

**PETITION 4  
PETITION FOR REDRESS OF GRIEVANCE**

**TO:** The Honorable House of Representatives  
**FROM:** Petitioner Representative Daniel Itse, Rock. 9  
**DATE:** December 9, 2008  
**SUBJECT:** Grievance of Thomas Whalen, Raymond, 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 son, 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 Itse on behalf of Thomas Whalen, hereinafter presents the particulars of his grievance against the judicial branch, Derry Family Division; Marital Master [REDACTED]; and [REDACTED] District Court Judge [REDACTED], and invokes the constitutional authority and duty of the Honorable General Court pursuant to said Articles 31 and 32 to bring about their redress:

1. Marital Master [REDACTED] wrote mutually conflicting orders. The Order dated January 27 2004 prevented early dismissal from school. In April of 2006, Mr. Whalen was found in contempt of court for failing to have the children dismissed early from school for counseling.
2. Marital Master [REDACTED] failed to comply with the intent of RSA 169-C:2 protecting the life, health, and welfare of children by ignoring critical evidence indicating abuse: letters from councilors, and police reports.
3. Marital Master [REDACTED] failed to enforce his Order of November 29, 2005 for [REDACTED] to pay her share of medical bills accrued after her medical insurance for [REDACTED] lapsed.
4. Despite Orders of Marital Master [REDACTED], [REDACTED] District Court Judge [REDACTED] failed to enforce child support and medical support for [REDACTED].

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 judicial branch appropriation for the current biennium a figure sufficient to reimburse Thomas Whalen for his time and expenses incurred in and his financial losses resulting from the case of In the Matter of [REDACTED] and Thomas Whalen, Case # [REDACTED], Derry Family Division;

C. Initiate address proceedings against Marital Master [REDACTED] and [REDACTED] District Court [REDACTED];

D. Pass an act directing this case to be assigned to a different court.

Respectfully Submitted by Petitioner Representative Itse on Behalf of Thomas Whalen.

Co-Petitioners:

Rep. Ingbretson, Graf. 5  
Rep. Kappler, Rock. 2  
Rep. Baldasaro, Rock. 3  
Rep. Dumaine, Rock. 3

December 9, 2008