



TORTURED FOR CHILD SUPPORT

HE DID NOT OWE

By Teri Stoddard

September 2009

<http://www.examiner.com/x-15873-Family-Rights-Examiner~y2009m9d4-Tortured-for-child-support-arrears-that-he-didnt-owe--part-one>

While pundits around the country discuss the United States' torture of suspected terrorists, one U.S. torture victim has gone unnoticed. United States child support collection problems are common, and in David A. Bardes' case, almost deadly.

Part One

Bardes, who lost 126 friends in the World Trade Center attack on September 11, wanted nothing more than to be a good dad and equal parent to his son and daughter. He didn't ask his wife to have an affair with the nanny's husband. And when his ex-wife moved their children to another state after the divorce, Bardes followed, twice.

Due to the children living in three states over a short period of time (PA, NC, SC) Bardes had all three states charging him child support, resulting in mistaken arrears. Bardes says he never willfully withheld child support, and documents related to his Federal court case (#02:08-487-PMD-RSC) support his claim.

Bardes developed severe depression after being treated like a criminal. He says they "seized assets, destroyed my credit ratings, destroyed my business and income, and my mental health." He lost so much weight he was "skin and bones." This man who once made \$180,000 a year now had a hard time finding employment.

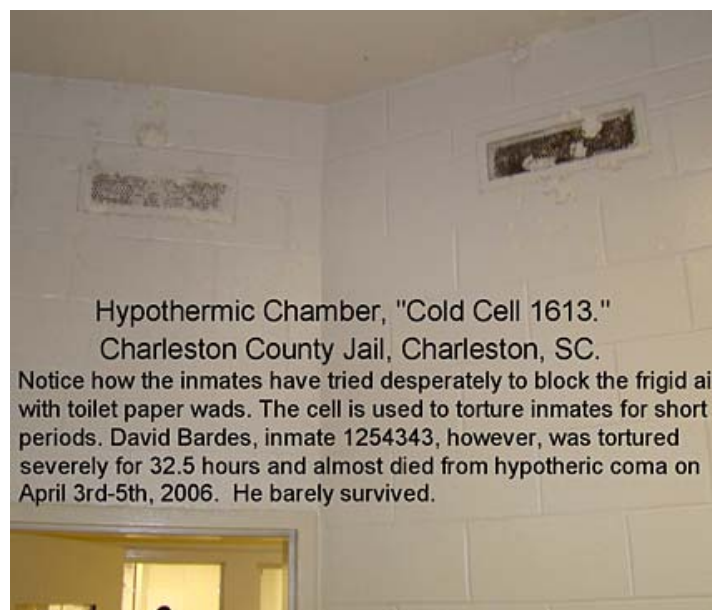
One judge dismissed the arrears. Which makes one wonder why the next one, South Carolina Judge Garfinkel knowingly filed paperwork stating that Bardes was in serious arrears, charging him with immediate arrest and six months in jail.

Bardes alleges that the State Attorney for South Carolina Department of Social Services (DSS) John Magera sent him a death threat earlier through a friend. Magera and the DSS had put Bardes under investigation by the State SBI and parked a surveillance vehicle outside of his home. They wanted Bardes to stop providing assistance to other victims of family court and leave the state. Judge Garfinkel's decision, the arrest of Bardes, and the torture that followed almost left two children without a father.

"On the ride to jail, I looked out the back window and stared at the drivers that were tailgating and passing the jail truck. I was forlorn and the situation was surreal. I was going to my death, and I accepted it fully. I was not sure how they were going to kill me, but I was soon going to find out."

Bardes was now under the control of Al Cannon, Jr. Esq, Sheriff of Charleston County. On April 3, 2006 at 6:20 pm Bardes was left in a small jail cell that had forced cold air coming through two large vents.

The air was 55 degrees. After a short time Bardes realized this was a hypothermic chamber. That fact would be confirmed in the reply to his inmate grievance form which states the cell is used to "subdue" prisoners, so they are "less likely to riot."



**COUNTY OF CHARLESTON
DETENTION CENTER**

INMATES GRIEVANCE FORM

INMATES NAME: Bardis, David INMATE # 125434
HOUSING UNIT: 36 DATE: 4/15/06

STATEMENT:
Why is the jail so bloody cold? I nearly
died from hypothermia in the cold cell during my
first (3) three days in the jail/
NAB

RECEIVED BY: _____ AT _____ ON _____
TOUR COMMANDER TIME DATE

() ROUTINE () EMERGENCY

O.I.C. REVIEW:
Because it keeps the inmates
subdued - less likely to riot

4-16-06
DATE REVIEW COMPLETED

[Signature]
O.I.C. SIGNATURE

GRIEVANCE COMMITTEE MEETING ON _____, COMPOSED OF:
CHAIRMAN: _____
MEMBER: _____
MEMBER: _____

FINDINGS AND RECOMMENDATIONS:

Original: Central File Yellow: Inmate Copy Pink: Inmate Records File Rev. 7/21/03

Enlargement

TEMPERATURE

Date	04/15/06	
Time	1600	
104		
102	88°	
100		
98	ER?	

