

What happens when a mother and brother threaten to kill a father? In NYS, the case is dismissed and the record is sealed. Would this happen if it was a father that made the same threats? I doubt it, he would have been fully prosecuted and an order of protection would be issued. Supporting documentation including complaint and transcript at <https://justice4ny.com/24-arlene-carella/>. Mother (Carella) agrees to her having no visitation (18:41) <https://youtu.be/laNIMr0LmIE> Carella: threats or free speech? (21:23) <https://youtu.be/mC26EXO7JdY>

A little background. The mother and brother were in Florida as their older brother hit a tree with his motorcycle and was in a very critical condition. The mother wanted the daughter to stay with her cousin while she was in Florida as it was her time with the child. **The 7 year old child wanted to be with her father and did not want to stay with her aunt as the mother was demanding.**

When the mother called about the child staying with the father, the conversation was recorded by the father and reported this to the police and a criminal complaint was issued. The complaint stated:

I received a phone call from my ex-girlfriend, Arlene (to whom I have a child in common with) and her brother Christopher in which threats were made to my life. Included in the conversation is Arlene stating to her brother "I can't stand that bastard. I want that guy - I want you to do something with him." Christopher states "I will fucking kill you, dude. I will fucking kill you and there aren't no fucking court of law" "Because I swear to god. I will rip your fucking head off and they won't find the pieces, dude. And you know I'm serious Cary".

Other comments as documented in the transcript:

CARY: Can I tell you something? Are you going to let me talk or not?

ARLENE: (Screaming) **No, you can't, because I have custody, asshole! She's my fucking daughter.** (Nice way to refer to your daughter!)

CARY: Jacqueline does not want to go to Maria's.

ARLENE: (Screaming) **I don't give a shit what you say!**

ARLENE: **You are not doing anything. You are on my time. You are infringing on my time with my daughter and I can do what I want on my time.**

CARY: Where are you right now? Where are you right now? (She was in Florida and the child in NY.)

ARLENE: **Fuck you! Do you hear me?**

CHRIS: (Inaudible) what you've got to say. **So, you better get your fucking head out of your ass and you better drop Jacqueline off over at Maria's because as soon as I get done taking care of by business here, dude, you better hide your mother fucking ass. And that's all I'm going to say, Cary. That's all I'm going to say, mother fucker.**

CHRIS: **You better get your head out of your mother fuckin' ass, dude. Because I will rectify the situation and there's no goddamn court of law that's going to keep your ass safe.**

CHRIS: **I'll hunt you down, mother fucker.** (Chris hangs up.)

**As you can tell, this dynamic duo has a lot of class – unfortunately, it's all lower class!!**

I was told that the police went to her house and told her to come to the police station on her own concerning the complaint. If this was a father, he would have been arrested on the spot, handcuffed and put in the back of the police car. I was also told that the state police intercepted the brother getting off of the plane in Albany and told him to go back to Florida. Therefore, he never appeared for court on this issue. If this was a father,

do you think they would tell him to go back to Florida? No! He would have been arrested. What other reason(s) did he have for flying up to NY? **Was Christopher going to keep his promise to Cary?**

Cary appeared 2 or 3 times in court for the proceeding and it just kept being adjourned to another court date. **Low and behold, Cary was not informed of a court date and the charges were dismissed and sealed.**

Now, I thought I was told that an order of protection was issued, then I was told that no order of protection was issued. In order to find out, I went to the Clifton Park Town Clerk's office. The clerk could not find anything even though the complaint has Clifton Park on it. She then sent me to the Halfmoon Town Clerk. I handed the clerk a copy of the complaint and told her what I was looking for. She looked at the screen, looked at me and then went to get someone else. They came and looked at the screen, looked at me and then told me that they could NOT give me any information as the case had been sealed by the court and not even Cary could get a copy of the disposition. Why was this case sealed? Do you think that if a father made these threats that it would be dismissed and sealed? They would have forced him to make a plea deal or they would prosecute him and they would keep adjourning it until he agreed to their plea deal.

