

34 Franklin St.  
Lyons, NY 14489  
July 26, 2018

Mr. Mike Calarco  
District Attorney for Wayne County  
Hall of Justice  
54 Broad St.  
Lyons, NY 14489

Regarding: Prosecution of Joseph Wilmarth

Dear Mr. Calarco,

I'm President of the Not-for-profit, AKidsRight, and live in Lyons. I manage the Facebook Page where Mr. Wilmarth posted (attached). I'm deeply troubled by his being charged as a terrorist and the circumstances leading up to his arrest. I write you and the other folks involved in the hope prosecution can be avoided and some type of reconciliation occur. This letter is my own initiative and there's been no prior discussion of it with anyone.

Our group interacts with parents via the phone, email, and now social media. Every story of unjust separation is gut wrenching. Parents feel they are alone and don't know where to turn. There is a lot of anger. We try to help and diffuse tensions (my response to his post). I've talked to people, gotten emails, and seen other postings not too dissimilar from Mr. Wilmarth's. Some spin legal arguments, complain about a tyrannical judge and quote Thomas Jefferson, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."

I've never sensed a threat in any of those, nor did I with Mr. Wilmarth. People claim a lot of 'rights' but never act on them. I'm not sure who called 911, but in contested custody it's not unusual for the other parent/family/friends to try and provoke an arrest. At the Preliminary Hearing the Deputy said he was not sent there to make an arrest, but then it seemed a comedy of errors may have happened?

The Deputy's partner accidentally discharged his rifle while it was pointing at the ground. He was standing next to Mr. Wilmarth's father who was injured by a pavement fragment. Mr. Wilmarth has very poor eyesight and the sound of a gun shot would scare anyone. I've heard there was also a dispute with the neighbors and they were happy to let the cops know he might be making bombs over there? That besides SWAT, US Army soldiers responded? I hope you can clarify for me and our community the exact circumstances and separate fact from fiction.

Also, I noted Mr. Correia recused his office from representing Mr. Wilmarth because of a conflict of interest with Judge Barrett. I'm not sure how your office is prosecuting this matter? Wouldn't the same conflict exist?

Please understand in no uncertain terms what Mr. Wilmarth said was STUPID (but not criminal). I don't care how much he loves his little boy, or how cavalier or demeaning Judge Barrett may have treated him. My sympathy for the Judge and his family. Given what we see on TV everyday this is a difficult experience. There is no excuse for Mr. Wilmarth's language and I always tell parents that; however, there were probably reasons.

I'm a former USAF Academy Graduate and Pilot. We were taught an aircraft mishap was the result of a chain of events. There's no excuse for a crash, but there are always reasons. Break the chain at any point and all is well. Unfortunately, that did not happen here.

Besides what happened after 911 was called. All of these items may also be part of the chain:

- Without a doubt, Mr. Wilmarth loves his son very, very much, and wants to see him be safe. I got to talk with his Father and those sentiments came across loud & clear.
- Mr. Wilmarth can be headstrong and insistent.
- This is a very contested child custody case where allegations can sometimes substitute for real facts.
- Mr. Wilmarth captured some disturbing video (which I did see) of how his son was treated, but Judge Barrett wasn't interested, didn't allow it.
- Judge Barrett may have understandably grown tired of an insistent parent and their bad legal arguments. He may have failed to treat Mr. Wilmarth with courtesy and respect. *I've had my own involvement in Family Courts, always been polite and respectful, but still found myself verbally abused from the Bench at times.*
- Parents go into Family Court with no recognized and protected right to be presumed fit & equal. We allow a Judge to determine what happens in not much more than an administrative proceeding. *I tell parents if Thomas & Martha Jefferson had their two daughter's taken by the King's Court – Family Rights would have been explicitly protected in our Constitution.*

I feel parents facing unjust charges shouldn't plead guilty to even a lesser charge. That will be used as an excuse to limit future contact with their child.

I'm not a Lawyer, I don't know what's possible. But the best answer would be some apologies, forgiveness between people, reconciliation, and an eventual dismissal.

Right now this action may only cause more tragedy for the entire Family and all involved. With your leadership we can hopefully avoid that.

Sincerely yours,

John Murtari  
President, AKidsRight  
jmurtari@AKidsRight.Org

CC: Judge Barrett  
CC: Mr. Wilmarth  
CC: Mr. Canzano

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14 Shares

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**Joseph Wilmarth** Wayne county New York has committed an act of war against me they have separated me from my son they have denied me my most primitive rights for the last five years they have denied me my God-given right to father my child I have been allowed 30 days in accumulated time with my son in the last five years my son is still in diapers despite living with two women I believe that is neglect and lack of instruction the courts do not care I believe the courts are intentionally retarding my child by denying him the knowledge of his father I have submitted a petition to the court stating that I have evidence of child abuse I have been in court every month this year and they still refuse to view it no I am an American citizen and I know my rights when a country declares an act of war on the citizen that citizen is entitled to the Geneva Convention right that means combat immunity " officers of the court shall not have immunity for they are deemed to know the law " " When a judge acts where he or she does not have the jurisdiction to act, The judge is engaged in an act or acts of treason " The last two quotes were supreme court cases I know I'm well within my rights to put a bullet in the judges head and I hope his family misses him like I miss my son!

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**A Kids Right Joe**, I feel for you. I live right in Lyons. Give me a call at 315-430-2702 and maybe we can get together and trade stories!!! When they suspended my license for 'support' I would walk to the Courthouse and leave messages with chalk (including on the side of the building). You can see pics in the link below (scroll down to Jan 2010).

Believe me, I've had the desire to punch a few people in the system and kick them in the a\$\$ for all the needless pain they caused my son. I never acted on those feelings (it would have just confirmed there bias and made the situation worse). I used NonViolent Action and was the sweetest person in the world as I left messages. Oh, they arrested me a few times for the chalk, but all the charges were dismissed. Why?

Because I would tell them I'm here because I love my son and our rights were violated. I didn't waste any time talking about bad Judges, Lawyers, Social workers.... it's a bad system and we give them too much power.

Most of all. I really believe our Love for Our Children has a lot of power -- we just need to demonstrate it.

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