UWY FA 10 4022991	SUPERIOR COURT
WILLIAM GROHS (deceased)	J.D. OF WATERBURY
v.	AT WATERBURY
KELLY GROHS	JULY 29, 2021

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

PB §83-1

Certification sought under Connecticut General Statute §52-265a for direct appeal of order of the Superior Court, Family Division, Coleman and Ficeto, JJ and subsequent dismissals of supervisory motions by the appellate court in redress of constitutional due process violations of the judiciary for child snatching, absent state interest.

Question of law: Does the judiciary act outside constitutional protections in award of sole custody on private third party complaint of predictive child abuse directed at a surviving parent in a family matter based on fabricated 'Emergency Ex Parte Motion To Intervene' under color of CGS §46b-56f, filed upon diagnosis of a litigant's imminent death, absent proper hearing and evidence?

Substantial public interest: When the Chief Justice turns a blind eye to criminal deprivation of rights by family court, when private claims of

predictive child abuse are advanced by attorneys, adjudicated absent state interest, absent statutory compliance, under the color of dissolution law, where the rule of law is suspended and the judiciary ceases to perform its duty, there is substantial public interest.

Delay brings substantial injustice as the judiciary works to prolong the constitutional deprivations, its judges acting as criminal conspirators under 18 USC § 241. After failing to conduct a proper hearing, the trial court denied redress for 18 months, refusing to hold a hearing on the misconduct, refusing to decide motions by the mother. Appellate court fails to apply its supervisory duties and ignores the criminal conduct. Delay has already brought substantial injustice. The trial court relishes in its delay by continuing to ignore statutes which require child support, visitation, and parenting plan orders, all duties of the court under CGS §46b-1 *et al.*

Argument

The undersigned has exhausted all state level remedies to address criminal conduct in the family court. This filing is an opportunity for Chief Justice Robinson to exercise inherent power of the court to remedy constitutional due process and criminal violations committed by Ficeto and Coleman, JJ. The next stop is federal court for a 42 USC §1983 action

against the Chief in his personal and official capacity, as judicial immunity does not apply to conduct outside judicial function.

An allegation of predictive child abuse by a private citizen is properly made to the executive branch agency of Department of Children and Families, not by an 'Emergency Ex Parte Motion To Intervene' as cited by Coleman, J. [367, p.1, ¶ 1]. CGS §46b-56f requires the complaint to allege 'immediate and present risk of harm', which is absent in this case. The court denied the 'emergency' motion, but erroneously scheduled a hearing where Coleman, J acted on an unsubstantiated complaint of predictive psychological harm to award sole custody to the accuser, absent state interest, being a due process failure. There is no case law nor statute which provides for an 'emergency ex parte' pleading in a family matter based on medical diagnosis of a soon to be dead plaintiff, a point lost on Ficeto, J.

Of macabre conduct of the family court, Ficeto, J, issued summons to plaintiff-father who was incapacitated by stroke, dying of brain cancer, in hospital ICU, who had only days to live. It is of common law that a litigant so incapacitated cannot prosecute a claim in post-judgment family litigation, cannot be represented by counsel, nor can a dispute exist between a dying

incapacitated plaintiff and healthy defendant. Coleman, J ignores case law on intervenor action of *Manter v Manter, 185 Conn 502,* which proscribes granting intervenor status where no controversy lies before the court. *Manter* "clearly requires the controversy to precede the motion and to exist independently of it." *Id. 506.* A point of law lost on Coleman, J who was acting beyond judicial function to affect trafficking of two little girls and their trust funds.

The twisted application of judicial trickery was to mix and match §46b-57 with §46b-56f to fabricate a pleading prepared by Attorney Karen Fisher and prosecuted by Attorney Melissa Antonio, upon which the court could erroneously rely to grant sole custody to a third party who did not qualify as an intervenor, while pretending the children were subject to immediate and present risk of harm. The giveaway to the charade is that the accuser seeking custody did not file the statutorily required proposed parenting plan required under §46b-56a(d) and that the predictive risk of harm was not substantiated by the executive agency of Department of Children and Families. The public cannot be duped into believing that Coleman, J applied the law as written in his rush to traffic the children, while omitting a parenting plan, lack of child support order notwithstanding.