**I should state, that about a year later, Arlene lost custody of her daughter to Cary and was NOT even given visitation rights by the female judge.** Rarely in NY do the mothers lose custody, it is automatic the mother gets custody unless she agrees to the father having custody and/or the father has so overwhelming evidence that the mother is unfit and then it could take years to get custody.

In a case involving a father, the father was charged with harrasment for calling the mother names such as a whore, a bitch, etc. that he denied. **These comments are not appropriate, but not illegal** if you read People v. Hogan, 172 Misc.2d 279, 664 N.Y.S.2d 204. The mother filed a complaint, the father appeared in court with his "so-called" public defender. The father gave the public defender copies of both People v. Hogan and People v. Dietze, 75 N.Y.2d 47, 550 N.Y.S.2d 595. Both cases would have supported his argument that the charge should be dismissed. **The attorney after reading the cases, demanded the father tell him where he got these cases and then proceeded to tell the father he would not argue them in court. This clearly shows the case was already fixed against the father and he was given incompetent counsel.** Both cases hold calling someone a name is free speech. Read the two cases. They are very interesting. In People v. Hogan, the court stated: "The mere fact the defendant in anger or frustration uses colorful language in registering her displeasure with actions of the complainant does not render the communication criminal within the ambit of the Penal Law."

**"Speech is often "abusive"--even vulgar, derisive and provocative--and yet it is still protected under the State and Federal constitutional guarantees of free expression unless it is much more than that .... Casual conversation may well be "abusive" and intended to "annoy"; so, too, may be light-hearted banter or the earnest expression of personal opinion or emotion. But unless speech presents a clear and present danger of some serious substantive evil, it may neither be forbidden nor penalized."** Yet, it is all the time in NYS.

You need to know your rights and how to address these issues in court.

**Justice4NY - Exposing Judicial Corruption & the Violation of Constitutional Rights**

Read my searchable book, that gives examples of judicial corruption, statutes and case law for family and criminal courts. Judicial Terrorism at: <http://justice4ny.com/judicial-terrorism-book-june-2004/>

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## FOOT NOTES

You need to know your rights and how to address these issues in court.

Justice4NY - Exposing Judicial Corruption & the Violation of Constitutional Rights

NYS Judiciary is a Racketeering Enterprise according to the law. Read Scoop 50 and watch my videos on corruption. All at [www.justice4ny.com](http://www.justice4ny.com)

All of the family court's illegally imprisoned fathers, mothers and children need to be immediately released and those who put them illegally in jail need to be prosecuted in order to give the judiciary any credibility. (See, Scoops 01, 02, 05 and 06 [www.justice4ny.com](http://www.justice4ny.com)) **How many more thousands of men, women and children are going to be illegally imprisoned by the corrupt family court judges and support magistrates before something is done?** Tens of thousands of men, women and children have already been illegally imprisoned since I started raising the issues of these illegal family court proceedings.

How many litigants in criminal court are going to have their cases fixed by the prosecutors and judges? You keep hearing NO one is above the law. **The democrats control NYS and Federal Judiciaries in NYS and have placed the judges, attorneys and prosecutors above the law by covering-up their illegal actions.** Further, they use the FBI and state and city police that are controlled by the democrats to threaten and intimidate anyone who would try to expose judicial corruption! (Scoop 11 FBI - protecting the democrats and illegal imprisonments and Scoop 23 FBI, state & Albany county officials in attempted murder plot. <https://justice4ny.com/scoops/>).

**Make no mistake about it, the NYS Court of Appeals judges, Appellate Court judges, family court judges, and support magistrates and other state court judges are TERRORISTS and are committing TREASON against both the NYS and Federal Constitutions.** These family court judges and support magistrates are DESTROYING thousands of families each year in the illegal family court proceedings and are also abusing children as documented in my scoops and videos. **They deprive fathers of their children by refusing to enforce the father's parenting time, they are illegally imprisoning fathers, mothers, our military personal and/or their family members and especially children in their closed court proceedings and by illegally depriving them of their Federal Constitutional right to a jury trial. Further, make no mistake about it, the judges get their jollies out of violating a litigant's rights, and go home every night laughing their asses off about how they are able to destroy litigants and their families** because they believe they live on Mount Olympus and no one is going to do anything about their illegal actions.