Part Two

David A. Bardes left his job on the 101st. floor of the World Trade center and moved to Charleston, South Carolina so his children would have their father in their lives. Once there he was falsely accused of being in "gross" child support arrears.

He says he proved to the state attorney that he was not in arrears, and that he had actually overpaid his child support. Bardes was left in arrears anyway and says the "destroy deadbeat mechanisms" went into full force.

I met with judge #1, who agreed to put me on trial so I could clean up my good name and reputation. Judge #1 told me in court, three times, that I have no Constitutional rights. Then came my trial, which I was found innocent by judge #2.

Then the state attorney, issued a death threat and typed up a fake court order stating that I was "guilty". He scheduled a snap hearing and judge #3 tossed me into jail for six months without even as much as hearing.

Bardes was charged with civil contempt of court and taken to the Charleston County jail. He was shackled and chained before a female sheriff deputy shoved his head into the wall, knocking his glasses to the floor and causing a lense to pop out. Jailers threw his medication in the trash, including his asthma inhaler.

Bardes admits that he refused to sign forms put before him, and that he ignored orders to stop smiling for his mug shot. Taken aside and placed in a cell that is used as a hypothermic chamber, Bardes began to shiver. He asked for his jacket multiple times but was refused. Then he began to shiver violently.

"As my body temperature reduced one degree at a time, wave after wave of excruciating pain enveloped my body. I knew I was going hypothermic."

After six hours, Bardes says, the shivering stopped.

"I had passed through the first and second stages of hypothermic shock, and was now at the third and final stage. I could not move my arms or legs. The pain was horrific."

A guard came into the cell and I told him to tell the nurse that I had just gone into hypothermic shock as my body was no longer able to shiver to keep itself with heat. The guard, said, 'I will do no such thing until you comply.'

Comply with what?, I thought. My head was in such a cloudy state and the guard's words fell onto my brain in slow motion. Before I could assemble more words the guard left and the door lock clunked closed.

There was nothing left but to die from hypothermia. It was a matter of hours. I had to keep my mind alert because if I lost consciousness, it would then lead to bodily death. With hypothermia, conscious death occurs before bodily death. Eventually you die from either heart failure or brain death.

I had to keep my brain active at all cost. I had lost the use of my limbs and my head was back against the wall. I was unable to move and all I felt was the thousands of daggers stabbing my body all over. I was slowly and painfully dying from hypothermia. My eyes were closed and I could feel my body heat being sucked away by the blowing cold air. My body felt like cold meat; like a corpse."

Part Three

David A. Bardes recalls April 2006 when he almost died in a Charleston County jail. Put there for child support, he was left in a hypothermic chamber for over 30 hours.

"I began to lose parts of my memory. I was trying to 'think' of things and events to keep my brain alive, but each time I thought of something it would disappear with a snap. I was losing memories at an increasing pace. I knew the end was near and I thought of my two children.

Then the memory of my son disappeared and my last thought of my life was of my daughter. I held onto my daughter until the end. My respirations were shallow and my heartbeats had slowed. I slipped into hypothermic coma, a death-like condition that occurs before bodily death."

They had lowered my body temperature to 88 degrees. At that low temperature, my heart stopped beating and I stopped breathing. Blood and oxygen were cut off from my brain and I suffered permanent brain damage. Roughly half of my life's memories were wiped from my brain.

Left for two days without food, water and bedding, he says there were four changes of the guard who kept him locked in that cold cell, noting, "each were given orders to make sure I would not come back to life, they made sure I has not moved for days. After enough time has elapse to allow decomposition of my internal organs had time to begin, did they allow someone to find me." On the third day, April 5, at 3:30 am Bardes was saved. He describes how two unknown sheriff deputies rescued him.

"Once the guards were sure I was dead, they allowed two sheriff deputies to enter the cell and when they could not detect signs of life they began CPR. They had badges on. It was dark, but I was brought back from the dead with a faint voice saying over and over again, 'What is your name? Who are you?' I could not answer them because I did not know.

One was on top of me with his hand around my neck, as if he were taking a pulse. The other said, 'Shit, we have to get him out of here.' Someone had removed my ID armband, why I have no idea. The one guy came back and told me my name was David Bardes; it did not register. I was totally out of it, but still alive, barely."

