

Derek C. Syphrett
Pro se litigant (Defendant)
Fountayne Ln
Lawrence, NJ 08648

8/14/2014
2014 AUG 14 PM 4:03
RECEIVED

VIA HAND DELIVERY:

Judge Bookbinder, Judge Call, Judge Tomasello, Sharyn Sherman, and Court Clerk
Family Case Management Office
Superior Court of New Jersey, Chancery Division, Family Part (Burlington County)
49 Rancocas Rd
Mount Holly, NJ 08060

Emergency Request
~~Case~~

RE: DOCKET #: FV-03-1154-14 - Letter Brief (Change of Venue)
See Enclosures & Requests for Judicial Notice

Preliminary Statement & Statements of Fact:

I am self represented (pro se), in the above referenced matter. Please accept this letter brief in lieu of a more formal brief in support of the Defendant's Motion for Relief pursuant court rules 4:50/4:49 and the "in lieu of writ" filing which should be construed similar to a writ of mandamus and/or a writ of Habeas corpus.

Be advised: This will be one of two legal briefs I intend to file. I am submitting this brief today because I have to go to the court house to pick up a letter from Judge Bookbinder concerning the scheduling of the above captioned matter and other replies to questions I had my power of attorney Melissa Syphrett propound upon the court telephonically. SIMPLY PUT: I am submitting this partial list of arguments and facts today, because I am going to be in court anyway and I want these issues addressed as soon as possible by the court.

Note: Judge Bookbinder refused to email or fax the letter he composed today, so I have to burden myself with picking up the letter or otherwise be burdened with a delay in the delivery and discovery of the courts response to my questions. This is frankly off-putting because I asked the court to fax or email the letter as a courtesy. The court has faxed and accepted emails from my legal adversaries in FM-03-790-14 and Case # 13-2502 – BOTH heard in Burlington. I view Judge Bookbinders refusal to fax the letter per my request as a sign of partiality and bias of within this venue. Notably the court has sent and received electronic communications from my legal adversaries, yet the court partially has not extended me the same courtesy.

Please also be advised of the following facts regarding the motion filed with the court on 8/6/2014 in the above referenced matter:

STATEMENT OF FACTS AND LEGAL ARGUMENTS:

1. The "Immediate Appeal" (filed 3/1/2013, and never scheduled by the court via simultaneous notice to the parties): This motion is not my best work. In fact I rushed its production to ensure that it would be filed before the FRO hearing which was rescheduled after my first appearance and my request to file an immediate appeal after requesting limited discovery. The form of the

immediate appeal is not as ideal as I would have liked it to be (frankly its not well-written despite its high quality substantive and procedural arguments). However, since there are no rules for the form of an immediate appeal (in Mercer County) or in the statute I have attached, and re-submitted the immediate appeal in its original form.

