

The reason the DEFENDANT had an interest in defrauding and manipulating the client Ni Made Jati is because in early April 2005, Ni Made Jati entered the office of the DEFENDANT to seek legal aid in a divorce, and at that moment the DEFENDANT knew that Ni Made Jati and her former husband had assets in common with a high value (currently estimated near Rp 400 billion), that Ni Made Jati had a limited education only through Elementary School Grade 5 with poor knowledge of the law, that Ni Made Jati had documents that could be used to carry out a fraud, and that Ni Made Jati apparently lacked moral conscience and could be persuaded by to engage in a deception at the instigation of the DEFENDANT. By turning a simple divorce into a complex series of civil and criminal cases, the DEFENDANT has managed to enjoy a 10-year stream of income from family assets belonging to the COMPLAINANT and Ni Made Jati.

That the DEFENDANT with a university degree of Bachelor of Law manipulated his client who had only an Elementary School Grade 5 education is quite clear from the description that follows. Even supposing that the DEFENDANT might offer an excuse that he was simply following instructions from the client Ni Made Jati, there is an ethical responsibility for a lawyer to help his client, even though his client is ignorant or mentally disordered, such that it is a violation of the code of ethics to help any client carry out criminal actions or destroy her own family.

As the ex-husband of Ni Made Jati, the COMPLAINANT expresses the opinion that in April 2005 when the DEFENDANT first met with the client, Ni Made Jati had a feeling of love as is natural from

a mother to her children, that Ni Made Jati could not possibly have requested the DEFENDANT to destroy her family and alienate her children. But as a result of this case, the client Ni Made Jati then lost her children due to the orders and instructions of the DEFENDANT.

Explanation and evidence regarding the points above are as follows:

1. An agreement detailing a peaceful divorce was in progress between Ni Made Jati and COMPLAINANT starting in 2003. At the end of March 2005, the COMPLAINANT began divorce proceedings with attorney M. Rifan SH at Austrindo Law Office. Before the DEFENDANT met with Ni Made Jati, divorced peace agreement is running smoothly.

(P-01) Singapore Agreement of 2003.

An agreement between Michael Patrick Donnelly and NI MADE JATI listed property in common and agreed to divide property and custody of the children in peace.

(P-02) Bank transfer.

Ni Made Jati transferred the money according to the Singapore Agreement two days after signing the Singapore Agreement.

(P-03) Made Jati's notes about Michael's new home purchase.

Michael Patrick Donnelly bought land and built a house close to the first house on Jalan Pengembak, Sanur, Bali Singapore in accordance with the Agreement.

(P-04) Special Power of Attorney with Austrindo Law Office (ALO) dated March 30, 2005.

Michael Patrick Donnelly sought legal advice from Austrindo Law Office (ALO) with the approval of Ni Made Jati to apply for a peaceful divorce, but for three weeks ALO failed to prepare a lawsuit.

But in early April 2005 the DEFENDANT met with Ni Made Jati, and Ni Made Jati formed a new intention to file for divorce based upon a false marriage. DEFENDANT apparently worked with M. Rifan to avoid filing the COMPLAINANT's Accusation of Divorce, and instead three weeks later the DEFENDANT filed an Accusation of Divorce from Ni Made Jati. (The importance is that M. Rifan advised the COMPLAINANT not to be present at the trial, apparently to prevent the COMPLAINANT from hearing the explanations of lawyers from the two sides.)

(P-05) Accusation of Divorce, with Special Power of Attorney dated 13 April 2005.

2. The DEFENDANT knew at the time of filing the Accusation of Divorce that the explanation as given in the Accusation did not fit with the evidence.

(P-05) Accusation of Divorce from Ni Made Jati against Michael Patrick Donnelly.

It is natural for a lawyer to claim that he believes the explanation of his client about the place and date of an occurrence of marriage. The Accusation of Divorce states:

- The marriage ceremony according to Hindu Religion and Bali Tradition occurred between Ni Made Jati and Michael Patrick Donnelly in September 1996 at the residence of Ni Made Jati in Banjar Pengabetan, the village of Kuta, Badung,
- According to the Family Registration Card, Ni Made Jati was head of the family, there were two children Sean Donnelly Wayan and Surya Brenden Donnelly, and Michael Patrick Donnelly does not appear as a member of the family.

(P-06) Certification of Hindu Marriage in Tabanan June 1996.

But the DEFENDANT filed into evidence documents which were not in accordance with the explanations in the Accusation of Divorce. According to P-06 the marriage ceremony according to Hindu Religion and Bali Tradition was held in another place and on another date, that is in Tabanan on 10 June 1996.

(P-07) Family Registration Card.

The DEFENDANT filed into evidence a Family Registration Card dated 1997 supporting the claim that Ni Made Jati had the sole rights to the children because there is no name of the husband / Michael Patrick Donnelly in the Family Registration Card, whereas according to the Accusation of Divorce Ni Made Jati and Michael Patrick Donnelly had been married one year earlier. To file an Accusation of Divorce the DEFENDANT must have an address so that the Accusation can be delivered to the Respondant, and indeed the Accusation was delivered to the Respondant in the family home, and the address of the Respondant at home was the same as the address on the Family Registration Card in P-07.

3. In the hearing, the DEFENDANT heard from Ni Made Jati's witnesses that the marriage ceremony according to Hindu Religion and Bali Tradition which the Accusation stated occurred in Banjar Pengabetan, Kuta, Badung, was actually held in Sanur-Denpasar.

(P-08) Decision of the Denpasar District Court, testimonies of Ni Nyoman Suti and Heru Widiyanto.

In the hearing, the DEFENDANT heard from the COMPLAINANT's witnesses that explanations by Ni Made Jati and the submitted documents were not true But in the Decision the testimonies of the COMPLAINANT's witnesses were falsified, and the DEFENDANT still submitted explanations per Ni Made Jati.

(P-08) Decision of the District Court, testimonies of Ni Made Artini and I Nyoman Sudana.

(P-09) Affidavits of Ni Made Artini and I Nyoman Sudana.

