

BOYCOTT NEW YORK STATE UNTIL CONSTITUTIONAL RIGHTS ARE PROTECTED & ENFORCED

As stated in Scoop 30, my Court of Appeals matter concerning the constitutionality of 12 state statutes was illegally referred to the Appellate Division Third Department that is as corrupt as the Court of Appeals. In my Brief and Reply Brief to the appellate court, I again raised the issues of the constitutionality of the 12 state statutes that violate either the NYS and/or Federal Constitutions including the issues of my constitutional right to a public trial, a jury trial and that the office of hearing examiner, now support magistrate, was unconstitutional and that I was entitled to a court of proper jurisdiction as the statute giving family court jurisdiction was unconstitutional as is was in violation of the State Constitution. Since I was no longer before the Court of Appeals, I raised other issues. Read my Brief (70 pages of documentation and case law) and my Reply Brief at: <http://justice4ny.com/appeal-austin-68873-1993/>

Some of the questions I presented were:

3. Does Family Court Act § 435 violate a litigant's right to a jury trial when the litigant faces a maximum potential sentence that exceeds six months in jail or a \$5,000.00 fine or both under state statute?
5. Does Family Court Act Sections 449 and 451 violate a litigant's right to equal protection of the law as to how over payments and under payments are handled when a support award is retroactive back to a previous date?
6. Is § 439 of the Family Court Act, which creates the office of Family Court Hearing Examiner, unconstitutional upon the grounds 1) that it changes the composition of the Family Court, a Constitutional Court, and 2) that it interferes with and displaces Family Court and Supreme Court Judges?
7. Family Court Act Sections 423, 428, 433, 433, 445, 461, 464, 466, 467 and 652 and Social Services Law § 111(g) unconstitutional as they violate the jurisdiction of the Family Court as defined by the New York State Constitution?
12. Is counsel who would allow his client to be tried, convicted and sentenced to jail in a secret trial without filing any papers with the court to have it open to the public considered to be ineffective counsel as guaranteed by the Sixth Amendment to the United States Constitution?

In my Appeal (Austin) 68873 (1993) the appellate court ruled:

Appeal from an order of Family Court of Saratoga County (Austin, J.), entered September 24, 1992, which, in a proceeding pursuant to Family Court Act article 4, inter alia, **dismissed respondent's cross application for various relief under the Family Court Act.**

The order appealed from, entered September 24, 1992, is a nonfinal order and is thus not appealable to this court (see. Family Ct Act S 1112; Matter of Zavistowski v Zavistowski. 54 AD2d 986). (**This statement by the appellate court is a total lie!!** You can google this case.)

Written by Judge Mikoll with Mercure, Crew III, White and Yesawich Jr., JJ., concurring.

(Notice the judges were cowards as they failed to state what my relief was and there was no mention of the constitutionality of state statutes.) Make no mistake about it, the NYS Judiciary is a Racketeering enterprise as the mail is used to send out the appellate court decisions and orders.

Judge Austin in family court, the NYS Court of Appeals and now the Appellate Court have all refused to address the constitutionality of state statutes as required by the US Supreme Court and they all lied in their Orders and each committed a class E Felony and also committed federal crimes. **Austin's Order most certainly was a FINAL order as to my constitutional issues based upon the next two cases.**

The appellate court judges deliberately ignored the Court of Appeals ruling in Sirlin Plumbing Co. v. Manle Hill Homes. Inc. 20 N.Y.2d 401, (1967) that held:

[1] The motion to dismiss the appeal should be denied. The determination of the Appellate Division, insofar as it **dismissed the defendant's counter claim, "impliedly severed it from the action, which is still pending undetermined, and to that extent is final."** * * *

[2] It is the same theory of **implied severance that a determination dismissing one of several causes of action in a complaint is to that extent held final, although the other causes of action have yet not yet been determined.**

(Notice: The appellate court stated that my cross application was dismissed and based upon the above case law, was final!)

Maliades v. Maliades, 1962,17, A.D.2d 994, 234 N.Y.S.2d 274 at 275:

[1,2] Following the established practice under the Civil Practice Act, **it is our opinion that an order of disposition is one which affects a substantial right of the person aggrieved; such an order is appealable as of right.** The order here is such an order. The motion for leave to appeal is therefore denied as unnecessary.

My arguments concerning a public trial, jury trial, a court of proper jurisdiction and the other unconstitutional state statutes **affected a substantial right of mine and, the order was final, as the order dismissed my arguments and thereby severed my arguments while the action against me was still pending.** Read my Brief and Reply Brief at: <http://justice4ny.com/appeal-austin-68873-1993/>

Based upon these two rulings and the US Supreme Court rulings, I was entitled to have my appeal heard by the appellate court. **These judges are illegally denying me of my rights to due process and equal protection of the law. These judges are TERRORISTS and TRAITORS the State and Federal Constitutions.**

In short, **the appellate court is holding that you have NO right to demand and/or appeal the violation of your constitutional rights by the judge presiding over your case while it is pending.** This ruling is holding that you must be tried, convicted and sentenced to jail before you are able to challenge the illegal actions by the judge in violating your constitutional rights. Not only has the NYS Court of Appeals declared war on the citizens of NYS, but the appellate court is following suit. **The judges are allowed to commit Felonies against both the NYS and Federal Constitutions and make no mistake about it, these judges are TERRORISTS!!**

The NYS Court of Appeals and the appellate court judges have declared war on the citizens and their families of NY and on our brave military who have and/or are defending our county and/or their families. Make no mistake about it, the judges are Terrorists and as stated in Cooper v. Aaron, 358 US 1, (1958): "No state legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it."