2. Statement of fact: Judge Peter Warshaw was given my immediate appeal on 3/1/2013 after I served a copy to the Plaintiff's Attorney Ed Logan. Judge Warshaw refused / denied hearing the immediate appeal solely because the Plaintiff wasn't given notice of the hearing date. However, such notice (summons) is the responsibility of the court and not the Defendant. I raised this issue with Judge Marbrey during my second appearance and she said she would consult with the FV team and hear my arguments supporting the hearing of the immediate appeal. The case was later transferred and the court never again raised / addressed my immediate appeal filing despite it being timely filed prior to the FRO hearing date.
3. I submitted a motion for the dismissal of the TRO on 4/15/2013, which was denied based on a well-written but erroneous order by Judge Marbrey which stated that Judge Hoffman was not required to recuse himself due to the findings in Rivers v. Cox-Rivers. I filed a motion for reconsideration in time on 6/7/2013 and argued that the rule of necessity did not apply to Judge Hoffman's issuance of the TRO because he was not the only judge available to hear the Plaintiff's complaint on 2/8/2013. Further Judge Hoffman was a legal adversary of mine in FM-11-97-13 (a hostile witness) as of 2/5/2013 and so he did not appropriately recuse himself on 2/8/2013 (the date he issued the TRO in this matter).
4. On about 6/13/2013 I filed a motion with Judge Hoffman requesting his recusal retroactively and the vacatation of his TRO. On about 7/23/2013 Judge Hoffman recused himself via oral order due to the arguments I made and my citation of Rivers v. Cox Rivers. SEE EXHIBIT C in the motion papers filed previous to this letter brief to see copies of my notice of motion to Judge Hoffman and his 8/20/2013 order recusing himself from all my legal affairs.
5. The motion papers I filed with the court on 3/1/2013, 6/7/2013, and 12/11/2013 all contain evidence that the Plaintiffs complaint contains material false statements and impunes her credibility. SEE EXHIBIT C.
6. I requested limited Discovery pursuant Crespo v. Crespo and Depos precedents via my pre-trial motion papers. I subpoenaed the Plaintiff to produce the text messages from January – February 2013 and she did not produce the discovery pre-trial. Judge Marbrey stated at the the April Status hearing that if the Plaintiff did not produce the text messages as part of her case it would speak to her credibility as a witness (negatively).
7. The motion dated 6/7/2013 was converted to a motion in limine on the date of the FRO hearing which was originally scheduled and commenced in Mercer County on about 6/13/2013. I appeared at the FRO hearing and asked to proceed. Judge Marbry however erroneously took Judicial Notice from Judge Fitzpatrick with regard to a protected expert report submitted to the court as a defective certification for a subject named "Robin Bloom". Please take Judicial notice of the May 2013 expert report in FM-03-790-13 from Vivian Schnaidman to verify the defects in the affadavit.
8. I objected to Judge Marbrey taking Judicial Notice from Judge Fitzpatrick (as my position was that Judge Fitzpatrick had issued judicial notice in violation of the court rules and as a means to

strip me of my ability to represent myself after I filed complaints with the court against her).

9. Legal Argument: According to the *New Jersey Rules of Evidence* ("N.J.R.E.") 201 Judicial notice is limited to widely known facts, government documents, and matters that are not in dispute. My legal competence was disputed at the FRO hearing before Judge Marbrey. I asserted that I had demonstrated my legal competence (similar to the precedent in Kelsey v. Green Acres Verona) over the 3 years prior to the FRO date whereby I had successfully filed motions and had motions granted in the Family Part, therefore the court could not question my legal competence as it had already been demonstrated before the court.

I further argued orally that the court could not admit the expert report from the civil case FM-03-790-14 because it was not before the court, and the court had appointed no expert in FV-11-887-13 (now docketed as FV-03-1154-14).

10. For the above reasons I demanded the trial proceed in June 2013 as scheduled. Judge Marbrey adjourned the FRO trial and said she needed to research the issue. She never issued an order declaring me legally incompetent and the case was later transferred to Burlington County after sent letters to Judge Glenn Grant, Assignment Judge Mary Jacobson, and Chief Justice Rabner in November and January of 2013 and 2014 respectively – PLEASE TAKE JUDICIAL NOTICE OF THE LETTERS SENT TO THE COURT BETWEEN THESE DATES IN FM-03-790-13 / FV-11-887-13 (inclusive of their former and current docket numbers in Mercer and Burlington).

11. Once this case was transferred to Burlington County I encountered a very rude and hostile environment propounded by Judge Bookbinder and Judge Tomasello.

Specifically:

- a) Judge Bookbinder issued civil restraints restraining my access to the court after I sent a letter to the court expressing concerns about the possibility that motions were missing from my case file. I demanded to review the case files before the trial date in this matter. The court would not accommodate me and instead punished me for sending letters to the court and calling to confirm a date to review my files.
- b) Judge Tomasello ordered me to be removed from court in FV-03-1162-14 AFTER I made my first and only objection so that I could present evidence regarding fraud upon the court in that case. This was a denial of my due process rights and created a mistrial that has yet to be addressed by the court. It is extrinsic fraud to deny a witness access to the court or to bar a defendant from facing his accuser as Judge Tomasello did.
- c) Judge Tomasello often yelled at me or raised his voice during the hearings of my cases. He also alleged that my mental condition had deteriorated without citing any medical evidence or witness testimony. These behaviors were unseemly and inappropriate.

Legal Argument: I do not believe my legal matters should be scheduled for further hearings in Burlington County as the venue appears to be hostile, partial, and biased against my interests. I am escorted through the court house as if I am a criminal, I am not allowed to appear in court. Law clerks sometimes hang up the phone even when I am making an initial request for information about my cases, and the appearance of impartiality has been lost. Pursuant Court Rule 1:12-1(g) I believe that Judge Tomasello and Judge Bookbinder should be recused from

any attachment to my legal matters and the venue should be moved to a more convenient forum where I am not restrained from getting timely information from the court.