The DEFENDANT could hear and read that the testimonies written in the Decision of the Denpasar District Court were not in accordance with the testimonies of the COMPLAINANT's witnesses in the hearing, but the DEFENDANT never stated at the High Court or or later that the testimonies of the COMPLAINANT's witnesses were not correct or had been reversed.

4. At the hearing, the DEFENDANT saw from evidence and heard from COMPLAINANT's witnesses that the original and legitimate marriage was held in September 1985 in Los Angeles, California, and that the marriage ceremony according to Hindu Religion and Bali Tradition was held in May 1994 in Sanur, Bali and was a continuation of the original marriage.

(P-08) The Decision of the Denpasar District Court, testimonies of Steven Donnelly and I Nyoman Sudana

(P-09) Certificate of Marriage. Los Angeles, California dated 14 September 1985.

5. So the DEFENDANT heard five different explanations about the place and date of the marriage between his client Ni Made Jati and the COMPLAINANT:
  - a) At the residence of Ni Made Jati in Banjar Pengabetan, the village of Kuta, Badung district in September 1996, which the DEFENDANT wrote in the Accusation of Divorce,
  - b) At the residence of Ni Made Jati in Tabanan in June 1996, which the DEFENDANT filed as evidence to the Accusation of Divorce,
  - c) At the residence of Ni Made Jati in Sanur 1996, which the DEFENDANT heard from his client's witnesses,
  - d) At the residence of Ni Made Jati and the COMPLAINANT in Sanur in May 1994, which the DEFENDANT heard from COMPLAINANT's witnesses,
  - e) In California, USA, in September 1985 which the DEFENDANT heard from COMPLAINANT's witnesses and read in the legal documents of the U.S. and the Civil Registry Office, Denpasar.

The DEFENDANT never expressed any doubts about why his client's three explanations were mutually contradictory.

The difference between the place and date of marriage is very important, because the alleged

purpose of the DEFENDANT in recognizing a marriage in 1996, regardless of whether in Kuta, Tabanan, or Sanur, was so that if a judgement was granted based on a marriage in 1996:

- Children who were born in 1993 and 1994 would be declared born outside marriage, and therefore the children and their father would lose their legal parent / child relationship,
- All the family property would be declared the prior existing property of the wife before marriage.

6. After the DEFENDANT advised his client to file an Accusation of Divorce based on false marriage documents, Ni Made Jati was subject to being reported and convicted of committing a criminal act, but the DEFENDANT was immune to prosecution due to his status as a lawyer. It is alleged that starting from the time of the filing for divorce, the DEFENDANT held his client hostage to her legal situation, and the client was dominated by the DEFENDANT because the DEFENDANT increasingly pressured Ni Made Jati that her security could only be guaranteed if she strictly followed the advice of the DEFENDANT.

It will be shown in the following explanation in Section 19 that the DEFENDANT indeed declared such in his Declaration to the Court of California in 2008. As a result of advice from the DEFENDANT, Ni Made Jati violated multiple court orders from the California judge and left her children, causing the court to rule that Ni Made Jati had "abandoned her children," and Ni Made Jati then lost all rights to custody and guardianship of her children.

7. From the time when the DEFENDANT first met with Ni Made Jati in early April 2005, Ni Made Jati shut down all communications or requests for mediation from her ex-husband the COMPLAINANT and this continues to the present date.

At the Denpasar District Court level, Ni Made Jati won in the decision Divorce dated November 22, 2005 based on testimony from Ni Made Jati and her witnesses about the marriage which they claimed was held in Tabanan or at Kuta or Sanur in 1996.

(P-11) Certificate of Marriage No: 299/1996, 30 September 1996 issued by the Civil Registry Office Dati II Badung Regency

(P-08) Decision of the Denpasar District Court in Divorce.

As a result, the DEFENDANT advised and assisted Ni Made Jati to take over all the family property in common, and the DEFENDANT stated to the COMPLAINANT that the COMPLAINANT would be arrested by the police if he dared to enter the family home or a family

company again.

Then on 6 December 2005, Ni Made Jati attempted to seize custody of their children by declaring in front of her children that her lawyer the DEFENDANT had said that she had won in court and that the COMPLAINANT was no longer their father. The COMPLAINANT told Ni Made Jati to call her lawyer the DEFENDANT to come to explain to his client that the COMPLAINANT had appealed the decision so that the custody of the children remained *status quo*. The DEFENDANT did come and say so, and Ni Made Jati shouted in great anger that the DEFENDANT had given assurances that Ni Made Jati would have the sole right to the children after the verdict of the District Court, and that the DEFENDANT had never said anything about appeals or *status quo*.

Because Ni Made Jati refused all communication with the COMPLAINANT, after the issuance of the Decision of the District Court the COMPLAINANT reported Ni Made Jati to the Bali police for alleged criminal acts including Using False Documents, Fraud, Perjury, Obscuring the Origins of a Marriage, Obscuring the Birth Origins of Children, etc. Because of many reasons which indicate possible collusion, none of the 11 reports filed with the Bali Police ever proceeded to court.

The Supreme Court of Indonesia issued a Decision in Divorce in January 2008, and the decision declared the original marriage in California of 1985 was legal in Indonesia, was dissolved by divorce with the Supreme Court decision, and the false marriage documents in possession of Ni Made Jati were canceled by law.

(P-12) Decision of the Supreme Court in divorce.

The COMPLAINANT also filed a civil suit against Ni Made Jati to cancel the fraudulent Act of Marriage in an Accusation of Action Contrary to Law.

The Supreme Court issued a decision in the Action Contrary to Law in November 2008, and the decision declared that the action of Ni Made Jati in creating a new deed of marriage to Michael Patrick Donnelly in 1996 when she was already tied with a legal marriage with Michael Patrick Donnelly since 1985 was an Action Contrary to Law.

(P-13) Decision of the Supreme Court in Action Contrary to Law.

But the DEFENDANT continued to block communication and requests for mediation between COMPLAINANT and his client.

8. The DEFENDANT continued to present explanations about the place and date of marriage that

he had already learned were untrue, and the DEFENDANT then lied to the panel of judges in the Supreme Court of Indonesia concerning it, as we can see with:

(P-12) Decision of the Supreme Court in divorce.