The NYS Judiciary is controlled by the liberal democrats who want to make everyone dependent upon the government so that they can control you. They have to start by stripping the citizens of NYS of their State and Federal Constitutional and Civil rights and destroying their families where possible.

US v. Will, 449 US 200, 216: In another, not unrelated context, Chief Justice Marshall's exposition in Cohens v. Virginia, 6 Wheat. 264 (1821), could well have been the explanation of the Rule of Necessity; he wrote that a court **"must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution.** We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it if

it be brought before us. **We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given. The one or the other would be TREASON to the constitution.** Questions may occur which we would gladly avoid; **but we cannot avoid them."**

Oath of Office for state officials including judges: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of New York, and I will faithfully discharge the duties of the office of according to the best of my ability."

The oath is BULLS--T to these corrupt NYS Court of Appeals and the appellate court judges as they could care less about constitutional rights or federal law as these judges have deliberately violated the Supreme Court ruling above by violating the law and these judges are TERRORISTS.

The following are just 3 of the many state and federal Penal Laws that were violated by the judges! See more laws violated including the Hobbs Act. (If you don't pay your illegal child support order, you are tried, convicted and sentenced to jail in closed court and deprived of your right to a jury trial. – Extortion!) at item 31 Penal Laws violated: <https://justice4ny.com/33-nys-constitution-statutes-cases/>

§175.40 Issuing a false certificate.

A person is guilty of issuing a false certificate when, **being a public servant authorized by law to make or issue official certificates** or other official written instruments, and with **intent to defraud, deceive or injure another person**, he issues such an instrument, or **makes the same with intent that it be issued, knowing that it contains a false statement or false information.** (Court orders are official written instruments.)

Issuing a false certificate is a class E felony. \$5000 fine max – 1 to 4 years in jail – 5 years' probation

The Court of Appeals and appellate court judges have conspired to oppress and strip the citizens of NYS in the free exercise or enjoyment of their rights or privileges secured by them by the NYS Constitution and/or the laws of the United States.

The Appellate Court judges conspired and continue to conspire to cover-up the **illegally closed** family court proceedings, **the illegal deprivation of a litigant's constitutional right to a jury trial** as well as the cover-up of the unconstitutional state statutes that violate either the NYS Constitution and/or the US Constitution as documented in my paper work to the court. Read my Brief and Reply Brief at: <http://justice4ny.com/appeal-austin-68873-1993/>

Federal Law - Title 18 § 241. Conspiracy against rights of citizens:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured by him by the Constitution or laws of the United States, or because of his having so exercised the same; or

They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.

I clearly documented the violation of my constitutional rights under the United States Constitution which guarantees me a public trial, jury trial, court of proper jurisdiction and "competent" assistance of counsel and that I have been threatened for demanding my rights be enforced. Read Scoop 23. FBI, state & Albany county officials in attempted murder plot. <http://justice4ny.com/scoops/>

The US mail was used by the Court of Appeals judges to send me letters and the Court Orders and therefore, the Court of Appeals judges have committed mail fraud.

Federal Law - Chapter 63 - Mail Fraud - § 1341 - Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises * * * for the purpose of executing such scheme or artifice or attempting to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at a place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than \$1,000 or imprisoned not more than five years, or both,

The Federal Government has placed the judges in NYS above the law and the FBI used its power to threaten me and tell me they did NOT care about my problems, that I was being illegally denied a public trial, a jury trial, a court of proper jurisdiction and that support magistrates are illegal as well as other issues I have raised and documented. Read Scoop 23. FBI, state & Albany county officials in attempted murder plot. <http://justice4ny.com/scoops/> and videos at: Are FBI actions free speech? (4:34) <https://youtu.be/AUF16e3ckwA> and History of attempted murder by FBI & State Officials (24:13) <https://youtu.be/WcrSaM-VyxQ>

Why is the US Attorney's Office and the FBI's office in Albany, NY covering up for these corrupt judges and the illegally closed courts? The US Attorney's office and the FBI have placed the judges and attorneys above the law after consistently declaring "No one is above the law"!! Make no mistake about it, the US Attorney's office and the FBI in Albany are the new Gestapo. They are there to protect the corrupt judges in the oppression of constitutional rights. Remember, the members of US Attorneys office and the FBI have all taken an oath to protect and defend the US Constitution, instead they are there to protect those who want to destroy it and have so far been able to because of the corrupt FBI and Federal judges refusal to protect our Constitutional and Civil Rights.

The judges, attorneys, police and FBI have, in my opinion, committed TREASON against either the NYS Constitution and/or the US Constitution and are traitors to the United States and belong in jail. Make no mistake about it, **they are all Terrorists who are out to destroy the citizens of NYS.**

Supporting Documents – Appellate Court
<http://justice4ny.com/appeal-austin-68873-1993/>

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

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) **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 facists 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 Klrsten 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 bcause 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.

Transsgender 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?

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/3hflopq_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/Qf6fRs5Del8>

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, 15th 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 Constitutional 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!!

Justice4NY – Exposing Judicial Corruption & the Violation of Constitutional Rights
Please donate at my website www.justice4ny.com

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.

Charles E. Collins, III - available for lectures

(518) 274-0380

justice4ny@aol.com

www.justice4ny.com

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