

CV 5

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

DERRY FAMILY DIVISION

DOCKET # 2000-M-0407

IN THE MATTER OF  
JENNIFER JOHNSON AND DAVID JOHNSON

MOTION TO VACATE BAIL ORDER

NOW COMES David W. Johnson, Respondent in the above-captioned case, and respectfully moves this honorable Court TO VACATE its bail ORDER dated 3/27/07. . In support of said MOTION, Respondent states the following:

1. RSA 597:1 states:

Release and Detention Authority Generally. – Except as provided in RSA 597:1-a, 597:1-c, or 597:1-d, all persons arrested for an offense shall be eligible to be released pending judicial proceedings upon compliance with the provisions of this chapter.

Source. GS 240:18. GL 258:18. PS 252:12. PL 366:13. RL 425:13. RSA 597:1. 1969, 78:1. 1974, 34:4. 1988, 110:1. 1989, 386:1. 1993, 258:1, eff. Aug. 14, 1993.

- 2. Respondent is jailed under civil contempt, and as such "he [at least theoretically] has the keys to the jail" in his pockets. He was not arrested for an offense. An OFFENSE would have been criminal contempt. He is entitled to a criminal trial for such an offense, and if there is a possibility of more than six months of jail time, a *de novo* trial with a jury, and proof beyond a reasonable doubt in the eyes of a jury.
- 3. Undersigned will not reiterate all the arguments she made at the bail hearing that the finding of contempt should be vacated because it was not a civil finding in nature, however, all the arguments are incorporated into this MOTION by reference. If the court wishes to view the tape of the hearing, it is available by linking to <http://werme.8m.net/youtube.html>.<sup>1</sup>
- 4. Finally, the bail hearing finding that the Respondent is a threat to the community as a result of his anger is entirely unjustified, not to mention slanderous. The Respondent is exercising his first amendment rights to vindicate his anger, and there is therefore no reason to physically threaten anyone. See: [http://werme.8m.net/Fathers\\_Rights/David\\_Johnson/Case\\_Synopsis\\_07\\_03\\_23.pdf](http://werme.8m.net/Fathers_Rights/David_Johnson/Case_Synopsis_07_03_23.pdf)
- 5. The Respondent wanted the court to know that he will continue to refrain from criminally threatening behavior as he has his entire life, and he must "dedicate his future to raising his daughter and exposing the reprehensible criminal behavior of the Derry Family Division."

<sup>1</sup> The link may change eventually.

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6. The Respondent also want the Court to know he will also continue to engage in any and all behavior that may bring about the end of the careers of both Master Cross and Judge Sadler. He specifically wants the court to know that he will stop at no legal measure to inform the world that it is Master Cross and Judge Sadler who are making judicial decisions that result in **HARM TO HIS CHILD**.  
[http://werme.8m.net/Fathers\\_Rights/David\\_Johnson/HHS%20Ombudsman%27s%20Report.pdf](http://werme.8m.net/Fathers_Rights/David_Johnson/HHS%20Ombudsman%27s%20Report.pdf) See also enclosed note of Derry Counseling.
  
7. As proof that this court's decisions have **harmed his child**, he wants the court to know that the HHS Ombudsman's Report, **which states in its introduction that**  

**"The flawed [DCYF] Report [of October 31, 2005] has misinformed the Derry Family Division and impelled the Court to issue an 11/4/05 Order that is not in Marissa's Best Interest."**

has also been posted for the world to see how the Derry Family Division's rulings refusing to look at the report have **HARMED THE CHILD**.  
[http://werme.8m.net/Fathers\\_Rights/David\\_Johnson/HHS%20Ombudsman%27s%20Report.pdf](http://werme.8m.net/Fathers_Rights/David_Johnson/HHS%20Ombudsman%27s%20Report.pdf). The Court may continue to justify its actions of not looking at the evidence in the case, but the world will make decisions about the competency and ethics of the court and ultimately its fairness based on the evidence.
  
8. In addition, most of the information cited in this MOTION has already been provided to members of the NH Child and Family Law Committee, the House Judiciary Committee, the NH Senate Judiciary Committee, and the Executive Counsel. There may be a few unflattering things said about Attorney Ross as well in emails to these people, however, certainly nothing that could be considered slanderous. It does question his competency **or** his ethics for bringing a motion for civil contempt under the circumstances of this case, and of course his arguments in court on March 26, 2007 substantiates justifiable questioning of **either** his competency **or** his ethics. The Respondent has not yet had the chance to include complete information about the Office of Child Support Enforcement or their plain violation of 42 U.S.C. § 652, but that does not mean that he does not intend to do so.
  
9. Because the Respondent has perfectly legal and acceptable methods of venting his anger at the Court using his rights and responsibilities under the First Amendment and Article 22 of the NH Constitution, and vindicating his rights, **there is no basis in fact for this Court's conclusion that because he is angry, he a threat to anyone..** Furthermore, it manifests a misandrist bias and belief that any and every angry man is automatically dangerous. Misandrist biases and beliefs reflect directly on the fitness of any judge to make decisions concerning fathers in a family court.
  
10. In any case, it is clear under RSA 597 that bail is inappropriate in the case of civil contempt. If the finding of civil contempt includes the requisite finding that the Respondent **CAN** comply with the **ORDER**, then no bail is necessary because the Respondent "has the keys to the jail in his own pocket."
  
11. The Respondent has repeatedly complained of this Court's refusal to look at the evidence to Judge Edwin Kelly's office, with "absolute indifference" from his office.
  
11. This Court continues to make decisions with no basis in law. It was inappropriate to even

schedule a bail hearing on a civil contempt charge.

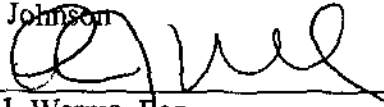
WHEREFORE, Respondent respectfully requests the following relief:

- A. That the bail order be vacated.
- B. That the finding of civil contempt be vacated.
- C. That in the future all ORDERS of this Court cite the applicable law as the basis for its decisions.
- D. For other and such relief as may be just.

Respectfully submitted,

March 29, 2007

David Johnson

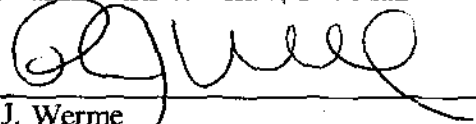


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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading has been forwarded to L. Jonathan Ross, Esq., this Court to the NH Office of Child Support Enforcement, Salem District Office, 154 Main Street, Suite 1, Salem, NH 03079-3180.

March 29, 2007



Paula J. Werme

4/12/07 Martin Amund.  
Sadler

Lucinda V. Sadler