The Supreme Court decision stated that:

"the marriage which took place... in Banjar Pengabetan, the village of **Kuta, Badung** regency, with Certificate of Marriage No. 299/1996... **September 30, 1996**, together with the prenuptial agreement, is null and void."

(P-13) Decision of the Supreme Court in Action Contrary to Law.

The Supreme Court decision stated that:

"Declares... the marriage ceremony according to Hindu Religion and Bali Tradition which took place in **1994** at Gang Pengembak III 29. **Sanur Denpasar...**"

The reason for two different places and dates is because Ni Made Jati and her witnesses had admitted to lying after the investigation of the Bali Police in May 2006, and the Reply of the DEFENDANT in the Accusation of Action Contrary to Law in August 2006 admitted that the true place and date were in Sanur in May 1994,

(P-14) Reply of the DEFENDANT / Ni Made Jati in District Court to the Accusation of Action Contrary to Law, in August 2006.

The DEFENDANT already recognized the place and date in response to the Accusation of Action Contrary Law in August 2006, but in March 2008, that is 1 1/2 years after admitting place of Sanur and date of May 1994, the DEFENDANT filed an Extraordinary Appeal (PK) in the divorce case with the Supreme Court in which the DEFENDANT insisted that there was a ceremony of marriage held at Banjar Pengabetan, the village of Kuta, Badung district in September 1996, and the DEFENDANT not reveal that the client and her witnesses had already admitted lying about the occurrence of this ceremony.

(P-15) Memory PK of the DEFENDANT / Ni Made Jati in Divorce, March 2008.

9. In a Bali Police investigation in response to COMPLAINANT's report Nomor LP / 81 / III / 2006 Directorate of Criminal Investigation dated March 14, 2006 with the Bali Police, Ni Made Jati and all witnesses acknowledged that the explanation of a marriage ceremony in 1996 was a lie, but the DEFENDANT continued to submit documents to the courts of Indonesia with explanations which already been recognized as false, and the DEFENDANT knew fully about the

explanation of all witnesses because the DEFENDANT always accompanied his client and all her witnesses when they gave testimony (BAP) at Polda Bali.

(P-16) Photographs submitted the DEFENDANT / Ni Made Jati as proof of the divorce suit, and photographs submitted by the Bali Police investigators to Ni Made Jati and her witnesses accompanied by the DEFENDANT in May 2006.

The DEFENDANT as a Balinese man knows the difference between ceremonies for Nyolongan, Oton, Sudiwudani, and Marriage and could see at the time of filing evidence that the photographs P-1 through P-13 submitted in support of the Accusation of Divorce were not in sync with the explanations as given in the Accusation.

(P-17) Testimony of I Wayan Sujana Cetog in BAP.

The DEFENDANT continued to present witnesses who lied in court and who had previously lied in court, and this was never disclosed by the DEFENDANT to the judges.

(P-18) Testimony of witness Heru Widiyanto in Denpasar District Court in the case of PMH.

Apparently witness Heru Widiyanto failed to complete his homework, because he testified that the ceremony of marriage between the COMPLAINANT and Ni Made Jati occurred in 1996, just as he had previously testified as a witness in the divorce trial, although in fact the DEFENDANT had already admitted in the Reply to the court that the ceremony had occurred in 1994.

(P-18) Testimony of witness I Wayan Sujana Cetog in Denpasar District Court in the case of PMH.

Witness acknowledged in court testimony that the marriage ceremony according to Hindu Religion and Bali Tradition supposedly occurring in Tabanan in the month of June 1996 according to the Certification of Hindu Marriage as in P-06 was false or a fabrication.

(P-19) Testimony of witness Jean Lane (Murniati) in Denpasar District Court in the case of Gono-Gini.

The witness is a close friend of Ni Made Jati, and the witness fabricated testimony in which she falsely claimed that a marriage had occurred previously between Ni Made Jati and another man before Ni Made Jati married with the COMPLAINANT and the witness testified that all joint property of the COMPLAINANT with Ni Made Jati was in fact owned by Ni Made Jati as assets from her first marriage. The DEFENDANT himself drew this explanation from the witness Jean Lane with his questioning, and the DEFENDANT never informed the judges that everything was only an invention of Jean Lane.

10. All explanations written by the DEFENDANT in all courts and at all levels of court after the original Accusation of Divorce are obscure and contradictory. It is alleged that the reason for obscure and contradictory declarations were twofold:

To mislead his client.

To mislead the judges;

11. Efforts of the DEFENDANT to mislead his client often appear in the DEFENDANT explanation, for example:

1) Answer to the Accusation of Action Contrary to Law states:

It is true that between the the DEFENDANT [Ni Made Jati] and the plaintiff there occurred first a marriage in Los Angeles County Angelos, California, USA on 14 September 1985 but the DEFENDANT [Ni Made Jati] rejects the registration of marriage on April 6, 2006 [sic. should be 2005, MPD] as Reg. No. 16 / KDKC / 2005 because it was initiated by the plaintiff who nota bene is a foreigner while the registration in question is self-evidently for the benefit of law and the status of citizens of Indonesia in this case the DEFENDANT [Ni Made Jati] and therefore the registration is against the law or at least defective by law.

(P-14) Reply of Ni Made Jati / DEFENDANT at Denpasar District Court Accusation of Action Contrary to Law.

There is no law or legal principles of the Republic of Indonesia that Indonesian law is "self-evidently" intended for the benefit of citizens of Indonesia such that foreign nationals do not have rights or legal protection in Indonesia. Students in high school should know this, but Ni Made Jati failed to complete an elementary school education had no basis for understanding that she was being manipulated by her lawyer.

The DEFENDANT lied to his client by informing her that denying a legal marriage and canceling a previous agreement for a peaceful divorce was sanctioned by the laws of Indonesia because Indonesian law is "self-evidently" intended to help the people of Indonesia and to deprive foreigners of their rights. With the DEFENDANT's lie, the family of Ni Made Jati family and the COMPLAINANT was destroyed.