The democrats pit one group against another and make out that if you disagree with them, you have the problem. Make no mistake about it, the democrats are using Hitler's play book as they are fascists or socialists and Hitler wannbe's. The democrats are out to destroy our freedoms and want to finish destroying our Military that Obama started doing. They want to make the United States a third world country.

NYS U.S. liberal democrat Senators Chuck Schumer and Kirsten Gillibrand are more than willing to shut down the US government for children who came to this country illegally than protect the children of NYS. They will NOT negotiate with President Trump because they do NOT want this issue off the table. They want to use this issue of the children for the 2018 elections. Go to the following to see Schumers response to DACA before our President Trump was elected. Hint: You would think that Schumer was Trump. Schumer Then VS Now / DACA - <https://www.youtube.com/watch?v=hO79uvBwz48>

Senators, do you remember the last election in 2016 and what you made the big issue about? You are right! Stripping tens of millions of women in the United States of their Constitutional Right to Privacy.

Remember you argued that transgender males should be able to use womens bathrooms or locker rooms even if women are showering in them.

Transgender males have the same body part as other males. Questions that were NEVER asked of the Senators:

Senator Schumer why would you want your wife or daughters to share a women's bathroom, locker room or shower with a transgender male or any male? Don't your wife and daughter's have a right to privacy? Also, Senator Schumer why would your wife and your daughters want to share a bathroom, locker room or shower with a transgender male or any unknown male? Obviously, they would have no problem with this as they didn't speak up about it.

Senator Gillibrand can you tell me why you would want to share a women's bathroom, locker room or shower with a transgender male or any male that is not your husband? Also, your husband has no problem with you sharing a bathroom, locker room or shower with a transgender male or any other male than him?

What about my 90 year old mother's, my girlfriend's or my daughter's or grand daughter's and the tens of millions of other women out their constitutional right to privacy? Why should they or any other women be placed in such a situation? **Why do you two Senators want to take the constitutional right to privacy away from tens millions of women in NYS and in this country?**

Senators Chuck Schumer and Kirsten Gillibrand please explain why are you willing to protect illegal immigrants by shutting down our government over them but you **are NOT willing to protect the Constitutional and Statutory Rights of the citizens of NYS** and the illegal imprisonments as documented in my Scoops and Videos at [www.justice4ny.com](http://www.justice4ny.com)?

The democrats will fight to have illegal aliens stay in this country so that they can vote for the democrats even though they are NOT citizens of the United States, yet they will NOT fight to protect our constitutional rights.

**Why don't you both (Schumer and Gillibrand) call for a BOYCOTT of New York State until NYS protects our State and Federal Constitutional and Statutory Rights and arrests and tries the corrupt State and Federal Judges and attorneys who have conspired to deprive the citizens of NYS of their State and Federal Constitutional Rights? That's right, they are mostly liberal democrats.**

**All states and professional teams need to BOYCOTT NEW YORK STATE!!**

**I am sure that as liberal democrats you both are thrilled and that your fellow democrats are envious that NYS illegally imprisons our former and current military personal and/or their family members in illegally closed court proceedings and where they are illegally deprived of a relationship with their children and their constitutional rights to a public trial, jury trial and court of proper jurisdiction just to start with. The military have put their lives on the line for this Country and this is how NYS repays them by stripping them and their families of their State and Federal Constitutional and Statutory Rights and of their children?**

Further, you both shut down our government to protect illegal migrant children. Yet, you both allow the children brought into family court and put into jail and/or detention to be deprived of their constitutional right to a jury trial and the children are in most cases probably given incompetent assistance of counsel. Why are children allowed to be abused and threatened by the judges, attorneys, law guardians and social workers? **Why are you Schumer and Gillibrand refusing to protect these abused children?**