Please provide / request Clarification regarding Judge Marbrey, Judge Warshaw, and Judge Hoffman's previous court orders referenced above. Specifically:

1. I would like the court to request or order Judge Hoffman to clarify his order for his recusal from my legal affairs and cite a legal basis as his order is devoid of findings on the record orally or written.
2. I would like the court or Judge Warshaw to explain why the court did not issue notice for the immediate appeal
3. I would like Judge Marbrey to explain how the motions I filed and which were discussed in court on the record (6/7/2013 motion) were removed from my case file and not sent to Burlington County as they should have been. I'd also like an explanation of why my motion filed 12/11/2013 was not sent to Burlington after being stamped received by the court.
4. I would like the court to emergently consider a transfer of venue based on the legal arguments above. I would prefer a transfer to a venue nearer to my home than Burlington.
5. I request Judge Bookbinder formally quash his 2/6/2014, 2/19/2014, and 3/10/2014 court order given that he did not submit any evidence supporting his claims and I disputed those claims via oral argument. Further Judge Bookbinder in part cited my 2/4/2014 letters to the court as a reason for issuing restraints, despite the fact that my 2/4/2014 letter was necessary, appropriate and timely with regard to my request to view the case file. In fact it is likely a mistrial occurred because Judge Bookbinder did not appropriately schedule my access to the case file prior to the hearing in this matter as I requested in writing on 2/4/2014. Judge Bookbinder's court order now appears in this light to be heavy handed, overbearing, and contrary to the interest of Justice and efficient resolution of this case.

Very Truly,



Derek Syphrett

CC: Plaintiff c/o Court Clerk

February 4, 2014

Derek Syphrett
252 Fontayne Ln
Lawrenceville, NJ 08468

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 17th 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 17th 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).

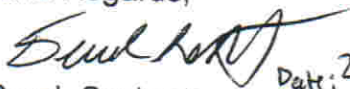
As a result at this date and time, the court must now unfortunately share in the burdens that the court itself helped create.

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.

Derek C. Syphrett
Pro se litigant (Defendant)
252 Fountayne Ln,
Lawrence Township, NJ 08648

August 7, 2014

POSTAL SERVICE W/ RETURN RECEIPT VIA THIRD PARTY VENDOR

Judge Call, Judge Bookbinder, Judge Tomasello, Sharyn Sherman & Court Clerk
Superior Court of New Jersey, Chancery Division, Family Part (Burlington County)
49 Rancocas Rd
Mount Holly, NJ 08060

RE: Bischoff v. Syphrett & Wallace v. Syphrett
Docket No.: FV-03-1154-14 & FM-03-790-14

Dear: Clerk & Judge Bookbinder:

Please stamp this letter received; read and respond as appropriate; and place it in the aforementioned files. Please also provide simultaneous delivery to Kathryn Bischoff so that this communication is not ex-parte with regard to one of the two dockets addressed by this letter. Please however note I continue to contest the validity of the restraints in both dockets as my 14th Amendment rights were violated and subject matter jurisdiction was lost by the court rendering all restraints legally void (not voidable).

Dear Judge Call:

I was informed by Sharyn Sherman that you were made aware that I appeared at the Superior court facility yesterday. I AM NOT AWARE IF I HAD EXPRESS PERMISSION FROM A SUPERIOR COURT JUDGE TO APPEAR IN THE BURLINGTON COURT FACILITY – NO SUCH PERMISSION WAS PROVIDED TO ME BEFORE HAND.

Regardless: I appeared to file legal documents and serve process for a motion which I consider urgent, therefore I do not believe the court can legally sanction me for appearing in court (as I assert litigation privilege as an attorney-in-fact when I appear in court - see Loigman v. Middletown 2006). The motion was filed in the interest of justice to correct apparent errors of the court and extrinsic fraud, which prevented me from being fully heard pursuant to court rules 1.6 and 1.7.

I am writing to thank you for allowing me to file my documents in a timely manner and in the interest of Justice, despite your failure to provide express permission.