2) Reply to the Accusation for Division of Assets dated May 2, 2009 requested:

**REQUEST FOR RULING:**

Grant that the Supreme Court ruling as in Decision No. 1428K / PDT / 2006 April 10, 2007 was based upon or made with inaccurate, imprecise, and vague reasoning so it does not have either declatorial or executorial power.

(P-20) Reply of the DEFENDANT / Ni Made Jati at Denpasar District Court in Accusation for Division of Assets.

Students in high school should know that the District Court does not have authority to cancel rulings of the Supreme Court, but Ni Made Jati failed to complete an elementary school education. The DEFENDANT's request in this Reply was not intended as a legal argument to the Indonesian court, but it was intended to influence his client so that Ni Made Jati would feel there was an opportunity to cancel the decision of the Supreme Court at the District Court level, and therefore Ni Made Jati would refuse to settle or reconcile with her ex-husband and her children.

3 ) The Reply to the Accusation for Division of Assets dated May 2, 2009 contained a long explanation by Ni Made Jati more akin to a rant or tantrum with no basis in fact or law, apparently meant only to humor Ni Made Jati, and it ended with the statement :

“Actually it is not necessary for the defendant [Ni Made Jati] to convey this in trial to the very noble and respected Gentlemen of the Court but the deeds of the plaintiff [Michael Patrick Donnelly] towards the defendant and the defendant and plaintiff's children during this time have already passed the acceptable limits that a healthy mind can bear.”

(P-20) Reply of the DEFENDANT / Ni Made Jati at Denpasar District Court in Accusation for Division of Assets.

12. It is difficult to show the DEFENDANT's obscure and contradictory writing in total because the examples are so extensive that nearly on every page the DEFENDANT presents examples. But one example of an attempt to mislead the judges, quoted from the Reply to the Accusation of Action Contrary to Law dated 15 August 2006 are:

10. That the Plaintiff as at point 8 which states he has reported the DEFENDANT I to POLDA BALI for entering false information as under Article 266 is a far-fetched and shows an attitude not a gentleman for a man and on the report by Police BALI by letter No Pol B / 5/8 / I / 2006 / Ditreskrim dated January 23, 2006 concerning the notification of developments of investigation (SP2HP), which essentially states that on the criminal case set forth in article 266 of the Penal Code and 372 of the Criminal Code that is alleged by the reported party in this case The DEFENDANT I was NOT ENOUGH EVIDENCE to be continued at the level of investigation.

(P-14) Reply of Ni Made Jati / the DEFENDANT on PK in Divorce.

(P-21) Letter No. Pol B / 5/8 / I / 2006 Ditreskrim (SP2HP) dated January 23, 2006.

(P-22) Polda Bali LP / 81 / III / 2006 Directorate of Criminal Investigation dated March 14, 2006 at the Bali Police.

The SP2HP referred to as issued with a statement “not enough evidence” was based upon a report for Article 372 of the Criminal Code or Embezzlement which was reported in December 2005 and terminated (with many signs of collusion) with this SP2HP letter in January 2006. The reason SP2HP stated "not enough evidence" was because Ni Made Jati and all witnesses including Ni Nyoman Suti, Heru Widiyanto, and I Wayan Cetog Sujana as stated in Section 9 above claimed to the investigators that the marriage ceremony was held in 1996 in Tabanan, and when they gave their BAP statements they were accompanied by the DEFENDANT, and the DEFENDANT already knew that the explanation "in June 1996 in Tabanan" was a lie and did not correspond with the explanations of the DEFENDANT and Ni Made Jati in their Accusation of Divorce.

What was meant by "point 8" was another report entirely regarding Article 378 or Fraud dated March 14, 2006 reported two months after the letter SP2HP. So the DEFENDANT deliberately lied to the panel of judges with a jumbled explanation as if the police report about Article 378 was closed with an SP2HP from a different police report.

In the evidence which the DEFENDANT filed in the Accusation for Division of Assets, the greatest part was irrelevant and unrelated to the property or land in dispute, whereas the relevant evidence including the original Land Certificates were not filed or recognized, which was clearly intended to mislead the judges.

(P-20) Reply of the DEFENDANT / Ni Made Jati at Denpasar District Court in Accusation for Division of Assets.

13. That the DEFENDANT worked to alienate the COMPLAINANT from his children by deceiving the COMPLAINANT into signing a letter which would have been extremely detrimental to the children Sean Wayan Donnelly and Brenden Surya Donnelly, we can see because before the Decision of the District Court in Divorce on November 22, 2005, the COMPLAINANT's attorney named M. Rifan already knew the results of the Decision, and on November 21, 2005 M. Rifan made an agreement with the DEFENDANT without informing the COMPLAINANT. The children were used as bait into pressure the COMPLAINANT into signing an Agreement (“Visitation Schedule”) intended to abolish the rights of the COMPLAINANT to his children.

(P-08) Decision of District Court in Divorce, decision November 22, 2005.

(P-23) Fax dated December 13, 2005, which declared the existence of an agreement dated 21 November 2005.

COMPLAINANT discovered this fax in his case file in the office Austrindo Law Office at the time M. Rifan time was out of the office to handle the case of the Bali 9.

(P-24) Affidavit Letter of Explanation from COMPLAINANT at US Consulate.

(P-25) Agreement in the form of "Visitation Schedule".

COMPLAINANT discovered this Agreement ("Visitation Schedule") in his case file in the office Austrindo Law Office at the time M. Rifan time was out of the office to handle the case of the Bali 9. The date was falsified as if made on Friday, August 16, 2005, although August 16, 2005 was a Tuesday, and this Agreement ("Visitation Schedule") discussed the Decision of the District Court which was decided on 22 November 2005. The correct date is December 16, 2005.

