

# TESTIMONY OF MARGARITA WALTER

## October 28, 2013 Public Hearing Moreland Commission to Investigate Public Corruption

My name is Margarita Walter. I am a disabled litigant who previously testified on September 17, 2013 to this Moreland Commission of the pretextual schemes to discredit me<sup>1</sup> and others UNDER THE GUISE OF A FAIR JUDICIAL SYSTEM with the intent to undermine my whistleblowing efforts of the co-conspiratorial public corruption in NYS and of the unconscionable reprisals including but not limited to precluding access to my three children for over 7 years. Additionally, I testified of the clandestine theft of all my possessions, thus, furthering the persecution and the cruel and excessive punishment.<sup>2</sup> Clearly, NYS's recent history underscores a substantial problem in the judicial and political systems allowing and concealing corrupt influences which are largely responsible for coining the PERNICIOUS PHENOMENOM<sup>3</sup> in the United States.

As a constituent of New York State, I've reported to the courts and many oversight forums about the pervasive corruption of elected officials particularly Supreme Court Judges in

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<sup>1</sup> On April 10, 2006 the NY Post reported that I among others in the public raised issues of improprieties in the Matrimonial Part of the Westchester County Supreme Court. In June 26, 2006, as a direct result of a related investigation, the Office of Court Administration ousted all the judges (including then certificate W. Denis Donovan and certain referees (including James Montagnino) from the part only to reassign them to other jurisdictions or positions. Both **Montagnino who was unauthorized on my matter and others and all proceedings and orders were void ab initio and Donovan who lacked subject matter jurisdiction and could not be empowered with jurisdiction co-conspired to issue an unlawful Divorce decree that was unsigned and then signed years later when Donovan was no longer certificated. Montagnini sought endorsements from ATTORNEYS that were before him AND MONIED SPOUSES in exchange for favorable predetermined outcomes.** On October 10, 2006 after numerous lengthy court proceedings with Westchester County Supreme Court Judge John LaCava and formerly Acting Supervising Judge Anthony Scarpino rendered a decision to preserve the custodial residency of my three children with me, their biological Mother reaffirming the argument by the adversary that I was indeed highly fit and a capable nurturing mother, to extend the spousal and child support in order to continue living in the house the children were accustomed to all of their lives, the latter which was subject to the outcome of an appeal that I concurrently, self represented as propia persona significantly struggled through the chain of legal remedies addressing substantive collusive references, lack of subject matter jurisdiction, unauthorized an unlawful appointment of a referee which generated all proceedings and alleged orders void ab initio and much more. Paradoxically, one week later, the adversary went to a different court (family) with claims of my unfitness and on October 14, 2006 merely four days after he and his attorney and Honorable LaCava's ruled affirming my primary custodianship, my children were KIDNAPPED by the adversary infinito endorsed with FRAUD UPON THE COURT thereafter to date. With NO phone calls, no access to them as if I never existed. In March 20, 2007, the Appellate Division 2<sup>nd</sup> Department issued a decision that I was owed Back child support which calculation amounts to over \$100,000. None of which was ever paid despite my numerous court applications and his ability to pay back support I had to rigorously fight for. (Of interest, it should be noted that Judge Scarpino received a \$400,000 loan from the Hudson Valley Bank that would not have to ever be repaid in exchange for turning over to the bank the 200 million Carvel estate). In 2004 Montagnino and Donovan concealed the unlawful<sup>22</sup> Years after my children were legally abducted in October 2006, I came across a website that indicated John Walter, my monied spouse, President and CEO of the Leukemia and Lymphoma Society headquartered in White Plains, NY that states Walter told the owner of the website he had been arrested for child molestation of a young child. I was first apprised of this over a year **after** my kids were kidnapped. What is OUTRAGEOUS AND MISLEADING is that this egregious information had not been presented in court or to me the biological mother and the primary custodian at that juncture. I am entitled to justice but without the right connections and money in NYS there is no hope.

<sup>3</sup> Yale Law Journal, Tony Fredianelli 2009

Westchester County and more, all of which was unveiled from my numerous years entrenched in brutal litigation.

Moreover, upon information and belief, CAMPAIGN BALLOTS of many public elected officials ARE READILY BOUGHT AND RACES ARE FIXED within this jurisdiction for a very long time as succinctly elaborated in the Westchester Guardian in March 6, 2008.<sup>4</sup> No change will occur devoid of change in the underlying election process.

Regardless of the attention given to the WANTING of FAIR elections, the practice and pattern of these lawyers and prospective NYS Court Judges are assured a seat by simply BUYING a table or two for \$15,000 to \$30,000 and more to a political function and of no surprise a platform becomes available to them for candidacy on the ballot for that political party. To name a few, this practice was employed by Judges Sam Walker, Gerry Loehr, Les Adler and many more.