Video - A Child's Constitutional Right to a Jury Trial in Family Court (4:30) <https://youtu.be/6cHRXJatzD4>

14-year-old girl's essay on brutal abuse and threats by judge, social workers and law guardian (8:53)

[https://youtu.be/3hflopc\\_qWA](https://youtu.be/3hflopc_qWA)

Psychologist's response to 14-year old - slams court (6:53) <https://youtu.be/ZwE8cnwvnsA>

Court extortion reason - 14-year old girl (11:52) <https://youtu.be/Qf6fRs5DeI8>

Other Custody and abuse by judges (48:40) <https://youtu.be/etQTsLxHNxM>

Child Not learning - alternative school (4:12) <https://youtu.be/5R1MaSdAyoc>

Child on over 20 pills she didn't need (4:16) <https://youtu.be/ShIMVtV7-6s>

I have emailed both Senators Schumer's and Gillibrand's offices with my Scoops documenting the illegal actions of the NYS Judiciary. I just get a reply that they received it. These Senators and their followers could care less about our constitutional and statutory rights. They could care less about our national security or our borders where millions of dollars of drugs pass over on a daily basis. They could care less about the defense of our country as all they want to spend money on social issues where the money is spent on duplicate agencies doing the same work and does not solve the problems of poverty as the democrats do not want to solve this problem. Yet, the two of you with Obama were almost able to destroy our military readiness except

President Trump got elected and is defending our military. **The military fought and continues to fight for our constitutional rights only to have you liberal democrats take their and/or family members rights away.**

The democrats, such as Senator Chuck Schumer and Senator Kirsten Gillibrand, go after President Trump claiming he is un-American and compare him to Hitler while covering up the illegal actions of the NYS democrat-controlled judiciary. Make no mistake about it, it is the DEMOCRATS who are the socialists and want to emulate Hitler. In my opinion and others, Kaye, a fem-a-Nazis, wanted everyone to stand up and salute her and yell Sieg Heil Kaye, Seig Heil Kaye. (Sieg Heil meaning was 'Hail Victory" was used to call Nazis to attention to honor Adolf Hitler). Kaye wanted it to honor herself and the CORRUPT Court of Appeals judges for their **opposition** to the NYS and U.S. Constitutions and their victory in the oppression of constitutional and statutory rights of public trials and jury trials and other actions by the corrupt NYS Judiciary in having litigants illegally deprived of their children and/or illegally imprisoned in NYS.

Governor Cuomo is more interested in helping people living in Puerto Rico and the illegal immigrants in NYS than the citizens of NYS. Why is Cuomo allowing the Judiciary and his prosecutors to violate the rights of the citizens of NYS? Cuomo complains about President Trump, but **NYS would not be in the position it is financially if it wasn't for the tax and spend liberal democrats** and NY being a high tax state. Why is it that all of the high tax states are controlled by the democrats?

Where is NYS Attorney General Sneiderman? Again another liberal democrat fighting for the illegal immigrants while allowing the judges to violate State and Federal Constitutional and Statutory Rights of the citizens of NYS who elected him to office. He is their to protect the corrupt judges, prosecutors and social workers and cover-up their illegal actions.

**Tell these corrupt judges and support magistrates that they are NOT above the law and you are going to exercise every constitutional right you have to have them pay for their crimes. EXERCISE YOUR RIGHT TO FREE SPEECH after reading the below cases law in full at the links provided for the full text.**

### REMEMBER NO VIOLENCE.

**Call the judges who participate in these illegal family court and criminal proceedings. What about the attorneys who do nothing but sell out their clients to the corrupt NYS judiciary. Let them know what you think of them. Colorful language is NOT illegal! Remember, they have no problem destroying other people's families including yours. I have documented how the judges abuse children.**

