

Re: Lying by Judges of the NYS Supreme Court

Inbox x



Mark R. Ferran <mrferran@nycap.rr.com>

4:20 PM (2 minutes ago)

to Robert, Bill, Gabriel, Christopher, Chris, Carl, Bob, Michael, me, Fairlene, Kevin, pam elabarnett, Mario, mark, aimee, Joel, John, Jonathan, Bob, Elizabeth, Gerald, John

Gentlemen and Ladies of the Law (especially any NY Appellate Attorneys who may be interested in handling further appeal in an upstate NY Wrongful Demolition lawsuit that just survived a summary-judgment motion and should be granted summary judgment in favor of Plaintiff upon reconsideration with a little help):

I am Mark R. Ferran BSEE scl JD mcl.

I believe in the Rule of Law as a constitutional right and principle.

I have recently encountered numerous shocking instances in which Judges of the New York State Supreme Court have in their written decisions clearly misrepresented the content (falsely invented assertions) supposedly contained in written Affidavits and other written papers. One of the Judges [Albany SCJ Eugene Devine] who has done this in a written decision also made multiple false statements about the content of written papers (all favoring the party he favored, indicating he consciously lied with intent to throw the case) in one decision.

[It is like a freakish "game of telephone" in which the Judge knowingly-refuses to truthfully repeat material contents of written papers, but pretends that he is making a true copy. Like they think we are illiterate Indians who can't read English or something!]

A simple side-by-side comparison of the Trial Judge's assertion and the referenced Affidavit reveals the obvious falsity of the Judge's statements about written content. And, this is the most-material and dispositive issue in the decision, not a peripheral issue. The Appellate Division sort-of reversed the result in the case, but its Judges have refused Appellant's Demands to expressly note and condemn the Judge's false statement of the content of the written material. The Appellate Judges are concealing, coveringup and whitewashing the use of Lies by this Trial Judge, even while purporting to "reverse" and "remand". The Appellate Division decision also contains a different false statement of the most-material content of a different written paper in the case, and their false assertion even contradicts the true statement on that same issue in the Trial Judge's opinion. They all seem to think that writing Decisions is just game of writing the most-convincing fictional account of the material content of written papers.

[This is on top of disregard for the established Tort Law, and massive violation of procedural rights]

[This is on top of the documentation that the trialjudge-favored defendant actually counterfeited documents by changing the time/date clock of his computer while manufacturing false reports, trying to pass them off as contemporaneous false reports.]

[Thus, it seems to me that many current NYS State Judges have ZERO integrity, and they should be dealt with as common criminals (aiding and abetting other criminals in office) by Grand Juries]. I am thinking of taking the evidence to the FBI, US Attorney, NY Times, or whatever venue you might suggest. [It seems that the local Albany Times Union newspaper is devoid of any investigative reporters] I would want to collect other evidence of widespread practice of Judicial Lying if available, to suggest the existence and extent of a plague.

- 1) Is anyone on this list interested in receiving and reviewing this evidence of false-statements by NYS Judges?
- 2) Does anyone else have a documentary proof or a collection of well-documented instances of Judges LYING about the content of written documents, in favor of the party they favor?

I am beginning to think that the state and Federal Judges actually believe that LYING about the content of one Affidavit and/or simply ignoring the material content of an Affidavit, is simply another legitimate way that they are allowed to dispose of cases in favor of the party they favor. Also note this hot dispute between the US Second Circuit and the DC Circuit about whether public officials can or cannot voluntarily Refuse to Lie under Oath when Ordered to Lie Under Oath by Superior officers: <http://dccircuitreview.com/2011/10/31/the-d-c-circuit-did-not-use-tweezers-it-used-a-sledgehammer/>

The US Courts also apparently believe that Police/Officers and Judges Lying Under Oath with intent to deprive a person of Property, Liberty, Life or Justice in Court is consistent with the Oath of Office! http://www.leagle.com/decision/2000829212F3d617_1768.xml/CRUZ-ERAZO%20v.%20RIVERA-MONTA%C3%91EZ

"Even construing Nichols's statements as lies, lies alone are not necessarily considered conscience-shocking. See, e.g., Cruz-Erazo v. Rivera-Motanez, 212 F.3d 617, 623 (1st Cir. 2000) (holding that it was not conscience-shocking for police officers to deliberately lie in official documents and perjure themselves in official court proceedings);

"In some circumstances, it might be conscience-shocking for an officer to elicit or provide knowingly false information about a suspect. See Limone v. Condon, 372 F.3d 39, 45 (1st Cir. 2004) (deliberately fabricating evidence to frame someone for a crime the person did not commit and to protect the true perpetrators was a violation of due process); but see Cruz-Erazo, 212 F.3d at 623. <http://www.reid.com/pdfs/20060823-5.pdf>

"On the other hand, no due process violation has been found under circumstances where defendant police officers engaged in ongoing harassment and intimidation against the plaintiffs, occupied the plaintiffs' home without permission, and perjured themselves in an effort to support false charges against one of the plaintiffs. See Cruz-Erazo, 212 F.3d at 618-23." http://www.gpo.gov/fdsys/pkg/USCOURTS-mad-1_12-cv-11126/pdf/USCOURTS-mad-1_12-cv-11126-1.pdf

"physical threats, lying in official documents, and perjury in court proceedings, while "disgraceful," did not violate Oath of Office books.google.com/books?isbn=0471117617

If Judges now really believe that Lying (not accidentally misinterpreting,) but simply lying in their Decisions about the written content and/or ignoring material content is consistent with their Oath of Office, that implies illegitimacy and is extremely dangerous to civilization. If this is the case, this should

be studied and published, and widely condemned and remedied. Such a practice, if allowed, makes our States/Courts totally Lawless in reality and practice, because they can simply deny equal protection of the law to the disfavored party by Lying about the allegations in a complaint/Answer/Affidavit or ignoring material allegations or admissions. The notion of benevolent Lying is contrary to the first principles of the Rule of Law.

Is anyone here familiar with the Rule of Law principles stated in Magna Carta?
For review see e.g., <http://billstclair.com/ferran/markferran1.html>

Also still available on Bob Shulz's WeThePeople website
<http://www.givemeliberty.org/spotlights/archive/March1999/markferran.htm>