Bardes was taken to an older area, placed on a floor mat and covered with a blanket. At 6:00 am he had new guards who didn't know what happened early. Apparently, Bardes says, he was causing a problem because he didn't know his name or have his ID armband, was in street clothes, and he couldn't stand or move his limbs. The jails effective execution had failed.

"As I was on the ground the guards beat me and kicked me with their boots. They kicked me in the head, arms, torso, and legs. They kept saying 'Get up! Stand up,!

What is your name?' A large man reached down and grabbed me under the arms and hoisted me into the air and said, 'Stand up!'"

Eventually the guards realized that something was wrong and got a wheel chair. Bardes remembers a female guard's voice saying, "I'll tazer yo ass, and then we see whoz getz in dat chair."

A large male guard strapped him in and he was taken to the hospital ward. But things didn't improve. They put a suicide gown on Bardes and dropped him onto the floor of a suicide watch room.

"I was wracked with the pain of warming up quickly. They left me in pain on the floor until late in the afternoon until they could take my vital signs. My body temperature was 88 degrees, more than sufficient to kill. As I lay on the floor of the suicide watch room still alive, my body was technically in critical condition. I was suffering from ventricular tachycardia and sky high blood pressure, my chest was expanding and contracting and heaving up and down with each beat, I had suffered cerebral hypoxia, I had little feeling from the waist down, I was partially paralyzed and my body was convulsing with seizures.

Just as many victims die from cold during the warming up phase. The heart can't take it and many die from heart failure. I was not out of the woods; not by any means. My heart was pounding quick beats in my chest. I could feel my heart stressing. By that time it was the third day that I had no fluids. The only way to save my life at that point was by pumping fluids into my body as quickly as possible."

When the male nurse had taken his temperature and realized how much danger Bardes was in things became frantic.

He freaked out and said to me, "Stay right there, I will get you the help you need." He ran down the hallway.

"Someone came back with a form for me to sign. I could not see the form without my glasses. I told them to get me to the hospital. I assumed the form was some kind of liability release, but the man would not tell me what it was for. I hesitated and he left.

A few minutes later, after another frantic meeting with the medical staff another man came and begged for me to sign the form. In hindsight, I should have signed it and let them take me to the hospital, but I was scared, all alone, and in terrible pain. The man said, 'You'll be sorry,' and he left. They dumped me back on the floor of the suicide watch room to wither in my pain and agony. The medical staff knew that there was no way to save my life as no one had ever been successful warmed from a low of 88 degrees and lived to tell about it. Since they knew they were going to have a dead body shortly, they wanted to at least protect their corporation from suit. When I would not sign their form, all they could do was to wait for me to die from heart failure so the autopsy would register death by heart attack and not hyperthermia. That was the only way to protect the sheriff and the medical provider. I was placed on 15 minute watch cycle. Every 15 minutes they would peer into the room to see if I was dead yet."

Part Four

Torture in jail is not as rare as one might suspect. David A. Bardes is just one of tens of thousands who responded when True Equality Network asked the question, "Were you tortured while incarcerated?"

As he lay in the jail's suicide watch room Bardes took an inventory of his body parts.

"My right leg was charlie-horsed in pain and not working that well, my right forearm was the same way, my left index finger was not responding, and I could not keep my left eyelid open. I also had little feeling from the waist downward. My body's nervous system was out of whack and kept sending signals to my nerve nodes causing violent seizures, and my chest was heaving up and down with each beat. My brain was coming back on line and was re-programming itself to see if it had command of all of the body's various functions. I could have expired at anytime."

The next day when Bardes had not yet died, the medical staff knew they had a new problem, as Bardes was sure to tell what had happened. The medical staff only had one option to protect themselves and

that was to claim the Bardes refused their care. A "Refusal Form" was filled out, and every single worker signed it as witnesses. One nurse even signed it twice, Bardes says, because she was so "freaked out." He adds, "They went to great lengths to cover their liability should I have died while in their care."

After five days when Bardes could stand and balance on his own they released him from suicide watch. Bardes spent one night in a hospital bed and the next day was transferred downstairs to the "medical observation unit." He then had his mugshot taken and was issued a prison uniform and content kit, all which should have been done when he first arrived.

Bardes was placed in a cell with a man he describes as "a violent deaf mute lunatic." It took Bardes' family 73 days to negotiate his way out of jail. He even had to agree to leave the state of South Carolina forever. He was threatened with another jailing if he stepped into the state again.

Authorities wouldn't let him buy a bus ticket. Bardes says he was escorted to the airport and observed until he boarded the plane out of state. He had to sign a form stating he wouldn't sue anyone over the incident, which he says doesn't apply since he agreed while under duress.

Today Bardes has his case in Federal court. (#02:08-487-PMD-RSC) He's been litigating the case pro se for about 20 months. Most of the defendants were put aside, not due to a lack of responsibility, but because of immunity. Not so for Sheriff James Al Cannon.