I am also writing to request that you or another superior court judge provide me with written express permission to assert my litigation privileges with regard to correspondence and appearance at the court facility in the future at whatever dates and times I deem necessary. **The current regime whereby the court requires me to making individual mailed requests to access the court is inherently unfair, unjust, prejudicial, unnecessary, and discriminatory.**

Please be advised that I am very troubled and concerned that Judge Bookbinder's court order prohibiting me from appearing in court without express permission of a Superior Court Judge is contrary to the United States Constitution and my constitutionally protected right to access the court.

As a further explanation:

Please understand that I wanted to file my documents with the court and have process served upon the Plaintiff as soon as possible. Without appearing in court I yesterday to file my documents my ability to obtain the earliest possible court date would have been impeded.

Specifically, in order to serve the documents via mail and to have the documents then served by the court to the Plaintiff:

1. I would have had to use a mail service to gain permission to appear in court, OR
2. I would have had to mail all the documents to the court via regular mail or expedited mail at a cost of \$20 - \$56 dollars depending on whether I included expedited or regular mail.
3. The above mailing costs would have been a direct consequence of the court denying me physical access to the court to deliver my filed documents. These costs would be akin to a court access fee. These costs would amount to discrimination against myself and my right to access the court at a \$0 cost or a cost greater than my transportation costs. Further given that these fees do not apply to my legal adversaries such costs would be prejudicial to my ability to access the court in a fair and just manner.

Either way, mailing the documents would have delayed my filing beyond the date August 6, 2014 and likely delayed the ultimate scheduling of my hearing date regarding my court rule 4:50 / 4:49 motion and my "in lieu of writ" filing.

I firmly believe these unnecessary delays would have run contrary to the United States Constitution (my right to access the court), and the interests of (expedient justice).

IMPORTANT ISSUES & REQUESTS ADMINISTRATIVE ACTION ON:

First and foremost:

I feel that the court is acting in a biased and partial manner that effectively appears to be a form of discrimination against me either because of my race or because of my alleged mental condition. Either way Judge Bookbinder's court order is potentially a violation of the New Jersey Laws Against Discrimination (LAD) as the court is definitively a place of public accommodation.

By default my ability to enter and utilize the court facilities is a protected right not only under the Constitution but due to my status as a protected class under the LAD. As a result I am very concerned that I am receiving treatment from the court that violates the rule of law in this country and in this state under the LAD.

Secondly:

As a son of two survivors of segregation in the United States I can affirm that the treatment and court orders of Judge Bookbinder are similar to the "Jim Crow" laws of the deep south circa 1880. Judge Bookbinder's court orders diminish my rights as a citizen in a manner that is not consistent with due process (especially since he put no evidence before the court to support the orders he issued. Notably I contested his assertions ON THE RECORD and continue to contest his tentative disposition as being devoid of evidence and heavy on conclusory statements wholly unsupported by evidence put before the court).

Further: **Being escorted throughout the court at all times by Sheriff's Officers is a form of harassment** by the court. There is no finding that I am a threat to self, others, or property nor am I a suspect in any crime. As a result the court has no grounds for escorting me throughout the court at all times. **There are convicted & violent criminals in your courthouse every day who are not escorted throughout the court as I am. I will not pretend that the courts decision to escort me without any grounds or on the basis of my alleged mental condition is anything less than discriminatory and harassing. I am more than willing to sue the Sheriff or others who impede my access to the court under the color of law... I am retired and I have the time to do so, so I'd suggest these overt acts of discrimination are ceased and desisted immediately**

Thirdly:

Given the above it does not appear that the Burlington County vincinage has maintained the appearance of impartiality, fairness, transparency, or integrity with regard to the handling of my legal matters and/or in its treatment of my person or communications. As such I request the court consider transferring my case to a vincinage near my home.

Fourth & Most Importantly:

Please provide me with express written permission to appear in court to file documents or retrieve documents and/or contact court staff related to my legal affairs. Such permission should be provided globally and restore all rights and privileges generally afforded to citizens of this state.

At this time the state has no grounds for denying me any form of access to the court as the court can not claim that I am a threat to the court or personell nor can the court claim that I am a felon or an accused felon. I in fact have never been convicted of a "crime" and so I do not expect or accept being treated as a second class citizen / criminal suspect, by the court.