Coleman, J failed to conduct a proper custody hearing in his rush to traffic the girls. Specifics set down in *Cappetta v Cappetta, 196 Conn 10, 16* state:

> "In the search for an appropriate custodial placement … Such a search requires the court to afford all interested parties an opportunity for a hearing concerning the qualifications of each person who is or may be a candidate for custody. It is essential to inquire into each person's parenting skills as well as his or her relationship with the child. As we held in *Strohmeyer* v. *Strohmeyer,* supra, 356, before a parent is permanently deprived of the custody of a child, 'the usual and ordinary procedures of a proper and orderly hearing must be observed.' The absence of such a hearing in this case means that the award of custody to the paternal grandmother must be set aside."

Strohmeyer states succinctly that Coleman's court conduct was grotesque ,explaining the seriousness of a proper process for a custody hearing:

> "It must, however, exercise that authority in a manner consistent with the due process requirements of fair notice and reasonable opportunity to be heard. Without a hearing, a trial court may not adjudicate a question of such vital importance to the parties, and one so inherently fact-bound in its resolution. Before a parent is

> permanently deprived of legal custody, or any change is made therein, the usual and ordinary procedures of a proper and orderly hearing must be observed." *Id. 356.*

The criminal conduct of Coleman, J is obvious in that he held a hearing where neither parent was present nor represented, no counsel for children, no family relations study provided, no comprehensive evaluation performed, denied mother's right to be heard, denied mother's right to call witnesses, denied all reasonable and customary practices in making a custody decision, all in rush to judgment to traffic two girls and their trust funds before the expiration of the plaintiff-father, upon which the termination of the dissolution case turned. Defendant-mother was given less than four weeks notice to defend herself against a malicious attack, a time period in which the reasonable course of action was to arrange counsel, arrange expert witnesses, request family relations involvement, affect discovery, hold depositions, arrange for counsel for her children, exchange financial affidavits, prepare child support worksheets, submit proposed parenting plans, all while her motion for continuance was denied, as Coleman, J was racing to beat the death clock. Coleman, J published his sole custody order exactly three days before the incapacitated plaintiff expired. Perhaps he thought no one would notice his trickery and fraud?

Perhaps Robinson, CJ wants to fool the public into believing that Coleman, J knew nothing of evaluations, expert witnesses, counsel for children, child support orders, execution of child support worksheets, placing presumptive amount on the record, or even applying a reasoned deviation criteria. That Robinson CJ finds the family court was acting in best interests by omitting child support, visitation, parenting plan, financial affidavits, psychological evaluations, expert witness testimony, all in Coleman's rush to steal children three days before death of the plaintiff in a hearing devoid of the parents, with no counsel for the children? Really? Perhaps Robinson, CJ is in on the scam and the public is the mark. Fraud upon the public?

It is of substantial public interest when judicial discretion turns to malfeasance, suspending rule of law, denying due process, finally morphing into federal criminal conduct under color of state dissolution law. Perhaps Robinson, CJ is just part of the criminal enterprise.

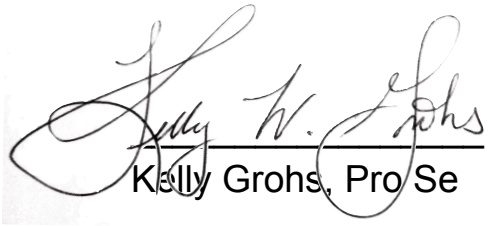
The Connecticut Chief Justice should take note of SCOTUS opinion in *Troxel v Granville, 530 US 57 at 65,* where Justice Sandra Day O'Connor highlights that constitutional protections apply, even in Connecticut family court. She states:

> "The Fourteenth Amendment provides that no State shall deprive any person of life, liberty, or property, without due process of law. We have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, guarantees more than fair process. The Clause also includes a substantive component that provides heightened protection against government interference with certain fundamental rights and liberty interests."