Bardes has lingering physical and psychological problems as well as permanent brain damage due to the torture.

"The first two PTSD (Post Traumatic Stress Disorder) attacks wound up with me in the emergency room. Today the attacks come in waves, some start with shaking of the hands, followed by intense abdominal pains. I take a pill and ride out the attacks curled up in the fetal position on my bed until the symptoms subside. They last for about three hours. The worse attacks last all day and include horrible flashbacks.

I suffer from Major Depression, Acute Anxiety Disorder, and PTSD. I am balanced on medication. Both my psychologist and my psychiatrist say I am doing well for what I have been through. I walk with a slight limp, have permanent memory losses, and have memory lapses during conversations; roughly half of my life's memories never came back and I lost all my skills needed to earn a living.

The insidious thing about hypothermia as a torture technique is that if you don't die from it, you physically recover almost 100%, that's almost 100%. The psychological and brain damage, however, far overshadows any physical effects. I have lifelong psychological damage and my memories will never come back."

Part Five

A lot of noncustodial parents complain about government child support collection. Many of them have personal horror stories to go with their disdain. None so far have topped the story of David A. Bardes.

As described in parts one, two, three and four Bardes was tortured in a South Carolina jail for child support arrears he did not owe. Bardes spent 32 and a half hours in a hypothermic chamber jail cell. That's 31 and a half hours longer than international terrorists have to endure, according to Bush's torture memo.

One question that hasn't been answered is what about Bardes' ex-wife? What part did she play in this? Betsy Bardes reluctantly agreed to a phone interview, and the result is both interesting and heartwarming.



Betsy, most of what this pair shared is similar. Betsy says she feels guilty, but blames her attorney, who she said was rude towards her and "was out to get David." There are parts of the story where their realities differ. Instead of going into detail, since it's the the typical "he said, she said," this part of the story is about redemption.

At one point shortly after Bardes was released from jail this couple decided to put their children first. Who initiated this peace offering is unclear. But what is obvious is that they are now successfully co-parenting.

"David and I were at holy war," Betsy told me. "And the kids were fighting all the time." The children weren't getting positive guidance because the parents were spending all of their energy fighting each other. And now? "We function as the perfect marriage, where he lives in his house and I live in mine," she replied, "and the kids get along great."

David, has custody of son David Jr, 15, while Betsy has custody of daughter Allie, 14. They live four miles apart. What makes these parents really unique is that even though they are not romantically involved, they've chosen not to date others. They don't want to burden their children with additional parent figures, at least while the children are minors.



David adds, "The laws and treatment of men are so bad (and I got hit by all of them) that I am not going to date anyone. Any American male would have to be crazy to ever date, and God forbid, sire children with an American female." He adds, "Am I jaded? Obviously yes, with good reason though. Now what would happen if I met and fell absolutely in love with a woman? Then, I guess, it's all out the door. So I can't say that I am going to remain single for life, but that is the current plan."

Maybe what makes their co-parenting easier is that Betsy and David started their relationship and fell in love when they were just 13 and 15-years-old. David says, "We have a lot of history together. Yes, the kids will be off on their own in a few years, but Betsy and I will remain just as close, hang out together, travel finally."

This family shares dinner three times a week, on average. They even vacation together. The accompanying photo shows the family swimming with dolphins during a recent week-long cruise to the Bahamas.



One might wonder what all of this means to the children. Allie agreed to share her views. "Compared to my old life, shared parenting is not just one of the best things that has happened, it is THE best thing that has ever happened to my family," she stated.



It wasn't easy prior to her parents' unity. Allie explained, "Life was so hard trying to balance things out with two parents that could not even talk to one another without arguing. It took a toll on my brother and I for many years." "I was so confused. I would ask my friends things like, 'What is it like to wake up and have your Dad and your Mom say good morning and then go to work?,' she went on, "I have and never will know what it is like to wake up with my mother and father in the same house, married. Divorce is a rough thing, it is unfair and unjust."

David said, "Shared parenting is really, really good for the kids. They thrive under it. Both kids are healed and excelling. Because of the sacrifices Betsy and I have made together, our kids have the next best thing to having a real mom and a real dad, we are just not under the same roof. What we are giving our kids is their 'childhood.' They will grow up with the knowledge and experience of having both parents there being for them 100% of the time."

Betsy says, "If you put all of your energy and priorities on the children, then everything works out." Allie, who maintains a straight 'A' average in school adds, "I will never wake up with a mom and a dad under the same roof married. But since the shared parenting, I can wake up with both parents having a cup of coffee and laughing like friends. I would have it no other way."

Contact David Bardes at davidbardes@davidbardes.com, or mobile 336-684-5914.