Before Ni Made Jati attempted to seize custody of the children Sean Wayan Donnelly and Brenden Surya Donnelly on December 6, 2005 as described in Section 7 above, Ni Made Jati had already seized the passports of their children and rejected COMPLAINANT's requests to return the passports so that the children could to travel in December 2005 to celebrate Christmas at their Grandparent's home in California as was customary every year since they were born. At the time the DEFENDANT came to the family home, the DEFENDANT told the COMPLAINANT that Ni Made Jati had Sean Wayan Donnelly and Brenden Surya Donnelly's passports and many other documents very detrimental to the COMPLAINANT, but if the COMPLAINANT wanted the passports returned so that the children could go to California for Christmas, the COMPLAINANT must first sign a Letter of Agreement that the DEFENDANT would prepare.

The COMPLAINANT and the children made a booking to California to leave Monday morning December 19, 2005, but there was no letter from the DEFENDANT, until at about noon on December 15, there was a message from the COMPLAINANT's lawyer M. Rifan SH. that he had received the text of the Letter of Agreement from the DEFENDANT, and M. Rifan gave the COMPLAINANT a facsimile with a long letter in Indonesian, even though the COMPLAINANT always used English with M. Rifan. In explanation to the COMPLAINANT, by M. Rifan did not read sentence by sentence but have only a brief summary in English, saying "we could sign" the agreement.

But the COMPLAINANT was worried because he could not read the letter and because the explanation from M. Rifan was very brief, so the COMPLAINANT went directly to the American Consulate and wrote a statement which read:

... I feel compelled to sign the document against my will and under force of threat to the psychological well-being of my children to prevent them being held hostage in Indonesia, with the hope that Made will indeed turn over their passports in time for our departure on 19 December.

But there was no further news from Austrindo Law Office the following day, until at 17:00 o'clock afternoon Friday, December 16, 2005 there was a phone message instructing the COMPLAINANT to rush to the office of Notary Agus Satoto in Batu Bulan because the office would close soon for the weekend, and if the COMPLAINANT did not immediately sign the Letter of Agreement, the COMPLAINANT would not receive the children's passports, and the children would not be able to get on a plane as scheduled to depart early in the morning of Monday, December 19, 2005.

So the COMPLAINANT raced to the office of Notary Agus Satoto in Batu Bulan, and indeed the office had begun to close and it was dark aside from Agus Satoto and two witnesses, and there were also two staff from Austrindo Law Office but not M. Rifan. The COMPLAINANT was told to sign something that had already been signed and sealed by Ni Made Jati, but Ni Made Jati and the DEFENDANT had already gone home and were no longer at the Office of Notary Agus Satoto. But the Letter of Agreement was entirely in Indonesian and no one could translate it into English, so the COMPLAINANT refused to sign because he no longer believed the promises or explanations of Ni Made Jati and the DEFENDANT. The COMPLAINANT was angry and said he would report Ni Made Jati to the US Consulate and to the Bali Police because he felt there was an attempt at fraud and extortion by Ni Made Jati and the DEFENDANT.

Therefore, Ni Made Jati did not return the passports and we were not able to return to California for Christmas, until the DEFENDANT and Ni Made Jati came to the home of the COMPLAINANT on the afternoon of Christmas Day and returned the passports, it is suspected due to fear of a report to the American Consulate States or the Bali Police.

In March 2006 the COMPLAINANT discovered the original Letter of Agreement ("Visitation Schedule") in a file in the office of lawyer M. Rifan, which raised immediate questions about why the COMPLAINANT's lawyer was in possession of a document belonging to the DEFENDANT. The COMPLAINANT now could read the Letter of Agreement ("Visitation Schedule") in entirety, and indeed the contents of the agreement were very detrimental to COMPLAINANT and to Sean Wayan Donnelly and Brenden Surya Donnelly with terms that essentially abolished all Father's rights to the children, and the Agreement could be canceled at any time by Ni Made Jati without reason or consent of the COMPLAINANT, and the Agreement recognizes all the terms of the Decision of the Denpasar District Court as a Final Decision despite the COMPLAINANT having entered an appeal.

The goal of Ni Made Jati and the DEFENDANT with the Letter of Agreement ("Visitation Schedule") of Notary Agus Satoto was evidently intended to be more than cancelling the rights of father and children, because the Letter of Agreement ("Visitation Schedule") stated that it recognized as valid the Certificate of Marriage No. 299/1996 as in the Denpasar District Court

Decision No. 119 / Pdt.G / 2005 / District Court.Dps. and the Letter of Agreement (“Visitation Schedule”) never once mentioned that the status of the COMPLAINANT with Ni Made Jati was husband and wife by marriage.

So apparently all the actions of Ni Made Jati and the DEFENDANT in seizing the passports, and blocking Sean Wayan Donnelly and Brenden Surya Donnelly from returning to California for Christmas with their Grandparents, and delaying writing a Letter of Agreement until the last moment before the departure of the children to California, and waiting until 17:00 on Friday to urge the COMPLAINANT to sign a letter without translation into English, was an engineered plan, in which the DEFENDANT wrote a Letter of Agreement intended to deceive the COMPLAINANT to sign a document which he could not read, because he was so anxious about the welfare of his children, and at that time the COMPLAINANT was abandoned by his lawyer M. Rifan who had already given him misleading advice about the contents of the letter.

Therefore, it appears that all the actions of the DEFENDANT and Ni Made Jati regarding passports and Letter of Agreement (“Visitation Schedule”) were an act with malicious and cruel intent to victimize children as bait for a trap aimed at obscuring the origin of the marriage and the origin of the birth status of children.

14. It is alleged that the reason the Fax P-29 referred to an Agreement dated November 21, 2005 between the COMPLAINANT’s lawyer M. Rifan with the DEFENDANT as stated in Section 13 above was agreed upon before the Denpasar District Court decided on 22 November 2005 was due to both M. Rifan and the DEFENDANT already knowing the outcome of the court decision as obtained by collusion. The COMPLAINANT had been told of the verdict Denpasar District Court by M.Rifan on 19 November 2005 and M. Rifan urged the COMPLAINANT to immediately sign the Power of Attorney for an appeal. Results of that appeal were that Austrindo Law Office / M. Rifan lied to the COMPLAINANT and never filed a Memory of Appeal with the High Court in Denpasar.

(P-26) COMPLAINANT’s Special Power of Attorney with Austrindo Law Office November 19, 2005.

