

NH Statutes Violated

Family Division Rule 2.16 (a) & (b) Regarding Financial Affidavits
Family Division Rule 1.25 (I) Limitations on Discovery
Family Division Rule 1.25 (L) Abuses of Discovery
RSA 461 Parental Rights and Responsibilities
RSA 461-A: 6 Best Interests of the Child
RSA 311:1 Right to Appear & Right of Representation
RSA 546-A: 5 Uniform Civil Liability for Support
RSA 633: 3 and RSA 633:4 Interference with Freedom
RSA 91-A: Access to Governmental Records and Meetings
NH Supreme Court Rule 16-A Plain Error
NH Supreme Court Rule 38 Code of Judicial Conduct;
 2.2 *Impartiality and Fairness*
 2.3 *Bias, Prejudice, and Harassment*
 2.4 *C External Influences on Judicial Conduct*
 2.6 *Ensuring the Right to be heard*
 2.11 *Disqualification*
 2.15 *Responding to Judicial and Lawyer Misconduct*

US Constitutionally Protected Rights Violated

14th Amendment to the US Constitution

“...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

5th Amendment to the US Constitution

“No Person ... shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law...”

6th Amendment to the US Constitution

“...the accused shall enjoy the right to a speedy and public trial...and to have the Assistance of counsel for his defense.”

8th Amendment to the US Constitution

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

Case Law (Regarding unlawful incarceration) June 17th 2011

- Gideon VS Wainwright (US Supreme Court- how the US court views the right of representation)
- Turner VS Rogers (US Supreme 2011) Father Jailed for failure of support
- Argersinger VS Hamlin (US Supreme 1972)

When Nicholas Haas was incarcerated, Judge Ed Tenney Ordered \$ 10,000 CASH bail- which forced the Haas Family to participate in \$ 5,000 being extorted from James F. Haas (retired Father of TX), and \$ 5,000 being

extorted from UniFund, LLC, and caused Mr. Haas' wife to carry ten thousand dollars in cash to facility on Valley Street where she was made to wait approx. 4 HOURS endangering her safety.

NH Statutes Ignored by the Lower Courts (that would have protected the Father)

RSA 631:4 and RSA 644:4 criminal threatening and harassment
RSA 633:1 through 5 involving Interference with Freedom
RSA 173: B Protection of Persons from Domestic Violence
Family Division Rule 1.30 Access to financial (affidavit) information
RSA 491-8(a) Summary Judgment
RSA 546-A: 5 Uniform Civil Liability for Support

[Art.] 2. [Natural Rights.] All men have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.

[Art.] 35. [The Judiciary; Tenure of Office, etc.] 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.

[Art.] 38. [Social Virtues Inculcated.] A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives, and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government.

Filings Ignored by the NH Supreme Court

Haas' Petition for Writ of Mandamus- filed July 22nd 2011
Haas' Motion for Summary Judgment- filed August 16th 2011
Haas' Petition for Original Jurisdiction- filed September 19th 2011
Haas' Ex-Parte Motion(s) filed September 23rd 2011

Parties Involved

Manchester Family Division
John A. Macoul, Esq
Marital Master Leonard Green
Judge John Emery
Suzanne D. Decker, GAL
Mo-Anne Shyne, Therapist
Marital Master Jennifer Lemire
Judge Ed Tenney
Hooksett District Court
State of NH Supreme Court
Judge Edwin Kelley

Case law research regarding the violations of Nicholas A. Haas' Parental Rights

Fourteenth Amendment of the United States Constitution

Articles 2, 10, 35, & 38 of the NH Constitution

The 14th Amendment of the United States Constitution encompasses and is applied to states those preexisting **fundamental rights** recognized by the **Ninth Amendment**.

U.S. Court of Appeals ruling in *Pfizer v Lord* "Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality." 28 USCA 2411; **Pfizer v Lord, 456 F.2d 532**;

Law and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" are discriminatory and violate the equal protection clause of the Fourteenth Amendment. **Yick Wo v Hopkins, 118 US 356**

The "unsustainable exercise of discretion" standard is applied to all rulings in this case, including custody and child support related thereto;

The **NH Supreme Court** has already ruled repeatedly regarding unsustainable discretion of the family Courts, including, but not limited to **Miller v Todd April 2011, Lawlor v Lawlor, 123 N.H. 163 166; and Russman v Russman, 124 N.H. 593, 597.**

"A judgment can be void . . . where the court acts in a manner contrary to due process." --**Am Jur 2d, §29 Void Judgments, p. 404.**

"Moreover, all proceedings founded on the void judgment are themselves regarded as invalid." --**Olson v. Leith 71 Wyo. 316, 257 P.2d 342.**

"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." -**Merritt v. Hunter, C.A. Kansas 170 F2d 739.**

"A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." --**Wuest v. Wuest, 127 P2d 934, 937.**

The U.S. Supreme Court decision in **Wise v Bravo, 666 F.2d 1337** "the right of a parent to conceive and raise his children, to care for and nurture them is a fundamental right"

U.S Supreme Court decision **Quilloin v Walcott, 434 U.S. 246** "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder."