Constitutional due process protections do not support Ficeto's summoning a stroked-out, brain cancer patient from hospice care, nor does due process permit Coleman, J to adjudicate a private claim of predictive neglect under the color of dissolution law, nor can a private person claim to be an intervenor where no controversy exists involving a hospice patient. Coleman's upholding a claim of predictive child abuse by sole opinion of lay person is ludicrous. Had the AG been involved, Coleman would have been barred from hearing the matter, as it would be properly brought to juvenile court.

WHEREFORE, this application in direct appeal being made in the pubic interest to address constitutional due process violations by the family court, being an opportunity for Robinson CJ to exercise inherent powers to remedy the criminal conduct of the kangaroo court and its incompetent

judges. Or his personal denial be prima facie evidence of a state court system gleefully engaged in abuse of power, criminal mischief, child trafficking, and deprivation of rights through willful disregard for state and federal statutes, by hand of tyrants masquerading as judges.



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 and dismissed supervisory motions of the appellate court.

B. List of all parties.

Kelly W. Grohs
P.O. Box 53
Litchfield, CT. 06759
kellygrohs@protonmail.com

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

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 intervener 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.
Lauren Dean
Assist. Clerk
2-27-2020

THE COURT

COLEMAN, J.

2

Appellate Filings

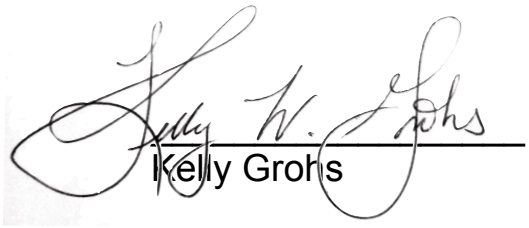
Case Information	Item	Transaction Date	
WILLIAM GROHS v. KELLY GROHS Mot AC 212114 **Data Entry By:** Kelly W Grohs (KellyGrohs) **Payment By:**	PRE APPEAL MOTION	07/28/2021	
WILLIAM GROHS v. KELLY GROHS Mot AC 212111 **Data Entry By:** Kelly W Grohs (KellyGrohs) **Payment By:**	PRE APPEAL MOTION	07/27/2021	
WILLIAM GROHS v. KELLY GROHS Mot AC 212108 **Data Entry By:** Kelly W Grohs (KellyGrohs) **Payment By:**	PRE APPEAL MOTION	07/27/2021	
WILLIAM GROHS v. KELLY GROHS Mot AC 212072 **Data Entry By:** Kelly W Grohs (KellyGrohs) **Payment By:**	PRE APPEAL MOTION	07/20/2021	
WILLIAM GROHS v. KELLY GROHS Mot AC 212052 **Data Entry By:** Kelly W Grohs (KellyGrohs) **Payment By:**	PRE APPEAL MOTION	07/15/2021	
WILLIAM GROHS v. KELLY GROHS Mot AC 212050 **Data Entry By:** Kelly W Grohs (KellyGrohs) **Payment By:**	PRE APPEAL MOTION	07/14/2021	
WILLIAM GROHS v. KELLY GROHS Mot AC 212049 **Data Entry By:** Kelly W Grohs (KellyGrohs) **Payment By:**	PRE APPEAL MOTION	07/14/2021	
WILLIAM GROHS v. KELLY GROHS Mot AC 212044 **Data Entry By:** Kelly W Grohs (KellyGrohs) **Payment By:**	PRE APPEAL MOTION	07/14/2021	
WILLIAM GROHS v. KELLY GROHS Mot AC 212043 **Data Entry By:** Kelly W Grohs (KellyGrohs) **Payment By:**	PRE APPEAL MOTION	07/14/2021	

CERTIFICATION

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

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

Coleman, J
Ficeto, J
Waterbury, JD
Chambers
Fx 203 596 4488



Kelly Grohs