

# Grievance Petition #28

February 7<sup>th</sup>, 2012

Petition for the Redress of Ghislain "Gus" Breton's Grievances

I'll begin my story in January of 2002 when my ex-wife accused me of threatening her with my 9mm handgun on Saturday the 26<sup>th</sup> and then accused me the following day Sunday the 27<sup>th</sup> of pulling her arm into the car, putting the window up, and dragging her 400 feet down the road.

The following Monday, January 28<sup>th</sup> 2002, my ex-wife went to the Concord District court and with the help of a Domestic Violence Advocate, successfully secured for herself a Restraining Order.

On Monday, January 28<sup>th</sup> of 2002 at about 5pm I got pulled over by a State Trooper just off of Pleasant Street here in Concord so he could serve me with a restraining order.

Thankfully, this State Trooper gave me **a very clear warning** to not let my ex-wife talk me into meeting with her for any reason whatsoever because it would be a set up. He told me to be extremely careful...so... **I ignored her phone calls for the next few days.**

The following weekend my ex-wife called to see if I wanted to watch my daughters because they missed me.

I took that opportunity to inform my ex-wife that the guns had been picked up by the Auburn Police Dept. and not the Bow Police where we lived because I had removed all the guns from the house over a month prior to the alleged incident.

I informed her that our former neighbors had been holding onto the guns and would be testifying that the guns were in their possession for weeks prior to the day she claimed that I had threatened her with one of them.

I also informed her at that time that I was planning to subpoena her friends to testify on my behalf regarding the "dragging" part of her claim.

I asked her how she was going to explain being dragged by a car down the road for 100 feet more than the length of a football field without sustaining any injuries whatsoever.

I told her she was facing perjury charges and I believe she then found it inexpedient to pursue the charges. She asked the Court to vacate the Order the following week.

JUDITH ROMAN was subsequently hired via a contract she had drawn up explaining **what she was going to do for my family** and how much she was going to charge to do it. **JUDITH ROMAN absolutely failed** to do the job she was contracted to do.

**By 2004 my level of frustration had grown to immense proportions. I had not seen my 2 oldest girls in well over a year. I felt time was escaping me. I felt the fact that I was not seeing my two oldest girls was quickly becoming a permanent reality.**

**At that point I decided to use what is now labeled as UCC process as a form of Common Law Injunction so that I could stop the courts from injuring my children any further.**

**I figured I had nothing to lose, I was convinced that, at worse, if this UCC process was not a viable Court strategy that the Court would once again just ignore me.**

**This particular UCC process had to do with Common Law Trademarks. Unfortunately for me the court took me much more seriously than I ever anticipated.**

1. On March 17<sup>th</sup>, 2004, at a hearing regarding JUDITH ROMANs debt to me, ROBERT J. LYNN then Chief Justice of the superior courts in New Hampshire heard Guardian Ad Litem **JUDITH ROMAN testify that her friend, a Copyright Attorney, had reviewed the NON-Statutory Common Law Contract I had with her and had determined it to be valid.**
  - a. **At that hearing I demanded all of my rights at all times, including my right to time ...and ... I specifically stated that I did not waive any of my rights at any time.**
  - b. **Despite hearing attorney JUDITH ROMANs testimony validating my Trademark Contract with her, Judge LYNN proceeded to grant this Guardian Ad Litem the relief, which she sought from Judge LYNNs court.**

