

Facts Surrounding Johannah's 4th DUI Ticket

~ by John Wilkenson ~

On 3/1/96 Johannah got a DUI ticket.

She pled guilty on 4/9/97.

The day after Johannah got her second domestic violence charge, Gordon Gallagher dismissed the first domestic violence charge.

Dave talked to then-Assistant DA, Gordon Gallagher, to find out why the first domestic violence charge was dismissed.

Gallagher told Dave that the first domestic violence charge was dismissed as part of a plea bargain in return for a guilty plea on the DUI charge.

Steve Laiche was Johannah's attorney of record in the DUI case.

The DUI case was closed on 6/25/97 and Johannah was sentenced to 70 hours of community service and 15 months probation. She was also given a \$500 fine, of which \$200 was suspended. She was also sentenced to 70 days in jail with 50 days suspended. Johannah didn't do any actual jail time, she was allowed to do in-home ankle-bracelet detention.

Johannah's probation was handled by Intervention, a private company.

Johannah became in violation of the terms of her probation in late March of 1998.

Nick Massaro allowed Johannah to leave the country on August 26, 1998. Lawyer Catherine Burkey was Johannah's attorney of record at the 8/26/98 hearing.

Massaro's final custody and parenting time order happened on 8/26/98.

Johannah left the country with Ben and Toby Wilkenson immediately, ostensibly on the first available flight out of Grand Junction.

Catherine Burkey had not been in the DUI case (presided over by Judge Art Smith) prior to 9/1/98, at which time she entered a motion to terminate Johannah's probation in the DUI case, 96T962. That was **5 days AFTER** Johannah had already left the country pursuant to Judge Massaro's permission. Massaro knew full well that Johannah was on probation in the DUI case because Intervention had testified in the custody case 96-DR-372 on 12/15-17/97.

Totally without jurisdiction – “**the filing of a notice of appeal divests a trial court of authority to consider matters of substance affecting directly the judgment appealed from**”, see Molitor v. Anderson, No. 89SC13, 795 P.2d 266 (1990) -- Massaro let Johannah leave the country so she wouldn't have to serve the 50 suspended days of her DUI sentence even though she had violated her probation.

I don't believe Burkey had the clout to withhold the information/report about Johannah's violation of probation from Art Smith. I believe Massaro did that, and that's prima facie obstruction of justice. Logic and common sense impel me to the belief that Massaro conspired with Burkey to file her **5-days-AFTER-the-fact** 9/1/98 motion to dismiss probation to cover their asses as to why Johannah was allowed to leave the country while she was **still on probation**, was **in violation of probation**, and while 96-DR-372 was **still on appeal**.

This is a complicated situation, because not only was justice self-evidently obstructed, but worse yet, that prima facie obstruction of just functioned as a crucial part of the overall deliberately unconstitutional deprivation of Dave's fundamental constitutional rights per 18 U.S.C. 241 & 242.

The Massaro/Burkey obstruction of justice also served to hold Colorado's entire judicial system hostage to the self-evident judicial criminality and “tweak” Colorado's entire appellate court system against Dave because the kids were already illegally outside of the United States and outside the Colorado courts' enforcement jurisdiction. Instead of crucifying Massaro and Burkey, as should have been done, Colorado's appellate courts made the conscious fully-informed decision to cover up judicial felonies by destroying the entire record of the case so it couldn't come back to bite them.

In this illegal manner, the Colorado courts completely abandoned their wards, Ben and Toby Wilkenson, to their fate as severely parentally alienated Englishmen instead of Americans.

On 7/31/ 98, prior to Massaro's 8/26/98 hearing, Dave filed a petition for a Writ of Prohibition in the Colorado Supreme Court which was inexplicably denied on 8/21/98 with the single word “denied”.

On 8/25/98, Dave appeared in U.S. District Court in Denver before the Honorable Richard P. Matsch on an Emergency Petition for a Temporary Restraining Order to stop Massaro's hearing scheduled for 8/26/98. Daily Sentinel reporter, Gary Harmon, was at that hearing with Judge Matsch, in fact, Dave rode with Gary Harmon to that emergency hearing before Judge Matsch. Judge Matsch said he couldn't understand why the Colorado Supreme Court had denied Dave's Emergency Petition for TRO, saying he couldn't get involved in state court business. But Judge Matsch did issue summons for Dave to use in a 42 USC 1983 violation-of-civil-rights lawsuit in the event Massaro was actually going to let Johannah relocate with Ben and Toby to England while she was still on probation for DUI and while the appeal in the divorce case 96-DR-372 was still pending in the Colorado Court of Appeals. Judge Matsch told Dave to tell Nick Massaro that he had issued summonses in a 42 USC 1983 case – (the very same case so cavalierly dismissed WITH PREJUDICE by the misandristic prog/lib “wise-Latina-type” federal judge Christine Arguello) – in the event Massaro actually let Johannah leave the country while an appeal in 96-DR-372 was still pending and Johannah was in violation of her probation. Basically, Massaro, knowing full well how the corruptocratic system works, simply in effect flipped Judge Matsch “the finger” and, in effect, illegally got Johannah “the hell out of Dodge” before she totally self-destructed in a manner sufficiently serious that the misandristic feminazi “system” could no longer ignore it.

The feminazis saw to it that misandristic prog/lib Christine Arguello was assigned to Dave's 42 USC 1983 civil-rights-violation case. Obviously, the outcome would have been entirely different if Judge Matsch had been assigned the case he issued summonses in. Presumably, Judge Matsch would not have taken lightly Nick Massaro in effect flipping him “the finger”.

To understand why Colorado's courts are covering up judicial felonies, and why the entire record of 96-DR-372 was feloniously destroyed, you have to ask yourself these questions: 1) what amount of damages award – (\$10M - \$20M?) – would be appropriate in a situation where deliberate judicial crimes deprived a father and two of his sons a normal upbringing and a normal family relationship, and 2) what amount of punitive damages – (\$1B - \$2B?) – would be appropriate in a case where a state's appellate courts inexcusably and deliberately enabled, ratified and covered up judicial felonies and criminally obstructed justice? Do you see the immensity of the problem Colorado's judicial criminals face? Do you see why the immense wannabe-clever “systemic” cover-up persists?

“One of the biggest problems in family court is there are so many false accusations and so few consequences for those accusations.” “It's really a travesty the way a system that was designed to protect women from domestic abuse, to protect children from abuse, to protect children from sexual abuse, a system that was set up with every good intention, that was set up to protect those who needed it, has been allowed to be subverted so that false accusers really are able to gain so much by making a false accusation.” ~ Glen Sacks (Family Law Reform Advocate)