Fifth:

Please be advised if the court had not created / committed so many errors with regard to the handling of my legal matters, and then complicated things by creating a arcane communication regime my need to access the court or contact the court would be greatly reduced.

It is my position that Judge Bookbinder's prior court orders which included preventing or obstructing my communication with the court and potential witnesses in my legal matters before the court, in fact, have created ancillary communications and an increased need for me to address the court via letters and phone calls that would not have otherwise existed.

Worse Judge Bookbinder continues to blame me (the victim) for contacting the court in order to correct errors in judgement and unlawful acts on his part. This is not acceptable or responsible administration of the courts. Further Judge Bookbinders' conduct has not created efficiency but instead created extra work for the court and increased burdens on my time.

Sixth:

Should I need immediate access to the court in the interest of Justice I will appear in court to execute legal process at the earliest date possible consistent with my Constitutional right to access the court. My access to the court can not be denied and I will continue to enforce my constitutionally protected right to access the court regardless of Judge Bookbinder's attempts to issue unlawful, null, or void court orders.

To be clear:

I could not anticipate when I would complete the drafting of my motion papers, and so I could not send a letter to the court to request permission to appear in court ahead of time.

Once I decided the motion was "good enough" to be filed I had no other way of filing it on August 6, 2014, as mail service would have been to slow and Judge Bookbinder's Chambers is now refusing to take my phone calls to provide permission / consent to anything via telephone.

As a result Judge Bookbinder has created a hostile regime that obstructs my access to the court and obstructs justice / filings in the interest of justice. Clearly: If I had not appeared at court on August 6, 2014 I would have been denied access to the court on August 6, 2014. Such denial of access violates the United States Constitution and must be addressed by this court.

Seventh:

Please also note the letter from Margaret Umbro (Trial Court Administrator) which was sent to Judge Bookbinder with regard to the civil restraints being contrary to the interest of Justice. Please also note that Hopewell Municipal Court refused to abide by / enforce the restraints, instead they were treated as void.

Eighth:

Please take note that Judge Covert and/or Judge Bookbinder have further discriminated against me by denying me the right to email the court legal documents or letters, while simultaneously allowing the Mercer County Prosecutors office to deliver a motion for dismissal in Case # 13-2502 via electronic facsimile.

Judge Covert then ruled on the motion for dismissal sua sponte without allowing me any opportunity to be heard with regard to the motion, despite my pre-trial pleading that the entire case represented a fraud upon the court. I was shocked to see the court dismiss the case after accepting an ex-parte motion from the Prosecutors office via electronic delivery, especially given that the court has prohibited me from submitting any documents via electronic delivery. Such actions by the court were clearly prejudicial, unfair, and unjust.

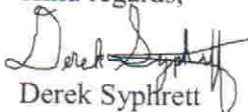
All of the above issues support my position that the impartiality, fairness, and unbiased nature of the Burlington Superior Court with regard to my matters are now a material legal question. As a result of the above I believe that the "appearance" of impartiality has been lost at the Burlington County vincinage of the Superior Court of New Jersey. Further it appears that Judge Bookbinder has not fulfilled his legal responsibility with regard to prudential administration of the court rules in Burlington County.

Unfortunately I believe that all of my cases must again be transferred elsewhere.

Additionally, Judge Bookbinder and Judge Tomasello may in the future need to testify as witnesses with regard to their conduct along with Judge Fitzpatrick, Judge Marbrey, and court staff may need to testify to explain how and why some of my pleadings were lost / removed from my case files prior to trial dates, even after these pleadings were stamped filed / received by the court AND even after some of the pleadings were put before the court, ON THE RECORD, by Judge Marbrey (indicating that such motions were clearly in the file prior to the trial of FV-03-1554-13).

Thank you for your anticipated thoughtful consideration of the above concerns.

