

DOCKET: UWY FA 10 4022991

SUPERIOR COURT

WILLIAM GROHS (deceased)

J.D. OF WATERBURY

v.

AT WATERBURY

KELLY GROHS

MARCH 16, 2020

DIRECT APPEAL TO THE STATE SUPREME COURT §52-265a

PB §83-1

Direct appeal under Connecticut General Statute §52-265a is brought in substantial public interest caused by order of Coleman, J, where he stripped a fit mother of custody of her daughters to the benefit of an unrelated third party under the guise of a feigned state interest, under *Fish v Fish, 285 Conn 24*, a twisted decision fabricated to salvage facially unconstitutional intervention statutes, which serve no purpose in law or human decency but undermine public policy supporting strong families; deprivation of religious freedom, notwithstanding.

Question of law: Is there a federal deprivation of rights when a state civil court robs a fit mother of her children to benefit a third party, feigning state interest absent a state petition?

Substantial public interest: A civilized Christian society holds cause to protect parent-child bonds. The U.S. Supreme Court ruled: "It is not within the province of the state to make significant decisions concerning the custody of children merely because it could make a 'better' decision." *Troxel v Granville, 530 US 57, 63*. The authority of the family court does not include stripping custody from a fit parent to traffic children and their inheritance to a 'stepmother' when the parents dissolved their marriage by agreement, stipulating joint custody nine years earlier. Coleman, J, commits child trafficking, in failure of due process and equal protection. Coleman's conduct is contrary

to public policy to support strong families and protect children. Coleman ignores the court's own practice set down in PB §25-50, incites imminent lawless action and undermines public trust in the judiciary, while committing child abuse. The fact that Coleman failed to issue a parenting plan, visitation schedule or child support order, all being required by law, betrays his sinister cause, which seizes public attention.

Delay works substantial injustice, condones denial of due process abandons equal protection, upholds judicial tyranny, perpetrates judicial fraud and deceit, enables judicial terrorism; silently eliminates protected rights under veil of judicial discretion and traffics two children outside the law, undermining public confidence in the judiciary. The misconduct of Coleman, J, is so egregious that immediate remedy is required to deal with him as a domestic enemy of the Constitution. Normal appellate procedure, taking on average two years to opinion, inflicts harm upon the children and reinforces the court's already notorious reputation for abusing children under the color of State dissolution laws; defense of the Constitution being requisite.

Argument

The twisted opinion in *Fish v Fish*, 285 Conn 24, attempts to save the State's intervention statues from demise on vagueness by applying a construction of unbridled judicial discretion. Coleman, J, demonstrates that no practice procedure, constitutional protection or element of human decency can overcome the ruthless terror of absolute judicial discretion. Discretion assumes a 'dispute'. Discretion characterizes 'a parent-like relationship'. Discretion feigns an unspecified 'detriment'. Discretion creates an 'emergency'. Imagination finds 'state interest'.

Coleman stole two girls from their mother and extended maternal family because of his personal opinion that he was serving a state interest, where the State advanced no petition. Coleman made a personal opinion that an 'incapacitated' litigant could prosecute a dispute from his death bed. Coleman made a personal opinion of what was 'parent-like'. Coleman made a personal opinion that children in the care of their own 'fit' mother is 'detrimental'. Coleman made a personal opinion that PB §25-50 process requirements did not apply. Coleman made a personal opinion that public policy, §17a-101(a), of strong families did not apply. Coleman made a personal opinion to rule absent evidence. Coleman made a personal opinion to rule on 'recommendations'. Coleman made a personal opinion to rule absent a state performed evaluation. The children were trafficked not by law, but by the personal opinion of Eric D. Coleman, wearing a black robe. No safeguards to liberty exist under the *Fish* claim of rare and exceptional application, when trafficking children in open court turns solely on the personal opinion of the devil on the bench. Only an authority rooted in evil could imagine 'real and substantial harm' to a child in the care and custody of the woman whose womb brought forth such precious gifts of God.

