

PETITION 5
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 David Johnson, 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 Itse on behalf of David Johnson, hereinafter presents the particulars of his grievance against the judicial branch, Derry Family Division; Marital Master Bruce F. DalPra; Marital Master Philip D. Cross; and Hooksett District Court Judge Lucinda V. Sadler, 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 Bruce F. DalPra reversed a previous award of full custody of [REDACTED] to your Petitioner and awarded partial custody of [REDACTED] to [REDACTED] for no reason other than retaliation against your Petitioner for having moved for his recusal, after ordering which reversal, he did recuse himself;

2. Ever since Marital Master DalPra's retaliatory custody order, Marital Master Philip D. Cross, with no articulated or articulable reason, and with all the appearance of partiality, collusion, prejudgment and corruption; has repeatedly ignored the recommendations of qualified experts against the shared custody arrangement established by that order, thus violating RSA 461-A. See for example, attached April 18, 2005 letter from Judith A. Holt, A.R.N.P.

3. Marital Master Philip D. Cross, with no articulated or articulable reason, and with all the appearance of partiality, collusion, prejudgment and corruption, has repeatedly refused to recognize, and make appropriate remedial orders in the face of, overwhelming evidence of the poor and neglectful care [REDACTED] receives while in the custody of her mother [REDACTED] thus violating the intent of RSA 169-C:2. See for example, attached November 14, 2003 letter from Judith A. Holt, A.R.N.P.; January 13, 2006 letter from Kathleen Grondine, DCYF Supervisor and subsequent March 24, 2006 letter from Maggie Bishop, DCYF Director, urging Marital Master Cross to actually take it into consideration; and January 10, 2008 letter from Mark K. Detweiler, M.D.

4. Marital Master Philip D. Cross, in plain defiance of RSA 458-C:4, summarily imposed a child support obligation upon your Petitioner to pay the non-primary custodial mother without ever requiring child support guidelines worksheets to be completed and filed and without ever considering the statutorily required elements that would justify modifying those guidelines, and jailed him for violating it and ordered the sale of his house to satisfy the order. See for example March 29, 2007 letter from Paula J. Werme, Esq. to Administrative Judge Edwin Kelly.

5. In each of these actions, the actions of the marital masters have been accepted without exercise of her constitutionally required supervisory function by Hooksett District Court Judge Lucinda V. Sadler notwithstanding repeated pleas that she not act as a mere rubber stamp.

6. The judicial branch has shown itself to be at best incapable and at worst unwilling to "police its own," particularly judges through the self-serving, incestuous "judges judging judges" process of the judicial branch's Judicial Conduct Committee, while the 2005 ruling of the Supreme Court declaring the legislatively-established Judicial Conduct Committee unconstitutional deprived the representative branches of their parallel process of holding the judicial branch accountable.

7. Moreover, the remedies available under the internal judicial branch oversight processes are inadequate and incomplete in that they do not include recompense to litigants and other victims of rogue judges and masters for the expenses incurred in the vain pursuit of justice in their courts.

8. Held a criminal contempt hearing despite lack of jurisdiction (RSA 490 D:2) resulting in a loss of due process for David Johnson and 10 weeks in jail and then misrepresented it as a civil contempt hearing..

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 David Johnson for his time and expenses incurred in and his financial losses resulting from the case of In the Matter of [REDACTED] and David Johnson, Case #2000-M-0407, Derry Family Division;

C. Initiate address proceedings against marital masters Bruce F. DalPra and Philip D. Cross and Hooksett District Court Judge Lucinda V. Sadler;

D. Pass an act directing this case to be assigned to a different court and requiring that court to include in its orders a provision awarding parental responsibility of [REDACTED] to your Petitioner.

Respectfully Submitted by Petitioner Representative Itse on Behalf of David Johnson.

Co-Petitioners:

Rep. Ingbretson, Graf. 5

Rep. Baldasaro, Rock. 3

Rep. Dumaine, Rock. 3

Rep. Emiro, Rock. 3

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