

February 4, 2014

Derek Syphrett  
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Hon. Judge Ronald E. Bookbinder, A.J.S.C.  
Hon. Judge John L. Call, P.J.F.P.  
Burlington County Court Facility  
49 Rancocas Road  
Mt. Holly, NJ 08060  
(609-518-2984)

**RE: FEB 6. 2013 STATUS CONFERENCE  
RE: REPLY TO CHAMBERS & INSPECTION / REVIEW OF DOCKET FILES  
(FM-11-97-11K & FV-11-625-13)**

**Dear Judge E. Bookbinder and Judge L. Call:**

Purpose of Letter:

I am following-up with regard to the status conference scheduled for February 6, 2014.

I am following up per the instructions from Judge Call's chambers with regard to my previously communicated request to review my divorce file and FV docket case files prior to trial.

Status Conference:

Please be advised that my car has a broken belt. I likely do not have the money to repair my car and it is unclear if I will be able to get a ride or afford transportation to the Burlington County Court Facility for the purposes of a status hearing on February 6, 2014.

That said there is an inherent urgency with regard to the completion of a status hearing on February 6, 2014 and I request that a status hearing be conducted via conference call on February 6, 2014 or earlier.

Please be advised that I am quite dismayed by the current circumstances and I would have preferred to be present in "persona", for the status conference. If arrangements can be made I will advise the court.

Inspection of FM and FV docket files

On January 12, 2013 and again on about January 17<sup>th</sup> I wrote letter's to Assignment Judge Mary C. Jacobson with regard to her failure to enforce court rule 1:33 ("Administration of the Courts") and my desire to review the files in the FM and FV dockets related to my family affairs.

I received a letter January 24, 2013 that advised me to follow-up with the Burlington Vincinage about the same.

I reiterate my request (as noted in the January 12, 2013 and January 17<sup>th</sup> letters) – I hope both are stamped in and in these files.

Further:

With Regard to the comments from the Honorable Judge John L. Call's chambers regarding Judge Calls desire that I provide a list of specific files that I would like to inspect.

I would simply reiterate my prior request. I would like to inspect all files for the purposes of preparing for trial.

Given that the files have been transferred, copied etc. I want to ensure the files contain any and all material information.

Further:

I have concerns given a prior request made of Judge Debello with regard to FV-11-625-13. I had requested to review that file, but I was told that Judge Debello had taken to writing notes directly on the filed paperwork.

I was further told that Judge Debello improperly included his opinions of my psychological condition, etc. I find this report from his chambers (Ted Yoa) to be quite concerning and potentially prejudicial.

**I would like to review these FV filings to examine them for any prejudicial or inaccurate statements which could damage my ability to be provided a fair and unbiased FRO trial.**

**I do not believe that Judge Debello's notes "as a defacto witness" should be part of my file should I need to appeal this matter at a later date, nor should these notes be considered prior to or at the FRO trial.**

Further:

It should be noted: that the FV docket **NEVER** included an order for me to consent to or participate in a psychological evaluation.

**Frankly whether or not I have / had a mental condition on 12/12/12 or earlier has NOTHING to do with whether a predicated act of domestic violence occurred on 12/4/12 or earlier.**

**My PSYCHOLOGICAL CONDITION IS NOT ON TRIAL AND MY LEGAL COMPETENCE IS DEMONSTRABLE VIA THE PRIOR 3-YEARS OF FILING FORMAL MOTIONS – NONE OF WHICH HAVE EVER BEEN DEEMED FRIVOLOUS.**

#### **BACKGROUND INFORMATION TO TAKE NOTE OF THE PRIOR JUDICIAL PROCESS HAS CREATED MUCH OF THIS CIRCUMSTANCE:**

It should be noted that in 2012 I motioned the court for an adjournment of the divorce trial which was oddly / unusually scheduled for two consecutive 3-4 day per week periods. I requested an adjournment precisely because the trial itself jeopardized my prior employment because I had no vacation time at Coleman Buick, GMC, Cadillac and I worked almost entirely for weekly commissions.

Despite my formal motion for an adjournment or rescheduling of the trial, I was forced to appear in court for the majority of work weeks. This in turn resulted in the loss of my job (via layoff).