(P-23) Fax dated December 13, 2005, which declares existence of an agreement dated November 21, 2005.

(P-27) Decision of the Denpasar High Court in divorce.

Article 2 of the November 21, 2005 Agreement between M. Rifan was in connection with the Letter of Agreement (“Visitation Schedule”). Article 1 may have related to collusion in the Memory of Appeal.

15. In August 2007 while the COMPLAINANT and children Wayan Sean Donnelly and Surya Brenden Donnelly were vacationing with Grandparents in California, the COMPLAINANT received a death threat by anonymous email. The COMPLAINANT returned immediately to Bali to confront Ni Made Jati.

However, the DEFENDANT advised Ni Made Jati not meet the COMPLAINANT or discuss settlement of their legal issues. In fact the DEFENDANT led thugs to expel the COMPLAINANT and Gary Hewson of Kori Restaurant.

(P-28) Explanation Witness Gary Alan Hewson

Then Ida Bagus Wikantara arrived with two big men with tattoos who seemed to be the leader of the gang on the street. Wikantara and one of the big men sat at a table in the middle of the restaurant, and during the next two hours several people from the street and some of the Kori staff often came to talk with Wikantara, then one of the Kori staff took a bottle of alcohol from the warehouse and gave it to the people on the road, and they seemed to start getting drunk and shouting loudly.

Michael and I were worried because we were afraid that after all the guests left, the gang outside would come to beat us up, so we asked for police assistance. The police sent a car, and Michael and I ran to the car and jumped into the back seat, and the people on the street banged on the car but we sped away.

(P-29) Explanation of Witness Ralf Schmidt

Then about 30 minutes later Wikantara came up with many people, and some stayed outside in the street and some came to the restaurant to speak with Wikantara. Wikantara told me to give them a bottle of alcohol to drink, so I sent the manager to the warehouse to get a bottle of vodka, and the manager took it to the people on the street.

After several hours the gang in the street were screaming very loud and drunk, then a car came and Michael and Gary ran out and jumped into the car and sped away, and people on the street looked very angry.

Wikantara then told me that he had organized the men, and that they would beat Michael and Gary if they did not leave the restaurant.

16. After the COMPLAINANT and children fled to California, on the advice the DEFENDANT Ni Made Jati did not come to California and she continued to reject all attempts of communication with the COMPLAINANT during the next nine months.

(P-29) Explanation of Witness Ralf Schmidt

... if the kids came back to Bali then Michael would probably come back as well and cause more problems for her, so she just had to let the children go with Michael and not try to see them again.

But November 22, 2007, the DEFENDANT lost control of Ni Made Jati because the Tabanan

Police issued an Arrest Warrant for Ni Made Jati, and Ni Made Jati suddenly fled Indonesia before the police from Tabanan arrived at her home in Sanur.

(P-30) Arrest Warrant from Tabanan Police for Ni Made Jati November 22, 2007.

(P-31) Itinerary: Ni Made Jati landed in the US dated December 6, 2007.

This travel itinerary was entered as evidence under oath by Ni Made Jati to the Court of California in 2008.

Apparently Ni Made Jati fled Indonesia and settled in California without knowledge of the COMPLAINANT, but Ni Made Jati still refused to contact the COMPLAINANT or children from early December 2007 to mid-March 2008, when Ni Made Jati filed a Petition for Custody against the COMPLAINANT in the California Superior Court, Pomona.

17. The Decision of the Supreme Court of Indonesia in Divorce was issued in mid-January 2008, but the DEFENDANT lied to his client Ni Made Jati telling her that the Supreme Court decision had come out at the end of February 2008, with the aim of ensuring that children's domicile and jurisdiction of the court in custody would be located in California, not in Indonesia. The DEFENDANT purpose was to isolate Ni Made Jati from her children and to ensure that the children and their father, the COMPLAINANT, would not return to Indonesia.

(P-12) Decision of the Supreme Court in divorce.

The verdict was received by lawyers of both parties on January 16, 2008.

(P-32) Ni Made Jati Declaration to the California Superior Court.

Ni Made Jati said that she was waiting for the decision of the Supreme Court in Divorce.

5. "Between January 2008 and the present I was waiting for the ruling on divorce to be issued to see what the custody orders were and to have the ruling translated..."

Ni Made Jati said that the decision of the Supreme Court in divorce was issued on February 28, 2008.

3. "We started divorce proceedings in 2004 and our divorce was granted on February 28, 2008..."

(P-33) Declaration of DEFENDANT that he was continually informed about the progress of the legal case in California.

4.11. That as her legal counselor, I am regularly informed concerning the progress of the said case via telephone and internet for any legal matters filed or presented by MICHAEL PATRICK DONNELLY in the court sessions via his lawyer.

The significance of these statements is because according to the law of California, domicile is based on a child's six month residence in California. If Ni Made Jati had filed a petition for custody in

January 2008 when the Supreme Court ruling was issued, the court might consider residence to have started with the holiday beginning July 2007, or to have started from the time of receiving the death threat in early August 2007, and so jurisdiction may have been in doubt between the Court of California or the Court of Indonesia, or it may have been clearly granted to the Court of Indonesia.

Ni Made Jati obtained legal assistance from a lawyer in California named Julie A. Duncan starting in December 2007, and Julie Duncan certainly knew the importance of six months residence because she is a lawyer specializing in Family Law. The DEFENDANT is very fluent in English and often talked directly by phone with Julie Duncan, and Julie Duncan visited the DEFENDANT three times in Bali.

By waiting one and a half months after receiving the decision before the DEFENDANT notified his client of the Indonesian Supreme Court decision, the children's seven month residence in California clearly established jurisdiction in the Court of California.

Nota bene that between the announcement of the Decision of the Mahkamah Agung in mid-January 2008 and the filing of the petition for custody in California by Ni Made Jati on March 19, 2008, for two months the DEFENDANT could have filed a petition on behalf of his client for custody in an Indonesian court that would have establish jurisdiction in Indonesia. The DEFENDANT's failure to do this could be considered the result of the DEFENDANT's stupidity until we combine his failure file for custody in Indonesia with the DEFENDANT's lie to his client about the date of the Mahkamah Agung decision.