U.S Supreme Court decision **Troxel v Granville, 530, U.S. 69** "so long as a parent adequately cares for his or her children, there will normally be no reason for the State to inject itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the rearing of the parent's children".

“Father enjoys the right to associate with his children which is guaranteed by this amendment (First) as incorporated in Amendment 14, or which is embodied in the concept of “liberty” as that word is used in the Due Process Clause of the 14th Amendment and Equal Protection Clause of the 14th Amendment.” **Mabra v Schmidt, 356 F Supp 620; DC, WI**

“the Due Process Clause of the Fourteenth Amendment requires that severance in the parent-child relationship caused by the state occur only with rigorous protections for individual liberty interests at stake.” **Bell v City of Milwaukee, 746 F 2d 1205.**

“In the United States Supreme Court’s view, the state registers “no gains toward its stated goals (of protecting children) when it separates a fit parent from the custody of his children.”**Stanley v Illinois, 405 U.S. at 652.**

The fourteenth amendment protects the interests of the Respondent’s care and companionship of his children, including substantive due process and liberty interests, by prohibiting the court from depriving fit parents of custody of their children as repeatedly supported in **Stanley v Illinois, 405 U.S. 645, 651; Santosky v Kramer, 455 U.S. 745, 760; Duchesne v Sugarman, 566 F. 2d 817, 824 (2d Cir. 1977); and Hurlman v Rice, 927 F. 2d 74, 79 (2d Cir. 1991).**

“Rights to marry, have children and maintain relationship with children are fundamental rights protected by the Fourteenth Amendment” **P.O.P.S. v Gardner, 998 F2d 764 (9th Cir. 1993)**

“Parents right to rear children without undue governmental interference is a fundamental component of due process.” **Nunez by Nunez v. City of San Diego, 114 F3d 935 (9th Cir. 1997)**

“The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right protected by this amendment (First) and Amendments 5, 9, & 14. **Doe v Irwin, 441 F Supp 1247; U.S. D.C. of Michigan**

“Father enjoys the right to associate with his children which is guaranteed by this amendment (First) as incorporated in Amendment 14, or which is embodied in the concept of “liberty” as that word is used in the Due Process Clause of the 14th Amendment and Equal Protection Clause of the 14th Amendment.” **Mabra v Schmidt, 356 F Supp 620; DC, WI**

“A parent’s right to the custody of his or her children is an element of “liberty” guaranteed by the 5th Amendment and the 14th Amendment of the United States Constitution.” **Matter of Gentry, 369 NW 2d 889, MI App Div**

“a parent’s right to care and companionship of his or her children are so fundamental, as to be guaranteed protection under the First, Ninth, and Fourteenth Amendments of the United States Constitution.” **In re: J.S. and C., 324 A 2d 90; 129 NJ Super, at 489.**

“A parent’s right to the preservation of his relationship with his child derives from the fact that the parent’s achievement of a rich and rewarding life is likely to depend significantly on his ability to participate in the rearing of his children.” **Franz v. U.S., 707 F 2d 582, 595 Q599.**

“The parent-child relationship is a liberty interest protected by the Due Process Clause of the 14th Amendment.” **Bell v City of Milwaukee, 746 f 2d 1205, 1242 Q45.**

“the loss of one’s children can be viewed as a sanction more severe than imprisonment.” **P 716 of State of NH v Robert H. 118 NH 713.**

In *Griswold v Connecticut*, 381 US 479, (1965) the Court stated that Federal Courts (and State Courts), can protect under the “life, liberty, and pursuit of happiness” phrase of the Constitution, the right of a man to enjoy the mutual care, company, love, and affection of his children, and this cannot be taken away from him without due process of law.

New Hampshire’s Legislative Body Can Right the Wrongoings caused to my family...

New Hampshire State Constitution

[Art.] 31. [Meetings of Legislature, for What Purposes.] The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require.

[Art.] 32. [Rights of Assembly, Instruction, and Petition.] 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.

Redress [ri-dres, rē-dres] n

1 a: relief from distress

b: a means of obtaining a remedy

2: compensation (as damages) for wrong or loss

re·dress [*ri-dres*]

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