

PETITION 2
PETITION FOR REDRESS OF GRIEVANCE

TO: *The Honorable House of Representatives*

FROM: *Petitioner Representative Alfred Baldasaro, Rock. 3*

DATE: *December 9, 2008*

SUBJECT: *Grievance of Duane Besso, Londonderry, New Hampshire*

Whereas, the New Hampshire Bill of Rights at Article 8, Part First of the New Hampshire Constitution provides that "All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive;" and

Whereas, the New Hampshire Bill of Rights at Article 35, Part First of the New Hampshire Constitution provides that "It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well;" and

Whereas, the New Hampshire Bill of Rights at Article 37, Part First of the New Hampshire Constitution provides that "In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity;" and

Whereas, the judicial branch has used its authority under Article 35 to interpret the separation of powers under Article 37 to insulate itself from accountability to the sovereign people in derogation of Article 8; and

Whereas, this general abuse of authority by the judicial branch has resulted in particular oppression and violation of the constitutional and statutory rights of your Petitioner, and consequent harm to his daughter, by the Derry Family Division for which, by reason of collusion, conflict of interest, insularity and indifference, there is no practical means of correction within the judicial branch; and

Whereas, the New Hampshire Bill of Rights at Article 32, Part First of the New Hampshire Constitution provides that "The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer;" and

Whereas, the New Hampshire Bill of Rights at Article 31, Part First of the New Hampshire Constitution provides that "The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require;"

Now, Therefore, your Petitioner, Representative Baldasaro on behalf of Duane Besso, hereinafter presents the particulars of his grievance against the judicial branch, Derry District Court Judge Coughlin, Land Use Coyle, Building Inspector Jim Smith and Derry District Court, Judge Stevens and the Town of Londonderry for malfeasance and corruption resulting in exceptional expense and loss of real estate:

1. Town Attorney Kevin Coyle lied to Derry District Court Judge Stephens claiming Judge Coughlin wanted Duane Besso off his land.
2. Judge Stevens then, without further proof of any kind, permanently barred Besso from his land.

3. Town of Londonderry did not respond to electrical permit application subsequently taking Besso to court for failing to obtain such permit violating RSA 674:13. Decision was made by Judge Coughlin that Town and Besso resolve issue out of court. Londonderry did not follow through.
4. Building Inspector, Jim Smith, refused to inspect even though asked by town manager to do so. Subsequently Smith lied to Derry District Court Judge Coughlin about Duane Besso's having filed a permit application.
5. Judge Coughlin refuses to honor writ of mandamus ordering Londonderry to follow its own rules regarding issuance of permits.
6. Judge Coughlin refuses to acknowledge appropriateness of Besso incinolette circumventing requirement for septic system in both New Hampshire and US law.
7. Judge Stevens allowed town to fine Besso \$5,750.00 for not obtaining a permit after the town failed to respond by either denying or granting such permit.
8. Judge Coughlin refuses to acknowledge evidence that soccer fields water supply illegal.

Wherefore, your Petitioner prays that the House of Representatives:

- A. Accept the within Petition for Redress of Grievance for enrollment and by vote of the House of Representatives appoint a committee to hold public hearings and examine into the circumstances hereof; and, following such hearings and examination, recommend to the full House of Representatives that it:
- B. Insert a line item in the appropriation for the current biennium a figure sufficient to reimburse Duane Besso for his time and expenses incurred in and his financial losses resulting from the official oppression (RSA 643:1) by the Building Inspector Jim Smith of the Town of Londonderry; and/or withhold from the Londonderry School district enough money to accomplish same result.
- C. Restore full rights to Duane Besso in the use of his property and demand that the Town of Londonderry immediately grant his permits as he requested.
- D. Initiate address proceedings against Derry District Court Judge Stevens and Derry District Court Judge Stevens.

Respectfully Submitted by Petitioner Representative Baldasaro on Behalf of Duane Besso.

**Co-Petitioners:
Rep. Emiro, Rock. 3
Rep. Dumaine, Rock. 3**

December 9, 2008