Had Ni Made Jati come to California between August 2007 and January 2008 (that is, within six months after Sean and Brenden arrived in California) and immediately petitioned for custody in California, the domicile of the children would have been determined to be NOT in California because would have resided for less than 6 months in California. But suggestions from friends that Ni Made Jati should immediately fly to California to meet with the COMPLAINANT and their children were very strongly opposed by the DEFENDANT.

18. Before Ni Made Jati filed a petition for custody in California, the DEFENDANT in Indonesia had prepared for a lawsuit in California by ensuring that jurisdiction would be declared outside Indonesia. On March 19, 2008 (and recalling that due to the International Dateline March 19 in Bali occurred the day before March 19 in California) the DEFENDANT requested a letter from Judge Nyoman Gede Wirya, SH that included the statement that no Indonesian court decision or other legal process established Indonesian jurisdiction over child custody.

[\(P-34\) Letter from Judge Wirya April 1, 2008](#)

This letter was filed by Ni Made Jati under oath in California court with the explanation that the Indonesian courts had no current jurisdiction regarding custody.

The suspected reason that Ni Made Jati filed this letter which helped establish jurisdiction for custody in California is because the DEFENDANT lied to his client about the implications of the letter, and because at that time Ni Made Jati was fugitive from a warrant for arrest in Indonesia.

19. The Judge in California Court ordered Ni Made Jati to meet with her children, cooperate in deposition, meet with the COMPLAINANT to attempt mediation, and cooperate with the COMPLAINANT in the an examination by a Family Psychologist. But the DEFENDANT advised Ni Made Jati to violate the judge's orders, to violate California law, and to leave her children, with full awareness that Ni Made Jati would lose custody as a result.

(P-33) Declaration the DEFENDANT

2.... The reasons not to provide the data and documents and not to issue any declaration are to defend and protect the legal interests of my client NI MADE JATI in the civil case that is currently in progress (judicial Review) within the legal jurisdiction on of the Republic of Indonesia's Court of Justice.

4.13 ... I, the legal counselor defending her case that is still in progress in Indonesia, do not want to run any risks no matter how small it is that might be trumped up by MICHAEL PATRICK DONNELLY to corner my client which might later cause difficulties in defending her in Indonesia. Therefore, I advised my client to immediately return home to Indonesia.

View of the Judge in the Court very clearly that the DEFENDANT not entitled to intervene in the case of the jurisdiction of California.

(P-35) Transcript of hearing case KD073003 Pomona California Court dated June 4, 2005.

The Court: Is your client going to submit to a deposition while she's here?

Ms. Duncan: The only problem I have is she has an attorney in Bali, and he's giving her --

The Court: It is not custody and visitation. It is custody and visitation and child support, and she has subjected herself to the jurisdiction of this court. And so whatever her issues are in Bali are, quite frankly, just that, her issues. I'm not interested in her lawyers in Bali. Her children are here. The jurisdiction is here, and whether she likes it or not, the issue of child support is here....

Ms. Duncan: It is where she's instructed by -- she does want to support her children, Your Honor. That's not the issue.

The Court: I never said that. I have a trial waiting. And let me say this, so I can help you. She's been instructed – I'm assuming the end of that sentence is – by lawyers in Indonesia blah, blah, blah, whatever.

Those lawyers in Indonesia can instruct her day and night. I don't care. Those lawyers in Indonesia have no jurisdiction over me and over these children and over the laws of the state of California and support.

The complete transcripts from the California hearing (attached) shows that the judge feels there is heavy pressure on Ni Made Jati and on Julie A. Duncan from someone in Indonesia. But the hearing was held on June 4, 2008, the people who were applying pressure on Ni Made Jati were not known, until in December 2008 the DEFENDANT filed his own Declaration to the court, and the person who was pressuring or controlling Ni Made Jati was clearly the DEFENDANT.

The DEFENDANT's Declaration was written in Bali—so it took place in Indonesia—and he advised Ni Made Jati to violate the laws of another country—where the DEFENDANT not a lawyer—with consequences that would no doubt destroy his client's family. Therefore, the DEFENDANT could be charged with obstruction of justice in the future if he is ever present in California.

The DEFENDANT lied to the California court when he said that the reason the DEFENDANT advised Ni Made Jati to disobey the judge's orders and to flee mediation, family counseling, and deposition was because he was afraid of the influence of proceedings in California on a civil case of Action Contrary to Law under consideration at the Mahkamah Agung, because it is not possible that settlement of family matters in California could have any influence on an Extraordinary Review of a Supreme Court decision in Jakarta.

The DEFENDANT gave legal advice to his client to violate the laws of the State of California, because the DEFENDANT was worried that:

- 1) Deposition of Ni Made Jati meant that she must give full explanations under oath about all the things asked by the COMPLAINANT. If Ni Made Jati answer truthfully, the results could be used as evidence for criminal charges in Indonesia—this is what the DEFENDANT meant “to corner my client which might later cause difficulties in defending her in Indonesia.” Or if Ni Made Jati lied, she could be subject to criminal charges in California for lying under oath.
- 2) But deposition can be avoided by successful mediation, and Ni Made Jati had already been ordered to cooperate in mediation and counseling, to meet her children and ex-husband, and to take other actions meant to open up communications and create a more harmonious family. Conditions of mediation as ordered by a judge of California are that all that is said in mediation is confidential and can not be opened up to be used in other legal proceedings.

The goal of confidential mediation is to reach harmonious settlement without the parties having to fear new problems. The DEFENDANT must have known that mediation was confidential in California—just as it is in Indonesia—because he admitted “... I am regularly informed concerning the progress of the said case via telephone and internet...” from Julie Duncan. So mediation could not lead to new problems might “later cause difficulties in defending her in Indonesia.” What scared the DEFENDANT was that the DEFENDANT really did not want his client to reach a settlement with the COMPLAINANT and their children.

The DEFENDANT’s true purpose with his Declaration to the court of California was to frighten his client Ni Made Jati so that she would flee from possible settlement of family issues in California and run back into the clutches of the DEFENDANT in Bali.