**Call Judge Kaye's daughter, Luisa M. Kaye, who is an attorney with** Wrobel Markham Schatz Kaye & Fox Law Firm, 360 Lexington Avenue, 15<sup>th</sup> Floor, New York, NY 100170 and Tel.: **(212) 421-8100**. Look her up on her law firm's website at: <http://wmlawny.com/lawyers/luisa-kaye/> The law firm states she has amassed extensive experience in all aspects of commercial litigation, across a broad spectrum of subjects, in all types of forums: state and federal trial courts; appellate courts; and arbitral tribunals. While she is thoroughly comfortable litigating any commercial matter, and an even broader range of subjects on appeal (**including criminal law**). How many of her cases and/or her father's cases did her mother rule on or fix for them? Ask her under what authority, as a criminal lawyer, did her mother have to strip the citizens of this state of their Federal Constitutional Rights to a public trial, a jury trial, court of proper jurisdiction before then are illegally imprisoned and other illegal actions by her mother as documented within my "Scoops"? Ask her how many more fathers, mothers and children are going to be illegally imprisoned in this state because of her two-bit lying arrogant liberal democrat fem-a-Nazi whore of a mother who refused to follow the law that she took an oath of office to support and knowingly destroying thousands of men, women and children and their families! (Kaye sounds like a Hitler wannabe to me!!) The article by her law firm goes on to state that she is a member of the New York Women's Bar Association, where she is a co-chair of the **Litigation Committee**. Luisa should be able to explain her mother's actions holding that the right to a public trial, a jury trial, a court of proper jurisdiction are NOT substantial rights when one is facing imprisonment and I am sure that she supports her mother's rulings. (See Scoop 32 Judge Kaye - Public & jury trials in NY are NOT substantial rights)

Comments on Kaye, my response (13:40) <https://youtu.be/tOQQ2Qy1F8Q>

Further, the social workers and the law guardians are there to make sure the children are with the mother, even though they know in many cases the mother is unfit. Go into family court, oh, I forgot it is illegally closed to the public. If you could go into family court, you would see in the vast majority of the cases the law guardian sits with the mother and her attorney, Also, in a lot of cases they refuse to even meet with the father and only want to hear the mother's side. I have never heard of a law guardian sitting with the father. I have also been told many times after a father gets custody, they tell the mother what to do so she can get her children back. I have never heard of a father being told this.

Over the years I have seen many fathers like myself trying to have a relationship with our children only to be denied by the mothers. The father's file violation petitions and their time with their children is reduced and NO action is taken against the mother that empowers her even more to interfere with the father's parenting time. The court wants to blame the fathers. I have one ex-military father who hasn't seen his son in a couple of years because the judge refuses to enforce his time with his son. In fact, the judge dismissed his petition well over a year ago and last December 2017, the father won his appeal and the matter was sent back to the family court judge for further hearings. It is now February, 2018 over a year later and he has been unable to get a court date and continues to be deprived of his son. He did drive here for a court date, only to be told after he got here it was cancelled.

**NO VIOLENCE**, but litigants and their families need to stand up and exercise their Constitutional Right to Free Speech. In particular read the full ruling in People v. Dietze, 75 N.Y.2d 47 by the NYS Court of Appeals (<https://www.leagle.com/decision/198912275ny2d471118>) that states in part:

Defendant's words do not, however, fall within the scope of constitutionally proscribable expression, which is considerably narrower than that of the statute. Speech is often "abusive" — even vulgar, derisive, and provocative — and yet it is still protected under the State and Federal constitutional guarantees of free expression unless it is much more than that (see, Lewis v City of New Orleans, [415 U.S. 130](#), 133-134; cf., Steinhilber v Alphonse, [68 N.Y.2d 283](#)). **Casual conversation may well be "abusive" and intended to "annoy"; so, too, may be light-hearted banter or the earnest expression of personal opinion or emotion. But unless speech presents a clear and present danger of some serious substantive evil, it may neither be forbidden nor penalized** (Terminiello v Chicago, [337 U.S. 1](#), 4-5; see, City of Houston v Hill, [482 U.S. 451](#), 461-462; People v Feiner, [300 N.Y. 391](#), 402).

