

34 Franklin St.  
Lyons, NY 14489  
September 17, 2008

Judge Nicholas Forgione  
Village Justice  
79 William St.  
Lyons, NY 14489

Case No: 05070051.01  
Ticket: LT866460.0

Dear Judge Forgione, DA Healey and other officials:

I was surprised by a DMV letter stating my license would be suspended on Sep 20<sup>th</sup> for an unpaid fine (it already is). It told me I would be a "Scofflaw" (a person who flouts the law) if I didn't pay. What really surprised me is that after a recent Village Court session I had attended regarding a neighbor's dog, a Lyons Police Officer stopped me, told me about the suspension letter, and said I should take care of it. I hope this letter helps.

I hope you and the DA's office recall the Trial I had back in the fall of 2005 when I was stopped by a Trooper for a bad turn signal and then cited for Aggravated Unlicensed Operation. I sent you and the DA a letter and sworn affidavit admitting to driving on over a hundred other occasions in those few months. It was during the last five months of my mom's life. I sacrificed work to stay at home full time and care for her with the help of Hospice staff.

I've driven hundreds of more times since then and was stopped late at night a few months ago in Macedon while I was driving my son home from the Airport. I didn't even have a bad turn signal. It was a slow night and the officer just ran my plates and pulled me over. As the DA knows that case is still pending with another appearance on Oct 7<sup>th</sup> which I will have to drive to.

I have nothing to hide in my own hometown and certainly nothing I am ashamed of. The Police Chief in Lyons may not know my situation and hopefully this letter will help explain it to him and make it clearer to others who are in a better position to change the laws.

I will talk a lot about child support and family in this letter and nothing about driving. *That is the great problem in this whole matter – there is nothing wrong with my driving ability, but I can't defend myself without challenging the reason my license was suspended – back Child Support (over \$90,000 with interest!).*

*How can it happen? Imagine a support level based on twice your actual income for the last 12 years. Imagine your child being moved to the other side of the country and a former spouse who wants to alienate you. Imagine all the travel expenses to see your child and realize they ARE NOT COUNTED as support. Imagine a very wealthy former spouse – your child is not needy, but they want you very much and you love them.*

*Imagine repeated attempts to get things changed, but you are rebuffed, the courts are too busy. Imagine the best legal advice you get from a Family Court assigned counsel is, "John, just pay the money, you'll see your son when he's 18." It is a terrible system.*

If you have time my website has a complete chronology of my 'child support' history, including copies of transcripts and most documents.

[http://www.AKidsRight.Org/support\\_jm.htm](http://www.AKidsRight.Org/support_jm.htm)

It shows how strongly I hold the duties of family. I gave up an Air Force Pilot career to help with my folks (I'm an only child). My work decisions allow me to maximize my time with my son. Above all I love my son Domenic, very, very much – and he loves me. He is now a young man, 15 years old, and we are fortunate to have a close relationship – to both our benefits.

I am not a criminal. I am not selfish. I'm simply a parent who loves his child and wants to do what is best for him. I can most heartily assure you that if I had the money, I would pay it – it is not worth all this time & struggle.

I know many of you personally and you know my family. I'm sure you care about children and families, as do most people that currently practice in the courts. This is not a people problem. We have many good people in the courts. The Family Law system has too few checks & balances to govern itself. Because I run a business, the system plays the law of averages and assumes I'm hiding money without any real proof. That is not justice. But the primary goal of any reform effort can not be about money and child support.

How can 'due process' rights be preserved without recognition of my human right to be considered a fit & equal parent to my child? Before we take a person's freedom, we have a strong presumption of innocence, a right to counsel, and the protection of a jury. The same should apply to interference with the parent/child bond. Real proof and unbiased jurors to decide. We need a Federal Family Rights Act.

*I love and support my child. I had wonderful parents and I want to pass that on to Domenic. While I certainly believe that "no one is above law"; I hope we also agree that "no one's human dignity is beneath the law."*

*I've include the letter from DMV. As I told you the day of the trial, I will pay no fine and be a willing participant to my own punishment. If you wish to sentence me to some jail time as 'payment' to finally resolve this that decision is yours. The County can take care of me.*

Respectfully yours,

John Murtari  
315-430-2702 (cell)  
<http://www.AKidsRight.Org/>

**CC:** DA Richard Healey , Hall of Justice, Suite 202, Lyons, NY 14489

**CC:** Lyons Police Chief Michael Donalty, 72 William St, Lyons, NY 14489

**CC:** Senator Hillary Rodham Clinton, 100 S. Clinton St., Syracuse, NY 13261

**CC:** Senator Charles Schumer, 100 S. Clinton St., Syracuse, NY 13261

**CC:** Assemblyman Robert Oaks, 10 Leach Road, Lyons, NY 14489