I was forced to claim unemployment rather than return to work because:

1. The magnitude of the consequences of the divorce litigation and the later fraudulent FV complaint became my top priority, especially since the litigation and allegations materially complicated or obstructed my once regularly occurring parenting time (my #1 priority in life).
2. The demands of preparing for trial, filing motions, obtaining transcripts, making copies, etc prevented me from returning to work and adequately preparing for the litigation.
3. Returning to work was not an option because even if I returned to my prior career in software sales (which I frankly do not desire to continue), AND even if I made \$140,000 per year I would not be able to afford a lawyer to litigate at trial. Note here that December 2012 legal costs for an attorney would have been about \$10,000 (after tax cost per month) alone. Clearly such costs would have eclipsed my after tax earnings even if I had been able to obtain high paying employment. Effectively even if I returned to work I'd have not been any better off financially.

Now with my unemployment expired I simply do not have the resources to proceed to the court house or with this litigation as I would otherwise prefer to do.

**Note too the court further complicated my financial circumstances because:**

I was unable to collect all of my unemployment benefits, because Judge Fitzpatrick made apparently false allegations that resulted in my imprisonment and loss of unemployment benefits.

These above referenced allegations of Judge Fitzpatrick are apparently false based on the fact that Judge Fitzpatrick claimed to have received a harassing / threatening email from me on 8/9/2013. She initiated an investigation 8/14/2013, and sat on the bench in my combined dockets on 8/16/2013, where she then issued order for default in both the matrimonial matter and the FV docket without me present, and with counsel present who stated on the record that they were legally "conflicted".

The issuance of a order for a default in the FV matter violated several court rules and my due process rights. I notified Judge Grant, J.A.D. of the same on 8/19/2013 and later on 8/19/2013 a "AMENDED ORDER" was delivered to me by Judge Fitzpatrick (it appears to be back-dated to 8/16/2013).

This order states that the default in the FV was not intended to be issued (it was an error). Frankly, it is not credible for Judge Fitzpatrick to have stated that the court order for a default was "NOT INTENDED" to be issued, because the transcripts, the audio, and the written order all contain the same order, which presumably was issued intentionally, by both Judge Fitzpatrick's own mouth and hands.

While I understand the prior Supreme Court rules protect judges from discipline when they make an "error", so I must presume Judge Fitzpatrick ***intentionally issued a order for a default, despite the reasonable possibility that she had a conflict of interest, and ulterior motives.***

**Whether or not Judge Fitzpatrick issued the default in error – it must now be viewed as an act of Judicial Misconduct due to the new standards for the same issued by the Supreme Court on 1/27/2014...**

**Whether intentional or by error, my rights were violated by a partial judge who misled the participants in this case about her conflicts of interest.**

Background in FV matter:

The FV docket was improperly delayed, purportedly so that, I could complete a psychiatric evaluation that was not part of the independent FV matter, nor was the order for the same based on any expert report or properly given judicial notice supporting the same.

The FV docket has been improperly continued and the burdens on my parenting time / damages to my relationship with my children have been exponentially multiplied by the conduct of Judge Debello that frankly was unfair, unjust, and improper.

### CONCLUSION:

Given the above:

I am now looking to the court to take remedial action to ensure that the burden of this litigation is greatly decreased as it is excessively burdensome, and it has resulted in circumstances that threaten the appearance of a fair trial.

More importantly this litigation is destroying my ability to live a dignified life or provide for my children or myself. This ludicrous circumstance must finally be put to a just, if not timely, end.

While I understand that some of my requests are unusual and atypical.

I would offer too that this entire case has been atypical, past protocols and court rules have been violated and extreme burdens / unjust burdens have for years been born by the Defendant (myself).

As a result at this date and time, the court must now unfortunately share in the burdens that the court itself helped create.

I apologize for the inconvenience of the same but it is clearly a necessary inconvenience at this point in time.

While we can all agree that these circumstances were avoidable, the fact remains these circumstances now exist due to an amazing miscarriage of justice that has taken me from the top tax brackets to poverty.

These circumstances have devastated my entire family and at this point all we can do is pray for relief and pray for my children, because we've been rendered powerless with regard to our own family affairs and finances.

Kind Regards,

 Date: 2/4/2014

Derek Syphrett

Pro-se Litigant / Civil Libertarian – via training of the Chancery Division – Family Part (Mercer County)

cc: Judge Glenn Grant, J.A.D.

cc: John F. Rooney, Esq

cc: Jennifer Millner, Esq

cc: Elaina Baer, Esq

*Certification for use in any necessary legal proceeding*

*I hereby certify all aforementioned statements are true to the best of my knowledge. I may be held civilly or criminally liable if it can be proved these statements are willfully false.*