People v. Hogan, 172 Misc.2d 279 at: <https://www.leagle.com/decision/1997451172misc2d2791409>

These two cases are part of a growing trend of charging "domestic violence" defendants with harassment for "verbal abuse". If there is an extant order of protection, a count of criminal contempt is thrown in. ... They do not involve any threats of physical violence or harm. The defendants are not charged with ... threatening to subject another to physical contact. While People v. Dietze, 75 N.Y.2d 47 (1989) **characterizes a statement by the defendant that she would "beat the crap out of [complainant] some day or night in the street" as not a threat, but merely a protected "crude outburst"**, ..., virtually any threat of physical violence after the issuance of an order of protection must be taken seriously. But there are no such threats in either of these cases, either express or implied.

The accusatory instruments in the instant cases also fail to allege facts showing that the verbal disputes in these cases had no legitimate purpose. While at first blush it is difficult to ascribe any legitimate purpose to the use of a swear word, the phrase "no legitimate purpose" cannot be so broadly construed. The registering of displeasure with another person is legitimate, protected speech. Indeed, many people seem hardly able to speak an English sentence without the use of at least one four letter word. .... a defendant was prosecuted for calling her ex-husband about his remitting a support payment check in less than the full amount and for using various choice swear words to describe what she thought of the situation. In dismissing the accusatory instrument, the court said "The mere fact the defendant in anger or frustration uses colorful language in registering her displeasure with actions of the complainant does not render the communication criminal within the ambit of the Penal Law."

Yet, everyday fathers are punished for their language by orders of protection. The court keeps postponing the matter with the order of protection in place until the father agrees. The judges do not want a trial! This is a denial of due process and equal protection of the law.

They do not involve any threats of physical violence or harm. The defendants are not charged with ... threatening to subject another to physical contact. While People v. Dietze, 75 N.Y.2d 47 (1989) characterizes a statement by the defendant that she would "beat the crap out of [complainant] some day or night in the street" as not a threat, but merely a protected "crude outburst", ..., virtually any threat of physical violence after the issuance of an order of protection must be taken seriously.

It is the democrats who are leading the charge to deprive us of our constitutional rights to public trials, jury trials, courts of proper jurisdiction, illegally fixing cases to have people illegally imprisoned for demanding that their Constitutional and Statutory Rights be enforced and fixing criminal cases for the District Attorneys especially in Albany County.

The democrats forced the US government to shut down for illegal immigrants, why don't Schumer and Gillibrand fight for the Constitutional and Statutory Rights of the citizens who elected them. Because democrats are the new Fourth Reich with the FBI as the new Gestapo. Just look at how the FBI protects the corrupt democrats like Hillary Clinton who sold out the US uranium to Russia. Obama, Hillary and the FBI and the intelligence communities illegally spying on our President Trump before, during and after the election based upon a FAKE dossier paid for by Hillary and the democrats and Hillary conveniently destroying over 30,000 emails to cover up her illegal actions.

Should the US Government take over control of the NYS Judiciary away from the liberal democrats by appointing someone OUTSIDE of the NYS Judiciary to clean it up? The violation of Constitutional Rights has to end. NO one should be tried, convicted and sentenced to jail in a closed court proceeding and deprived of their constitutional right to a jury trial as well as their other constitutional and statutory rights. (I know, Cuomo, Schumer, Gillibrand and Sneiderman will oppose this take over as they SUPPORT the violation of Constitution Rights to a public trial, a jury trial and a court of proper jurisdiction and we must NOT forget, the oppression of rights for minors and their illegal imprisonments. Also, Cuomo, Schumer, Gillibrand and Sneiderman will protect illegal aliens in NYS, but will NOT protect the citizens of NY and the stripping of their constitutional rights as they believe we have NO rights!)

New York State should be boycotted by all states and professional organizations!!

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Read my searchable book, that documents judicial corruption using the NYS and Federal Constitutions, statutes and case law for corrupt state and Federal courts. Judicial Terrorism an Indictment of the New York State and Federal Judiciaries at: <https://justice4ny.com/> just scroll down.

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