It was proposed in Section 6 above that from the moment client Ni Made Jati filed a Accusation of Divorce based upon a false Certificate of Marriage and other false documents, Ni Made Jati became increasingly dominated by the DEFENDANT because Ni Made Jati was afraid of being imprisoned for criminal fraud unless she followed exactly the advice of her lawyer. The DEFENDANT’s Declaration to the Superior Court of California makes plain this threat from the DEFENDANT to Ni Made Jati.

20. There is a way out for a lawyer who may have violated the lawyers’ code of ethics. Ni Made Jati’s lawyer in California named Julie A. Duncan had three times come to Bali for consultation with the DEFENDANT, and this made Julie A. Duncan vulnerable to the possibility of being sued and maybe disbarred for violations of the code of ethics, for helping in obstruction of justice in a criminal case, and knowingly filing false declarations to the California court. So to protect herself, Julie A. Duncan requested to withdraw as lawyer for Ni Made Jati.

[\(P-36\) Declaration Michael Patrick Donnelly to the California court](#)

[\(P-37\) Explanation of Julie A. Duncan in California court.](#)

At the hearing after the Declaration of Michael Patrick Donnelly in P-45, Julie A. Duncan pleaded that she needed to withdraw as counsel "to protect myself."

[\(P-38\) Declaration of Julie A. Duncan.](#)

Things known to Julie A. Duncan which put her into this vulnerable position were things told to Julie A. Duncan by the DEFENDANT during her visits to Bali.

21. As a result of the DEFENDANT’s advice intended frighten his client, Ni Made Jati fled from the

judge's orders of the court of California, and the COMPLAINANT was granted sole legal and physical custody of the children, and Ni Made Jati lost her children.

(P-39) Decision of California.

42. The court makes these rulings based upon the fact that the Petitioner initiated the proceedings in this court, sought this court's assistance, and then left the jurisdiction never to return. There is no indication as to why, and I know that the Petitioner sought to stop this court from exercising jurisdiction forgetting the fact that the Respondent had filed a response and sought relief of this court. The Petitioner left for reasons unproven or unsubstantiated with this court. And, quite frankly, the court gave the Petitioner so many opportunities to come back to court. The court gave the Petitioner as much visitation as possible every time the Petitioner was in town. And it is this court's opinion that, for whatever reason, the Petitioner chose to return to her family and her businesses, which was uncontroverted, in Bali. This court makes the finding that she abandoned her children.

43. In the meantime, she caused the Respondent to expend funds to obtain relief that she originally sought for herself. It is on that basis that the court determines that the Petitioner should have to bear the cost of the entire litigation in this matter. Minor's counsel was involved. A court evaluator was involved; they were all involved initially by the initiation of the Petitioner, and she left. The Petitioner has given the court absolutely no recourse. That's the order of the court.

22. In 2011, 2012, and 2013 the children repeatedly returned to Indonesia with the COMPLAINANT in attempts to help the children meet their mother and repair their relationships, but Ni Made Jati refused to meet the COMPLAINANT upon the advice of the DEFENDANT, and Ni Made Jati insisted that all communication should only be through the DEFENDANT. At the time that Sean Wayan Donnelly and Brenden Surya Donnelly and the COMPLAINANT came directly to Ni Made Jati's house in Bali, the DEFENDANT immediately set out with his family for a holiday in Europe for two weeks, and when he returned to Bali the DEFENDANT three times refused three requests to meet from the COMPLAINANT's lawyer named Rielen Pattiasina, SH with the explanation "There is no longer a legal relationship between Michael Patrick Donnelly and Ni Made Jati." Rielen Pattiasina replied that she was also the lawyer for the children, but the DEFENDANT refused further communication.

(P-40) Letter from the KNPA requesting cooperation from Ni Made Jati.

23. Ni Made Jati explained to her son Sean Donnelly Wayan in July 2013 that the DEFENDANT control all her legal issues, that Ni Made Jati never read or received detailed explanation of the results of the trials in Indonesia or in California, and she was only informed in general by the DEFENDANT that she had won all the court decisions.

(P-41) Declaration of Sean Wayan Donnelly.

### Summary Explanation and Evidence

When the DEFENDANT first met with Ni Made Jati in early April 2005, the DEFENDANT painted a mesmerizing picture in which he explained that the DEFENDANT could utilize documents already in Ni Made Jati's possession, and that the DEFENDANT could arrange witnesses and certain members of the legal institutions thereby obscuring the origin of marriage and the birth status of the children, so that Ni Made Jati could win complete control of her children and assets in the divorce.

The desire that drove Ni Made Jati at the time was that she would

- gain full custody of their children by removing the rights of the COMPLAINANT as a father,
- gain full possession on all the family properties as the default property of the wife before marriage.

But Ni Made Jati was shocked after the decision of the Denpasar District Court in divorce because the DEFENDANT had never explain the possibility that the COMPLAINANT might appeal. From that moment on, Ni Made Jati became the captive of the DEFENDANT because Ni Made Jati had committed a criminal act by submitting a false document to the court.

The desire that drove the DEFENDANT after the decision of Denpasar District Court in divorce, and then during the following ten years, was to

- manipulate and control his client to prevent mediation or settlement of family issues,
- create a chaotic legal process so that the struggle could be extended as long as possible, with the aim to continuously extract the wealth of the family assets in possession of his client into the DEFENDANT's own pockets.

Every child has a right under law to receive love from a mother and father, and this principle had been already been agreed upon between the COMPLAINANT and Ni Made Jati before they started the divorce process. Then with the entry of the DEFENDANT and his false claims of "attorney privilege"—including even claiming privilege as lawyer before the California court—the family of Sean Wayan Donnelly and Brenden Donnelly Surya was destroyed. The DEFENDANT not only violated the code of ethics of lawyers, he also violated the basic code of decent human conduct.

Jakarta, 04 September 2015

RIELEN PATTIASINA, BSc., S.H.

SOETRISNOWATI S.H.

PARDAMEAN JAB PAKPAHAN, S.H.