Unequivocally, outrage looms in NYS especially in the home place of our current Governor Andrew Cuomo in Westchester County within the 9<sup>th</sup> judicial district. Appointed judgeships are selected by who you know as evinced by the ongoing placement Robert Neary to the NYS Court of Claims which is parallel to the NYS Supreme Court and periodically role plays as Acting Judge by, the most unscrupulous former Assistant District Attorney employed during former DA Jeanine Pirro's<sup>5</sup> 12 year reign, who knowingly sent innocent people to prison. and then, after running twice for Supreme Court Judgeship unsuccessfully has been consistently appointed as judge merely because of his close association to a college friend who chaired the NYS Senate Judicial Nominating committee. Moreover, this Acting Supreme Court Judge Neary, grossly violated the ADAAA federal mandates in 2011 and more, notwithstanding it was reported to the current DA office under Janet De Fiore, the Commission of Judicial Conduct, the NYS Attorney General, Inspector General and the Appellate Division of the 2<sup>nd</sup> Department and more. Nonetheless, all of my filings were futile as I either had no response from the various forums or no further action was taken by the authorities. Categorically, Neary's gross misconduct and the related contravention to the rights of the protected class of disabled litigants has been systemically covered up by sanitizing court records and more, thus, defeating the probative value of integrity in the court documents, accordingly.

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Now, anyone who is even moderately familiar with the election process in Westchester County, over the last 15 years, particularly, knows that there has been a lot of election fraud before, during, and after balloting. The two instances above cited each implicate the election process; in the first instance, directly, and in the present instance, indirectly.

While it is true that the United States Attorney's Office, and the Justice Department, recently, aggressively, and successfully tried the Port Chester At-Large Election System case, we are not aware of any current effort by those agencies to look into instances of election fraud, clearly an area of particular relevance to federal prosecutors. Those close to the election process in Yonkers know only too well that, had it not been for the presence of federal monitors at the polls in 2006, the outcome of the election for State Senate in the 35th District, might very well have resembled what happened in 2004, which saw the longest post-election dispute in state history; more than three months of judicial manipulation and fraud to produce the cynical 18-vote victory for Nick Spano from a 355-vote defeat, Westchester Guardian March 6, 2008.

<sup>5</sup> In 2000 State Senator Nick Spano, a close ally and frequent co-conspirator of Pirro's, was locked in a tough race, attempting to win his eighth term, against a very determined Democratic opponent, Tom Abinanti, of Greenburgh. Spano's wunderkind campaign director, Anthony Mangone; a disgrace to the legal profession, everywhere but in Westchester, in fact, had committed massive election fraud, signing, by forgery, 166 Green Party Primary Nominating ballots for Nick. Dennis Wedra was a natural enemy and target of Pirro in her perception, as he was a Democratic operative in the City of Yonkers. Knowing full well that Mangone had personally forged all the ballots, Pirro, nevertheless, granted him full immunity and made him the chief Prosecution witness against Wedra, a man who was clearly innocent of the fraud, Westchester Guardian March 6, 2008.

Also, in the 2005 election for District Attorney Westchester county Janet DeFiore, did not win but was installed as the outcome was RIGGED. Janet DeFiore, the current District Attorney for Westchester County was underhandedly PREARRANGED. Francis Nicolai, the then Administrative Judge of the 9<sup>th</sup> Judicial District assured Janet De Fiore three days in advance of the 2005 election that the machines would be impounded throughout Westchester County, thus, resulting in hundreds of machines placed in storage in the city of Yonkers at a location on Saw Mill River Road<sup>6</sup>. Two days before the election, the Yonkers Police Department held a rally for Janet DeFiore and despite the inherent conflict of interests, those same police were entrusted to guard the machines. Clearly, on the day of the recount the machines had been were conspicuously tampered with, as seals on more than a dozen machines were broken and furthermore, the # of ballots did not correlate with to the # of votes for Tony Castro. Categorically, the impounding of the machines enabled the fraudulent tampering that became evident as the votes were recounted.

The mob like practices of our Westchester County Election fraud is emphatically cited by Anthony DiCinthio, an Eastchester attorney, who was running for District Attorney on the Right-To-Life ticket, who went to the FBI to report an attempt to bribe him off the ballot, as was reported in the New York Times. However, the FBI did not follow through, a fact that does not bode well in the minds of those who are expecting the Federal Government to clean up Westchester corruption. To make matters worse, the Chief Administrative Judge, Frank Nicolai, responded favorably to a request from the Republican candidate seeking, three days in advance of the election, to impound the voting machines; a clear, tell-tale act, given that when a candidate seeks to get a court-ordered impound of voting machines, they must allege some irregularity, some impropriety in the conduct of the election, clearly not possible three days before the contest is run, see Westchester Guardian March 6, 2008.

I look forward to giving further testimony under oath, to answering questions, and to furnishing documents to substantiate the corruption in my case and others.

Very truly yours,

Margarita T. Walter  
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<sup>6</sup> Over 40% of the electorate

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