- i. This ***BILL OF PAINS AND PENALTIES*** type of Court Order by Judge LYNN was a **direct violation of his Oath of Office**.
  1. His order violated the Article I, section 9 “Bill of Attainder” clause of the United States Constitution.
- c. On March 17<sup>th</sup>, 2004, justice LYNN also violated my Due Process Rights by ordering me to release my collateral interest in GAL JUDITH ROMANs property.
  - i. In doing so Judge LYNN violated my Common Law liberty to contract as secured by Article I section 10 of the Constitution of the united States of America
2. On March 19<sup>th</sup> of 2004, ROBERT CARY and his team from the Attorney Generals office presented false and misleading evidence to the Grand Jury. This AG Prosecutor failed to disclose to the Grand Jury that I had a **Common Law Trademark and Contract**, which is only subject to LAW and not Statutes.
  - a. This AG prosecutor neglected to disclose that I had Common Law Enforcement Rights evidenced and secured by both RSA 349:11 and RSA 350-A: 11 to 14.
  - b. ROBERT CARY failed to disclose to the Grand Jury that over a month had lapsed since attorney JUDITH ROMAN had acquiesced to the truth of her failure to perform by not rebutting an affidavit in the original case.
  - c. ROBERT CARY failed to disclose to the Grand Jury that my Trademark and Contracts were NON-Statutory and were therefore not subject to the Statutory Jurisdiction of that de facto Grand Jury.
    - i. I believe his failure to disclose these facts to the Grand Jury is proof he was guilty of VINDICTIVE PROSECUTION
3. Judge LYNN, without my consent, scheduled a follow-up hearing in regards to the release of my collateral interest in attorney ROMANs property, on Monday, March 22<sup>nd</sup> 2004, at 8am. I was immediately arrested by the Sheriffs Dept when I showed up for that scheduled hearing before CHIEF JUSTICE LYNN
4. On Monday, March 22<sup>nd</sup> 2004, at about 8:30am, under threat and severe duress I was brought before Judge LYNNs court to be questioned in regards to whether or not I had complied with his March 17<sup>th</sup> Order to withdraw my Notice of Collateral paperwork from the Merrimack County Registry of Deeds.
  - a. When Judge LYNN asked me if I had complied with his March 17<sup>th</sup> Order I told him that I reserved my right to answer that question before a Jury.
  - b. He then asked the Court Clerk to check with the Merrimack County Registry of Deeds to see if I had complied with the order
5. Judge LYNN then proceeded with the indictment hearing. I then gave notice to Judge LYNN that my counsel Dan McGonigle and Joe Olson were present.

- a. CHIEF JUSTICE, ROBERT J. LYNN, then **denied my right to the assistance of counsel for my defence** in violation of my rights secured by both the 6<sup>th</sup> amendment to the United States Constitution and Article 15 of the New Hampshire Bill of Rights.
6. When Judge LYNN asked me how I pled to the charges, **I informed him that I would not plead and confer Jurisdiction to the court.** This statement caused CHIEF JUSTICE LYNN to slam his hand on his desk and boldly exclaimed “This Court Has Jurisdiction” in violation of my 5<sup>th</sup> Amendment Due Process Right at Common Law to challenge the Jurisdiction of HIS court.
  7. CHIEF JUSTICE LYNN, then denied me my Right to Equal Protection under the law by violating my Immunity from prosecution which is secured by the Eleventh Amendment of the United States Constitution.
  8. ROBERT LYNN, without my consent, then set my BAIL at \$25,000 dollars for a VICTIMLESS supposed CRIME. In doing so, Judge LYNN violated my Right to Reasonable Bail in direct violation of the 4<sup>th</sup> Article of the Bill of Rights of the united States of America which secures my Right to be secure from unreasonable seizure of his person.
  9. This Excessive Bail condition for a non-violent victimless allegation also violated my right to protection from excessive bail and cruel and unusual punishment secured by the 8<sup>th</sup> amendment.
    - i. Punishment was inflicted on me prior to any conviction. My right to freedom before conviction would have permitted me the unhampered preparation of my defense with unfettered access to the assistane of my counsel.
  10. As of direct result of Judge LYNNs violations against me, I was brought to the “OLD” Boscawen County Jail that day. I was finger printed, quarantined for several days, and then brought into the Medium Security Block of that jail.
    - a. That Jail Block I was put into was originally designed to hold no more than 16 inmates. There were only 16 cells which all measured about 7 x 12 feet and every one there used the same two stainless steel toilets and the same two extremely moldy showers.

To access the “LAW LIBRARY”, an inmate had to put in a written request. It would usually take several days for a request to be granted.

Typically, without any notice, a guard would walk up to an inmate and let them know that they could go the “LAW LIBRARY” for the next hour. The inmate would then scramble to get his papers and 2-inch pencil so he could be brought to the “LAW LIBRARY”.

I took almost 2 weeks of requests before I was allowed there my first time. When I got there I realized what a joke I had been allowed to witness. The “LAW LIBRARY” was a 10-foot by 12-foot concrete block room. This “LAW LIBRARY” had several 7-foot tall bookshelves, a large 5’ round old wooden table and a few chairs.