Kind regards,


Derek Syphrett

cc: Kathryn Bischoff (Pro Se Plaintiff) – **Court Clerk To Deliver Copy Pursuant "Procedure Manual"**
cc: Jennifer Millner (Plaintiff's counsel) / Margaret Wallace Plaintiff
cc: Lawrence Sheller, Esq (consulting lawyer).
cc: Judge Glenn Grant, J.A.D.
cc: Advisory Committee on Judicial Conduct
cc: Chief Justice Rabner
cc: Anonymous Investigative Journalists
cc: F.B.I.
cc: U.S. Attorney's Office (RE: FBI Investigation of Color of Law Abuses related to this matter)

Derek C. Syphrett
Pro se litigant (Defendant)
252 Fountayne Ln,
Lawrence Township, NJ 08648

August 13, 2014

POSTAL SERVICE W/ RETURN RECEIPT VIA THIRD PARTY VENDOR

Judge Bookbinder, Judge Call, Judge Tomasello, Sharyn Sherman, and Court Clerk
Superior Court of New Jersey, Chancery Division, Family Part (Burlington County)
49 Rancocas Rd
Mount Holly, NJ 08060

RE: Judge Bookbinder's Court Orders create *Forum non conveniens* / appearance of bias / Hostile Environment for my litigation.

Dear Judges and court staff:

Please be advised that I have submitted a motion and exhibits in FV-03-1154-14 that clearly and convincingly demonstrate that the Superior Court Family Part of Burlington County did not properly handle my legal matters, nor did the court properly address my concerns about the court files sent from Mercer County as I originally requested via telephone around 1/31/2013 and via my 2/4/2014 letter to Judge Call and Judge Bookbinder (see enclosure).

I am extremely concerned and frankly upset that the court failed to allow me to be fully heard in FV-03-1154-14 despite the court orders and promises of Judge Marbrey that my 6/7/2014 motion and my concerns about the courts failure to properly handle my immediate appeal would be handled appropriately by the court.

Worse:

Judge Bookbinder actually saw fit to punish (sanction) / restrain me for communicating with the court via letters which SPECIFICALLY ADDRESSED MY CONCERNS THAT THE CASE FILES YOU RECEIVED FROM MERCER WERE DEFECTIVE AND INCOMPLETE.

Worse Still:

I REQUESTED TO EXAMINE THESE FILES PRIOR TO THE TRIAL IN FV-03-1154-14 PRECISELY SO THAT THE PLAINTIFF AND I WOULDN'T BE BURDENED BY THE COURTS FAILURE TO KEEP AN INTACT FILE.

Worse Still:

The court denied my access to the court files until after FV-03-1154-14 was scheduled for trial and the court proceeded without reviewing or appropriately handling the motions I timely filed with the court.

The result is:

The court has now created a circumstance where it appears needlessly and maliciously hostile toward my communication with the court for information that is important and necessary for my ability to properly address the litigation that was put before the court by the Plaintiff (albeit based upon false allegations which are also clearly refuted by the exhibits filed in the "missing" motions that I have now re-sent to the court in my latest motion).

I do not believe that it would be appropriate for the trial or further hearings of this matter to move forward in Burlington's court facilities.

Judge Bookbinder has clearly prejudiced my ability to get a fair and efficient trial in Burlington as is evident by the events described above.

Again: rather than allowing me to review the file as I requested in my 2/4/2014 letter, Judge Bookbinder instead chose to hold a status hearing on 2/6/2014 and where he:

1. mocked me for sending a letter to the court about my concerns:
2. claimed that he couldn't understand my letter or why I sent it (when the letter is quite clear with regards to the ends it sought).

NOTE: The letter was well understood by my lawyer and family members, so Judge Bookbinder's mock concerns / confusion frankly appear on their face to be nothing but a dirty trick by a malicious judge in cahoots with the Mercer County Judges / Court Staff that altered my case file. SEE ENCLOSURE.

3. Used my letter requesting access to my file as an excuse to prohibit me from calling the court or appearing in court without EXPRESS PERMISSION from a Superior Court Judge

All of the above issues have created a circumstance where I feel unwelcomed and unsafe in the Burlington Courthouse. I also feel that the communication regime between the courthouse and myself is an impediment to my ability to proceed with the litigation before the court or to get timely information about the status of the pending motions trial / hearing date. This further complicates my ability to timely send subpoenas etc.