In complete contradiction to *Fish*, Coleman found harm to the children upon petition of the intervener, but then took no remedial action, willfully 'looking the other way,' in contradiction of the 'full faith' presumption in *Fish*. The state interest under *parens patriae* favors preservation of natural familial bonds, not severance. See *Santosky v Kramer*, 455 US 745, 766. Coleman's personal desires to place the children and their trust funds under sole custody of the intervenor without allowing for visitation

of the mother was simply a de facto termination of parental rights, a power well beyond the limits of the court in a family matter. Coleman acted illegally.

The intervention statutes are unconstitutional in that they allow for any person to interfere with a parental dispute over children incidental to dissolution of marriage. No person can intervene where there are children of a widow. The statutes create a discriminatory scheme, solely targeting litigants in family matters. In the instant case, the father was ruled 'incapacitated' by Coleman, J, as he was near death and could not prosecute any matters before the court. Coleman's finding of a dispute is a fabrication and a contradiction. The vagueness of the statutes and the case law could not be more pronounced.

As William Grohs lay dying from his long diagnosed terminal brain cancer, the intervenor, Vicki Frenzel, claimed on 8 January that an 'emergency' existed and filed an ex-parte motion for custody, claiming a parent-like relationship of the Grohs' daughters. No dispute was before the court, no court appearances made since May 2019, nothing was calendared. The parents shared joint custody by agreement entered in 2011. Vicki Frenzel held a nasty history of interfering with the mother-child relationship, being inimical to the children's best interests. Her inimical conduct is such as to question her fitness to act in a custodial capacity. The court set the matter to hearing on 14 February, ignoring the procedures and filing requirements set down in PB §25-50. The mother was unable to attend the hearing as her ADA accommodation request to appear by phone was improperly denied by branch employee Heather Collins, court planner II, absent the requisite documentation under 28 CFR § 35.164. Evidently phone

appearances are not allowed for mothers in family court, but are allowed for attorneys. The discriminatory act of the judiciary is a federal civil rights violation under ADA Title II.

Statutes that allow for such private party intervention are unconstitutional and fail the limitations outlined in *Troxel v Granville*, 530 US 57. If the State is to protect a child from harm (detriment), the State must make its own application brought by the executive branch by hand of the AG in juvenile court. The scheme of the offending statutes is so clever, that the intervenor does not pay an entry fee or need pay a fee to modify the existing judgment, as if it were designed specifically to benefit child snatchers acting in deprivation of federal rights, enabling trafficking under the color of state dissolution law.

As public scrutiny of matters affecting children in a public forum is a protected First Amendment right, the people hold great interest for the Chief Justice to explain why *Fish* does not protect mothers or children in the family court, which he is paid to oversee. The public holds great interest to know why the lower court judges can act outside of *Troxel* and *Fish*, if the CJ is responsible for judicial training, practice procedures and quality control of the court system. There is great public interest to know why judicial discretion can traffic two little girls solely for a sinister benefit of a private person, based on statutes which are clearly unconstitutional.

How is unbridled judicial discretion allowed to overcome the family court's lack of subject matter jurisdiction of parental 'unfitness'? The intervention scheme creates unconstitutional judicial discretion to steal children from fit parents, under the pretense of a private custody dispute, absent petition by the State. Truly an unconstitutional

process designed and executed by persons holding perverse uses for the children of others.

Vicki Frenzel did act to interfere in the mother-child relationship, acting on plaintiff-father's direction to isolate the children from their mother, their maternal grandparents, aunts, uncles, cousins, half-sisters, and family pets; such conduct being inimical to a child's best interest, which does question Frenzel's fitness to act in a custodial capacity. Isolation of a child from the mother is a form of child abuse defined by the federal government under the Child Abuse Prevention and Treatment Act, 42 USC § 5101 et seq. In simple terms, Vicki Frenzel is a child abuser, which defeats her claim of alleging a 'parent-like' relationship.