The “LAW LIBRARY” was not organized and at least 20% of all the books were moldy because they were stacked on the concrete floor.

Any information that an inmate might have wanted to study had to be hand printed by the inmate on loose papers for latter review.

If the smell of the mold had not been enough to keep me out of the “LAW LIBRARY” then the thought of having less than an hour to read and hand copy anything I might have accidentally found to be of use was certainly an effective deterrent.

- ≡ The “Merrimack County House Of Correction” knowingly violated my “**right to having recourse to the laws for all injuries he may receive**” as secured by Article 14 of the New Hampshire Bill of Rights.

While I was at the “Merrimack County House Of Correction” in Boscawen, my counselors attempted to coordinate my defence through Dan McGonigle who was only allowed to visit me on 3 occasions. Upon Dan’s 4<sup>th</sup> visit he was told that he would not be allowed to keep his appointment with me because he was not a New Hampshire BAR UNION MEMBER.

≡ This was a direct violation of my **right to the assistance of counsel** as enumerated in **BOTH** the 6<sup>th</sup> Amendment to the Constitution of the United States of America and Article 15 of the New Hampshire Bill of Rights.

I was forced to access my counsel at great expense to my family by way of a payphone located in the Block I was kept in, which was located in the vicinity of the STAINLESS STEEL TABLES where these 30 –50 inmates played cards and dominoes and watched their very loud TV.

11. In the spring of 2004, (maybe MAY 20<sup>th</sup>) while I was still a PRE-TRIAL detainee, my ex-wife filed papers at the Merrimack County Superior Court claiming that I was harassing her with court certified paperwork. Judge KATHLEEN MCGUIRE presided over the hearing.

a. After my ex-wife stated her claim, Judge KATHLEEN MCGUIRE turned to me and asked me what I had to say about the matter. Before I could finish my first sentence she exclaimed, “I’ve heard this before” and ran out the back door before the bailiff could tell anyone to stand up.

b. This was a violation of my due process right to an evidentiary hearing

c. I was found guilty of sending my ex-wife certified copies of my filings with the Merrimack County Registry of Deeds.

i. I was now in possession of my second ever restraining order.

12. At some point Judge LYNN **sent a formal request** to the SUPREME COURT informing them of his request for help in my case. His letter also stated something to the effect of “Mr. Breton has demanded all of his rights and time is running short”

a. On **March 22<sup>nd</sup> of 2004**, I was in possession of the knowledge and confidence I needed for my defence. Every day I spent in jail caused me to lose a little of both until finally, over 4 months later I was tried.

b. On **March 22<sup>nd</sup> of 2004**, I had my choice of counsel present and ready to assist me.

13. At some point I **received a package** from the Attorney General’s office. Within its pages was **an offer to contract**. It stated that if I was willing to allow ROBERT CARY to violate my right to a Trial by Jury, that he would reduce the charges and that I would only have to serve about 12 – 15 years in prison for claiming my COMMON LAW right to be justly compensated for the use of my property.

a. I believe ROBERT CARY and his team knowingly violated my Miranda Right to not be intimidated into a GUILTY PLEA.

b. I believe this is also a violation of the following Codes and Statutes, which ROBERT CARY and his team are subject to 18 USC 241 Conspiracy against rights.

c. I believe ROBERT CARY and the others at the AG’s office conspired with Judge LYNN and his Supremes to violate a multitude of both my Rights at Common Law and my Constitutionally enumerated Rights in violation of 18 USC 242 Deprivation of rights under color of law

14. The first notice I recall having of SUPREME COURT Justice JAMES DUGGAN being assigned to my case is when I received a letter from Joe Hass that he had put an Amicus Curiae brief into