FOR THE ABOVE REASONS:

MOTION FOR RELIEF IN LIEU OF WRIT:

1. I REQUEST ALL MY CASE FILES BE TRANSFERRED TO ANOTHER COURT HOUSE WHERE THE APPEARANCE OF FAIRNESS CAN BE RESTORED GIVEN THAT IT NO LONGER EXISTS IN BURLINGTON COUNTY, DUE TO THE CONDUCT, COURT ORDERS, AND MISHANDLING OF MY PRIOR MOTIONS.
2. I REQUEST THAT JUDGE BOOKBINDER ISSUE A WRITTEN APOLOGY TO THE PLAINTIFF AND TO MYSELF FOR NOT ALLOWING ME ACCESS TO THE CASE FILE IN FV-03-1154-14 PRIOR TO THE TRIAL DATE, AS HIS FAILURE TO FULLFILL HIS PRUDENTIAL ADMINISTRATIVE DUTIES HAS NOW BURDENED THE PLAINTIFF AND I WITH ADDITIONAL LITIGATION THAT WOULD NOT HAVE BEEN NECESSARY HAD THE COURT CONFIRMED THAT IT RECEIVED THE ENTIRETY OF THE CASE FILE AND MY PRIOR MOTIONS.
3. I REQUEST AN EMERGENT STATUS HEARING BE HELD TO DISCUSS MY GRAVE CONCERNS ABOUT THE HOSTILE ENVIRONMENT THAT HAS BEEN CREATED IN BURLINGTON WITH REGARD TO MY ACCESS TO THE COURTS AND JUSTICE.

NOTE: I VIEW THE COURTS ACTIONS TO DATE TO BE AN EXTENSION OF OBSTRUCTIONS OF JUSTICE THAT BEGAN IN MERCER COUNTY

4. I REQUEST THE PREVIOUSLY ISSUED RESTRAINTS OF MY ACCESS TO THE COURT BE IMMEDIATELY VACATED – AS CURRENT FACTS VINDICATE MY EARLIER COMMUNICATIONS AS BEING TIMELY, NECESSARY, AND APPROPRIATE.

5. I REQUEST THAT JUDGE BOOKBINDER USE THIS OPPORTUNITY TO RECUSE HIMSELF FROM FURTHER INVOLVEMENT IN THIS MATTER INCLUDING THE ASSIGNMENT OF THE CASE PURSUANT COURT RULE 1:12-1(g) as I believe and I have confirmed that reasonable people such as Tamora Syphrett, Melissa Syphrett, FBI agent Addison, John Rooney, Esq, etc all believe that I will not have a fair hearing in Burlington County due to the past and present actions of Judge Bookbinder and his failure to address fundamental issues of fairness and efficiency.

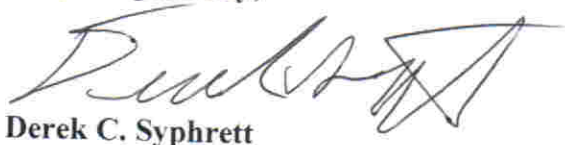
Please call me immediately to schedule a status hearing because I should not have to wait much longer to finally have this long-lived case dealt with appropriately by the court nor should I be further burdened with the uncertainties created by the court's failure to provide due-process under the law.

Please kindly see the enclosed letter from 2/4/2014 which clearly and convincingly shows that I tried very hard to avoid having my prior proceedings damaged by the actions of Mercer County's court staff (removal of my previously filed motion papers from the case file). The court should be ashamed that it didn't heed my concerns in a timely manner – its an outrage!

Lastly:

Please note that the F.B.I. Filed two investigations regarding the actions of the Mercer County Court Staff and Sheriff's Office. Both F.B.I. Files recommended prosecution and I continue to work with the U.S. Attorneys office and investigative reporters to fully expose the injustice that I've suffered for simply trying to get a fair trial.

Very Respectfully,



Derek C. Syphrett

P.S.

I've been extremely patient under the above described circumstances. I believe your agencies & personnel are continuing a pattern of abuse that began with my kidnapping on 8/19/2013.

cc: Kathryn Bischoff (Pro Se Plaintiff) – **Court Clerk To Deliver Copy Pursuant "Procedure Manual"**
cc: Jennifer Millner (Plaintiff's counsel) / Margaret Wallace Plaintiff
cc: Lawrence Sheller, Esq (consulting lawyer).
cc: Judge Glenn Grant, J.A.D.
cc: Advisory Committee on Judicial Conduct
cc: Chief Justice Rabner
cc: Anonymous Investigative Journalists
cc: F.B.I.
cc: U.S. Attorney's Office (RE: FBI Investigation of Color of Law Abuses related to this matter)