

TESTIMONY OF MARGARITA WALTER
September 17, 2013 Public Hearing
Commission to Investigate Public Corruption

I'm Margarita Walter, a disabled mother of three children, a Cuban-born naturalized American citizen and constituent of New York State whose family fled the communist regime in 1959 controlled by Fidel Castro, seeking freedom and human rights in the United States of America. We fled directly to NY.

Today, I live in shock after my children were KIDNAPPED and I was LOOTED OF ALL MY ASSETS orchestrated by a pretextual conspiratorial scheme of CASE FIXING in the New York Court system, arising from a simple matrimonial action in the Westchester County Supreme Court, index #17328/01.

Over the past 12 years, I have been subjected to cruel and retaliatory tactics for exposing egregious misconduct of steering and racketeering, substantive collusive references, cover-ups, gender and ethnic discrimination, record tampering, blatant conflicts of interests, fraudulent activities including fraud upon the court and obstruction of justice perpetrated by the very officers of the court¹ and more, resulting in unlawful orders including my purported Judgment of Divorce in May 2005². The same has occurred to others similarly situated.³

¹ Shortly after I commenced a matrimonial action in October 2001 which escalated to a highly contentious litigation, I learned of other non-monied mothers, particularly those protective of their children from abuse, similarly situated as I am, that were routinely stripped of their financial resources to provide and protect themselves and their children in court. Battered and assaulted with the systemic legal abuse emanating from gross conflicts of interests among officers of the court, collusive references and more, I began a courageous campaign to challenge the corruption and to report of the racketeering activities between certain judges and attorneys and of their respective electoral and other motives to predetermine matrimonial cases.

² I have not been allowed to see nor speak to my three children in nearly 7 years due to the utter corruption of then-Administrative Judge Francis Nicolai and then-matrimonial supervising Judge Anthony Scarpino, and how they personally controlled all matters in my Westchester County divorce proceedings to help my influential husband and coerce an unlawful decree. People correctly fear these two judges because they can, and do, destroy anyone.

Additionally, I can testify as to the widespread practice of *ex parte* communication, court "findings" without jurisdiction, and the illegal destruction of court case documents. The damage by these named officers of the court, Judges Nicolai and Scarpino, continues to this day – as I'm a loving mother whose three beautiful children were abruptly and unlawfully stolen.

Everyone involved in my case was effectively chilled and forced to turn on me as directed by Judges Scarpino and Nicolai. In fact, Judge Nicolai not only told all participants in my case how to specifically proceed (including judges), but Judge Nicolai appointed himself to preside over many of my case hearings concerning money. Judges Scarpino and Nicolai manifested their disregard for the welfare of children and families – and their record shows a sad priority: legal billing, non-profit organizations, banks and more- the collective control of big money.

In fact, during the Senate Judiciary Committee's June 8, 2009 hearing on the Commission on Judicial Conduct and attorney disciplinary system, James Montagnino, a former court attorney in Westchester County testified of corrupt influences perpetrated by Judge Nicolai and that matrimonial records which are permanent records were intentionally ordered of certain attorneys and parties to be discarded into dumpsters, with Judge Scarpino and others improperly looking the other way.

The unlawful withholding of my children with NO access since 2006⁴ is a devastating outcome similar to legal abduction by way of forcing a *de facto* termination of parental rights from their biological mother, a disabled litigant that is now torturously nearing seven years. I have been stripped of my fundamental parental rights, due process and equal protection under the retaliation section of the Americans with Disabilities Act, all of which occurred without an impartial, full and fair hearing, including and not limited to preclusion of my “participatory and testimonial access” to the court proceedings and orders issued therein.

Many other constituents have made identical claims as I have made against court and prosecutorial officials. As a whistle blower, I have filed numerous pertinent motion applications, civil and criminal complaints and legal malpractice lawsuits since 2003, and also reported related improprieties to various oversight forums and others including but not limited to U.S. Attorneys Preet Bharara and formerly Michael Garcia, the FBI, the U.S. Inspector General, and other agencies of the U.S. Department of Justice, including the Civil Rights Division, and all U.S. and New York State legislators and committees, the New York State Attorney General, New York State Governors (Gov. Cuomo and former Gov. Spitzer), New York State Inspector Generals, the Inspector General of the Office of Court Administration, Sherrill Spatz, New York State Chief Judges Jonathan Lippman and former Chief Judge Judith Kaye, Judge Jacqueline Silberman, the New York State Commission on Judicial Conduct, the attorney disciplinary committees, Westchester and New York City District Attorneys and many more .

My underlying lawsuits include **RICO** claims in New York that may be legally related to other New York Supreme Court whistleblower lawsuits exposing a mass of conflicts of interests in public offices and Title 18 obstruction of justice. The lack of responsible oversight is wholly buttressed by my complaints and court applications filed within the New York State judicial system and the U.S. Court in the Southern District of New York. Upon request, I would be pleased to provide further elaboration.

The testimonies given at the Senate Judiciary Committee’s public hearings on the Commission on Judicial Conduct and attorney disciplinary system on June 8, 2009 (in Albany)

Outrageously, and under Judge Nicolai's administrative leadership, ALL investigative reports and documents disappeared concerning the actual arrest of my children's father, John Walter, for child molestation of a young girl. The monied spouse, John Walter, is President and CEO of the Leukemia & Lymphoma Society (LLS) and highly connected in Westchester County.
<http://exposecorruptcourts.blogspot.com/2013/03/another-formal-request-for-ny-judicial.html>

³ The Office of Court Administration “historical rotation” of the judges and referees from the Matrimonial Part in the Supreme Court as reported in the June 26, 2006 New York Law Journal stemmed from the pattern of unlawful practices raised by the public which was underscored as gender bias against women in the courts in the April 10, 2006 New York Post which featured my cooperation with the investigation.

⁴ The unlawful withholding of my children began in October 2006, shortly after my instrumental involvement and my cooperation with the Inspector General with an investigation led by the Office of Court Administration, for which I received a July 3, 2006 letter of gratitude from Jan Plumadore, NYS Deputy Administrative Judge that corrective action was taken as James Montagnino and former Administrative Judge of the 9th District Francis Nicolai actively engaged in case fixing. The Inspector General investigation resulted in nothing more than a temporary reassignment of Matrimonial Part judges and referee(s). ...<http://exposecorruptcourts.blog.spot.com/>

and on September 24, 2009 (in Manhattan) under its then chairman, Senator John Sampson reflect the breakdown in the integrity of the courts. I was to have testified at the Committee's December 16, 2009 public hearing in Manhattan about the steering and racketeering of certain high powered attorneys working in concert with judges and others in Westchester County, but after I was scheduled, the hearing was cancelled.

As others have similarly encountered, corrupt influence and pervasive conspiracy exists wherever you turn in New York.

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,

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