- the record to inform SUPREME COURT Justice JAMES DUGGAN that the Superior Court Clerk had set the trial date past the 120 day mark in violation of my New Hampshire Speedy Trial Rights.
- a. Justice JAMES DUGGAN responded to Joe's Amicus Curiae brief with a statement to the effect that if I had any concerns about my Right to a SPEEDY TRIAL that it was up to me to inform the court and not JOE.
15. A few weeks later I was brought back to Merrimack County Superior Court to pick a Jury for my "Trial".
- a. At that time I watched as they went through the sham process of picking out a jury of my peers.
    - i. One of the jurors picked was a former Rhode Island Cop. He was allowed by my accusers to remain on "MY JURY" despite the obvious conflict of interest.
    - ii. This was a clear violation of both CARY and DUGGANs fiduciary responsibility to protect the public trust as evidenced by
16. On the day prior to my trial an attorney I had never met came to talk to me in regards to Justice DUGGANs concern about my lack of counsel. He stated that Justice Duggan wanted him to be my "Stand By" counsel. I asked him many questions about my case and found him to be rather incompetent to stand trial and therefore declined Justice DUGGANs offer of "Representation.
17. Justice JAMES DUGGAN chose to ignore the multitude of Affidavits and Demands on the record regarding the unlawful nature of these Administrative proceedings against me and proceeded with the JURY TRIAL in the last week of July 2004.
- a. This violated my right to a Judicial Hearing in an Article III court.
  - b. This violated my right to a TRIAL by JURY
  - c. This violated my right to a Speedy Trial
  - d. This violated my right to assistance of counsel
  - e. This violated my right to due process
  - f. This violated my right to 11<sup>th</sup> Amendment Immunity
18. Over the previous 4 months I had caused to be placed on the record a multitude of notices and demands stating in many ways that I absolutely did not consent to Jurisdiction of that court.
19. In September of 2004 I was brought back to the Merrimack County Superior Court so that SUPREME COURT JUSTICE DUGGAN could pass sentence on me in violation of my 8<sup>th</sup> amendment right to protection from unusual punishment.
- a. I was sentenced to 2 consecutive years at the Merrimack County House of Corrections and 21 years suspended at the Concord State Prison with 5 years probation.
  - b. I believe this permanently destroyed any possibility of a relationship with my 2 oldest girls.
20. My ex-wife renewed the 2004 restraining order the first year or 2 but claims that she forgot to do so the following year so she applied once again for a new restraining order.
- a. Justice MCGUIRE presided over the 2008 scheduled hearing.
  - b. My ex-wife no longer claimed she was being harassed by documents but that she was now in fear for her safety.
  - c. In violation of my due process right to confront the witness against me Justice MCGUIRE found my ex-wife's fears to be valid because she claimed I had once dragged her down the street by her arm in the window.

21. A hearing was held in January 2008, which resulted in the appointment of GAL SUSAN DECKER. From the very beginning GAL DECKER acted completely contrary to the agreed upon contract which had been authored. On February 5<sup>th</sup> 2008 GAL DECKER was ordered by the court to find a suitable family therapist for the reunification counseling for my youngest 2 daughters and I to engage in.
  - a. At a review hearing in April of 2008 Attorney GAL DECKER explained to the Court that she did not feel it was in my children's best interest to pursue a normal relationship with me. The court expressed its disappointment to the GAL and explained that her opinion was not relevant to the task for which she had been hired.
  - b. Further review hearings were held in June of 2008, November 2008, January 2009, March 2009 and May 2009
  - c. A motion to remove the GAL was heard and denied on November 30 2009
  - d. Two more review hearings were held in April 2010 and October 2010
22. In 2008 DAN ITSE introduced a HB1543 for the purpose of reestablishing OUR Constitutional Right to petition OUR General Court for the Redress of Our Grievances.
  - a. Former House Speaker TERRI NORELLI and Judiciary Committee Chairmen DAVID COTE lead their party in the fight against the resurrection of the Peoples Constitutional Due Process Right to Redress.
  - b. Former House Speaker TERRI NORELLI and Judiciary Committee Chairmen DAVID COTE as well as all other members of the House received a firm message from DAN ITSE just minutes prior to the vote on HB1543.
    - i. Rep ITSE clearly stated prior to the vote that this was a Constitutional Issue
  - c. In violation of their Oaths of Office and in total disregard for the New Hampshire Bill of Rights, both former House Speaker TERRI NORELLI and Judiciary Committee Chairmen DAVID COTE as well as many other members of the House chose to vote contrary to the clear language found in Article 31 of OUR New Hampshire Bill of Rights.