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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

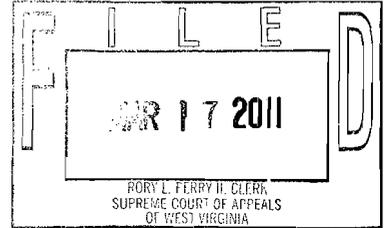
NO.35678

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JOHN E. CAPLINGER, DEFENDANT AND RESPONDENT

V.

MELISHA A. BOYD (DECEASED) PETITIONER



V.

JANET HORNBECK AND DONALD HORNBECK, INTERVENOURS AND  
APPELLANTS

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BRIEF OF THE APPELLEE

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ON APPEAL FROM THE CIRCUIT COURT OF WOOD COUNTY, WEST  
VIRGINA

THE HONORABLE J.D BEANE

CIVIL ACTION NUMBER 97-D-133

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JOHN E CAPLINGER,  
PO BOX 355 LITTLE  
HOCKING OHIO 45742

March 12/2010

In response to case NO.35678 I John Caplinger do not agree with Janet Hornbeck on child support amount owed.

For these facts through 2002-2006 my old employer Dave Williams withheld 66.17 a week from my payroll check which Dave Williams failed to forward the payment to BCSE. On April 2007 I met with Mary H. Whipkey of BCSE who contacted Dave Williams and he admitted to her he withheld the child support payments and failed to forward it to BCSE. Child support failed to go after him for that.

Janet Hornbeck says there has not been any to child support which is wrong. Child support has been getting my (John Caplinger) taxes since 2001 through the tax offset program . Which in total through 2010 paid from taxes is \$ 15,359.39 not counting for this year 2011 .

On the child support paper I John Caplinger have it says I only owe \$ 3,257.38 on child support principal and with interest it is all together \$ 6,000 for Janet Hornbeck .For Melisha Boyd the principal is \$ 2,805.91 which is no where's near \$ 22,974.91 .

I also have been paying for Kelsey's schooling since 2007. Kelsey is in a private school ( WCCS ) her tuition is \$ 289.00 a month along with the lunch bill it varies month

to month . I pay the housing expense medical and basic living expenses.

I also do not agree on having to pay on two separate child support cases one for Janet Hornbeck and for Melisha for one child. For this reason I ( John Caplinger) did get behind on child support with Melisha Boyd I lived with her and the child Kelsey Caplinger up to the day Melisha passed away in 2002 she did not apparently report it to child support like I thought she did that I lived with her and the child.

Then After Melisha's death in 2002 I got called for a job that I needed to do in Florida. Janet Hornbeck and I John Caplinger came to an agreement that it would be best while I worked in Florida that Kelsey Caplinger should stay with family and stay in the same school till I returned .

Then when I returned I (John Caplinger) was told by Janet she had custody of Kelsey Caplinger and Child support said the same . I was then notified that Janet Hornbeck was issued to take over Melisha boyd's child support payments .If Janet Hornbeck took over payment why do I have two separate child support orders they say I owe on for one child.

In 2007 I ( John Caplinger ) came to find out Janet Hornbeck never had official custody like I was told from Janet Hornbeck and Child support . So when this fact came to surface I took the case to Family court in 2007 and in 2008 I was granted full custody of Kelsey Caplinger and Janet Hornbeck was granted visitations . And child support was

zeroed out .

After continually going down to the child support office and reporting that I ( John Caplinger ) had custody and that BCSE should have had a copy of the courts decision or from Janet Hornbeck her self of the change which Janet did not do. . A supervisor finally took my custody papers and some other court documents and found out I John Caplinger had full custody. And Janet Hornbeck was still reporting she was the custodian and still had a full child support case open. Which was keeping the principal growing in the amount owed.

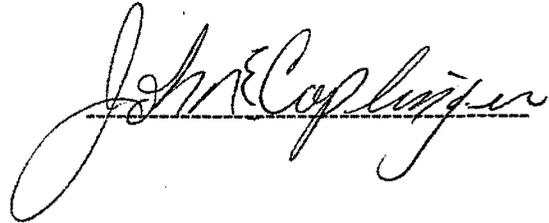
Finally January 24, 2011 Child support went to court and adjudicating that physical custody was moved to me John Caplinger and BCSE complied But nothing was done for the 3yrs after I had custody to take off the amount that kept adding on top of my amount of child support . When the child support case wasn't suppose to be tacking on new charges Just collecting arrearages .

Also Janet Hornbeck and I (John Caplinger ) do not have shared custody like Janet Hornbeck and Mr. Fluharty state in their brief . Janet Hornbeck has visitations. Janet Hornbeck has none of her own pocket expense on taking care of Kelsey Caplinger like she states . She lives in a house provided by Kelsey Caplinger's trust fund that continues to pay for its expenses on repair or taxes or anything the house needs. Also a car the was paid for through the trust and \$530.00 a month \$ 6,000 a year Janet got in Kelsey's Social Security for Death benefits in till the end of November 2010 Social Security stop

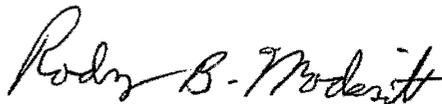
sending payments to Janet Hornbeck. Since I won custody in 2008 and during the custody hearing it has always been about money for Janet Hornbeck every year the amount Janet wants go up.

I John Caplinger ask this court to please see all the mistakes that have been made through out the years an that Janet Hornbeck and Child support be corrected on this and this matter be thrown out because of all the discrepancies between both the parties Janet Hornbeck and Child Support . For all the reasons above I ask that court put a end to this finally and I have been done wrong and all Janet Hornbeck is after is more and more money.

Respectfully Submitted



Notarized at 1902 Washington  
Blvd Belpre, OH 45714  
3/15/11



Rodney B. Modesitt  
Notary Public State of Ohio  
My Commission Expires  
November 8, 2015

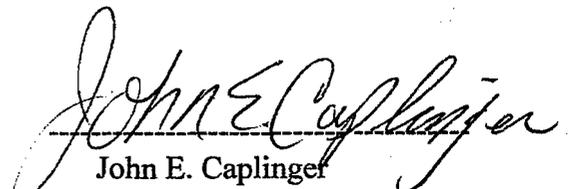
CERTIFICATE OF SERVICE

I, John the Appelle, do hereby certify that a true and correct copy of the  
Forgoing BRIEF OF THE APPELLE was served upon the persons listed below by  
UNITED STATES mail, postages prepaid this the 15 day of MARCH, 2011

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Charleston, WV 25301-3703

  
John E. Caplinger  
Post Office Box 355  
Little Hocking Ohio 45742

*Notarized at 1902 Washington  
Blvd Belpre, OH 45714  
3/15/11*

*Rodney B. Modesitt*



Rodney B. Modesitt  
Notary Public State of Ohio  
My Commission Expires  
November 8, 2015