Vicki Frenzel's willful participation in conspiracy to destroy the mother-child relationship goes against the religious teachings of the faith of the children. The Fourth Commandment of the Roman Catholic Church codifies the Christian teaching to 'honor thy mother and father'. The import of honoring the mother is based on the divine origin of the parental role. Respect for parents (filial piety) derives from gratitude toward those who, by the gift of life, their love and their work, have brought their children into the world and enabled them to grow in stature, wisdom, and grace. Failure to honor parents harms the child as well as society; the family being the fundamental building block of society. The court cannot exercise *parens patriae* powers by conspiring with a non-Catholic intervenor in defeating the religious teachings of the Church to which the children belong, such conduct is not 'parent-like'.

Great public interest is aroused by the gravity of *Fish* and the lack of any implementing practice book procedure in Chapter 25. There is an intervenor practice in

Chapter 35a, complete with statutory citations, but conveniently the practice yields to unbridled judicial discretion in family court, as if to willfully conceal the action from the attention and involvement of the State.

The father died four days after Coleman published his two page decision and order. Coleman did not nullify the 2011 agreement of the parties specifying joint custody of the children, such being a contract of the parents not an adjudication by the court. How can theft of children and their trust funds survive public scrutiny?

Coleman's finding of award of custody to Vicki Frenzel being in the 'best interest' of the children is inapplicable, as judicial discretionary claim of best interest fails to overcome the statutory presumption, favoring the natural mother, under §46b-56b. Coleman violated the very finding in *Fish* that best interest is not the standard. Coleman failed to hear evidence, there were no expert witnesses, no professional evaluations or studies, just the 'recommendations' of the court's most nefarious GAL being paid \$375/hr by the intervenor. Curious note that Mary Brigham was the GAL who agreed to the joint custody agreement in 2011. A GAL holds court appointment to represent 'best interests' of her wards, which was not before the court, curious as to the purpose of her unqualified 'recommendations' other than to support Coleman's trafficking efforts. Coleman's action merely employed the court as a vehicle to traffic children and their trust funds for unscrupulous purposes for the sole benefit and financial gain of the intervenor. Placing children with money in the care of a desperate intervenor in desperate need of money is child abuse. "The State registers no gain towards its declared goals when it separates children from the custody of fit parents." *Stanley v. Illinois*, 405 US 645, 652.

WHEREFORE, this application for direct appeal being made in the public interest to remedy illegal child trafficking, under unconstitutional intervention statutes. The court is moved to immediately stay the order while the appeal proceeds, anything less by Robinson, CJ, is conspiracy in child trafficking and conspiracy in deprivation of rights, each being a federal crime.



Kelly Grohs, Pro Se

APPENDIX

A. Decision/Order

Order of Superior Court of 27 February 2020 by Coleman, J, #367, awarding sole custody to a third party in a post judgment dissolution matter, four days before the death of the father.

B. List of all parties.

Kelly W. Grohs
11 Longview Avenue
Watertown, CT 06795
kellygrohs@protonmail.com

Vicki Frenzel
Conti Levy & Salerno (428795)
355 Prospect Street
Torrington, CT 06790
slevy@contilevylaw.com

William J. Grohs (deceased)
Duffy & Fasano (017136)
47 Sherman Hill Road
Suite B103
Woodbury, CT 06798
mfasano@duffyandfasano.com

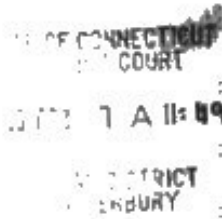
Mary Brigham, Esq.
39 Sherman Hill Road
Woodbury, CT 06798
mary.brighamlaw@att.net

DOC. NO. UWY-FA10-4022991-S

WILLIAM GROHS

v

KELLY GROHS



SUPERIOR COURT

WATERBURY J. D.

