

34 Franklin St.  
Lyons, NY 14489  
October 10, 2008

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

Case No: 05070051.01  
Ticket: LT866460.0

Dear Judge Forgione and Assistant DA Wunder:

This is a motion for dismissal in the 'Interest of Justice' or adjournment of any pending action regarding an unpaid fine. I hope this can be resolved Wednesday (at 08:30 AM) in Lyons Village Court. I've tried to take care of it in an honest & forthright fashion and that's why [I wrote you September 17<sup>th</sup>](#). I'm concerned by your response.

This is a small town. We know each other and both of you have known my family for years. Why would two State Troopers from Lyons follow me all the way to Macedon (where I had to appear in Court Tuesday night). Wait for me to finish and then handcuff me for an arrest warrant you wrote back on Sept. 26. I had to leave my car there and they took me back to Lyons to see you in Court – it didn't make any sense!

I live right in town. You could have just called me to Court. I asked the troopers why and they said it was 'easier' for them? They had my letter from Sep 17<sup>th</sup>, followed me knowing I was driving with a suspended license – but that was okay? They said I would be going to jail till a \$300 fine was paid. It scared me and caused me a lot of worry. I'm lucky they didn't barge into my house at night!

At arraignment you told me, “John, you can't beat the system. You're just one man. One man against 300 million... You can't win.” I was glad you decided to adjourn it until the 15<sup>th</sup> when the ADA could be there and respond to my request for dismissal. You said one thing I didn't understand, “John, I can't dismiss this unless the DA is here and agrees.” I thought the Judge decided justice?

*There is one thing I do understand – this thing is getting crazy and out of control. Any thoughts of 'justice' seem long gone. I'm not in competition with either of you gentleman and I'm certainly not trying to 'beat' you or the system. What I want is to be left alone so I can take care of my community and my family (especially my son).*

[The conviction three years ago](#) for unlicensed operation already drove my insurance up. I'm paying almost \$400 more every 6 months. That would have been money to help my son – what's the goal? It's a bad law that connects child support and driving – it's VERY bad when applied by computer accounting and no human judgment. To be treated this way in my own home town has shocked me and I hope other people.

*Please understand I will not ever voluntarily pay that fine – I would be guilty of deceit and lack of Faith if I did so. I don't expect a perfect system. If this had been a ticket about rolling through a stop sign (when I was sure I stopped) – if I lost in Court I would just pay the fine. Mistakes happen and it's not worth the hassle.*

This was caused by New York saying, "You're behind in child support! You're a bad parent. We're going to make it easy to have you arrested and jailed by suspending your license." But – I'm not a bad parent and I've always acted for the best of my son Domenic. He's 15 and we love each other very much. I'm not behind in providing the love & support he deserves and which is my great joy to give. *We are the lucky ones in a Family Law system that has destroyed so many parent-child relationships!*

What a disgrace I'd be if fear caused me to fail in my Faith and just go along. The 'bad law' would just keep going on. Judge, I didn't get an answer when I asked, "If this was Alabama in the 40's and I was a black man who sat in the front of a bus – would you expect me to pay the fine?" Let's be honest now. The DA would have prosecuted me and you would have found me guilty and jailed me.

*And you know what? There's nothing evil in that. A lot of good-church-going people felt laws that kept the races apart were okay.*

What kept it going? Blacks quietly moving to the back of the bus (because it was the law). Giving up their own human dignity because they were afraid (with good reason to be!). It stopped when they peacefully asserted their dignity and were willing to sacrifice for what they believed in without hurting others. Finally, those good-church-going people's eyes were opened toward their neighbors – the Black sisters & brothers they didn't know they had – and saw them with dignity.

*I now understand your strong desire to jail me on this and force me to comply. I have no ill-will toward any of you. I know you are doing what you think is right – as am I.*

If you jail me against my will, I'll do very-hard time. They can carry me from Village court to the jail and anywhere else they want me. I will not be rude or resist, but just remain passive. I will not eat or drink voluntarily. I expect them to use medical means like a nasal-gastric tube to keep me hydrated and fed. **This is NOT a hunger strike.** I do not want to hurt myself. But my only fair response to such an unjust sentence is to maximize my sacrifice and the amount of effort you must use to hold me captive as a prisoner. I'm not unfamiliar with jail and how they may react – it will be painful.

I'm also sure you know I'll follow through with this as I did in Onondaga County for four months. It was an awful experience and I thank God I'm still alive and in good health. The really sad part of this whole mess is we're going to do it all over again in Macedon in a few months. I have a trial there scheduled for December 8<sup>th</sup> ..

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:** Mr. Richard Wunder, District Attorney, 54 Broad St. Lyons, NY 14489

**CC:** Judge Ronald Reinstein, 32 Main Street, Macedon, NY 14502

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

**Attach:** [Catholic Courier Article](#).