AT WATERBURY

FEBRUARY 14, 2020

MEMORANDUM OF DECISION

This matter comes before the court by way of a third party's Emergency Ex Parte Motion to Intervene (#347) filed January 8, 2020. The third party, Vicki Frenzel, who is the step-mother of two minor children involved, seeks intervener status for the purpose of obtaining custody of those minor children. The ex parte aspect of the motion was denied by Judge Ficeto on January 8, 2020, and an order for hearing and notice was issued. A hearing on the motion was held on February 14, 2020. The plaintiff, who is terminally ill, was not present at the hearing. However, he was represented at the hearing by Attorney Ed Duffy, and the third party, Vicki Frenzel, was present and represented by Attorney Melissa Antonio. The guardian ad litem, Attorney Mary Brigham, participated telephonically at this hearing. The self-represented defendant, Kelly Grohs, was not present at this hearing.

A number of the defendant's motions were also scheduled to be considered by the court at this hearing. Those motions all dated January 13, 2020 included, a Motion for Hearing (#349), a Motion to Discharge GAL (#350); a Motion for Discovery (#351); a Motion to Strike (#352), a Motion to Strike & Sanctions (#353); a Motion to Dismiss (#354); a Motion to Seal (#355); a Motion for Sanctions (#356); a Motion to Appointment of AMC (#357); and, a Motion to Vacate (#358). Upon motion of counsel, the court reviewed and denied all of these motions, primarily and technically because of the defendant's failure to appear and prosecute them.

Based upon the testimony of the parties, the testimony and recommendations of Attorney Brigham and other evidence presented, by a fair preponderance of the evidence, the court made the following findings:

- 1) There are two minor children, Sophia M. Grohs, born 8/22/2007 and Genevieve T. Grohs, born 7/6/2009, who are the children of the parties and the subject of the third party's motion;
- 2) The plaintiff, William Grohs, the biological father of the two minor children, is currently incapacitated because of a terminal illness, and his death is imminent;
- 3) The defendant, Kelly Grohs, the biological mother of the two minor children, by her own volition, has not had any meaningful contact with the two minor children within the past 2½ years;
- 4) Vicki Frenzel, the current wife of the plaintiff and the step-mother of the two minor children, has a relationship with the two minor children which is akin to that of a parent;
- 5) award of parental custody to the defendant would be detrimental to the children;
- 6) an award of custody to the third party, Vicki Frenzel, would be in the best interest of the two minor children.

All pertinent criteria outlined in Chapter 815 of the General Statutes as well as applicable case law were considered by the court in the entry of the following orders.

- 1) The third party's motion to intervene is granted. Vicki Frenzel is granted intervenor status in the matter of Grohs v. Grohs, DOC. NO. UWY-FA10-4022991-S.
- 2) Sole legal and physical custody of Sophia M. Grohs, born 8/22/2007 and Genevieve T. Grohs born 7/6/2009 is awarded to Vicki Frenzel.

Order issued on 2-14-2020.
Reduced to writing on 2-27-2020.
Copies mailed this date, 2-27-2020
to: Atty. Ed. Duffy, Atty. Melissa
Antonio, Atty. Mary Brigham,
and Kelly Grohs (self-rep.),
and Reporter of Judicial Decisions.
Laurie Dean
Assist. Clerk
2-27-2020

THE COURT


COLEMAN

CERTIFICATION

This is to certify that a copy of the foregoing was emailed this date to all appearing counsel, GAL, persons of record, judge as follows:

Conti, Levy & Salerno, LLC (428795)
355 Prospect Street
Torrington, CT 06790
slevy@contilevylaw.com

Duffy & Fasano (017136)
47 Sherman Hill Road
Suite B103
Woodbury, CT. 06798
mfasano@duffyandfasano.com

Mary Piscatelli Brigham (305462)
39 Sherman Hill Road
Woodbury, CT 06798
mary.brighamlaw@att.net

Coleman, J
Waterbury, JD
Chambers
Fx 203 596 4488



Kelly Grohs