

Constitutional cluster of Fraud

[RSA 491-A:1 effective until July 12, 2024; see also RSA 491-A:1 set out below.]

491-A:1 Salaries Established. – The salaries for the positions set forth below shall be as follows:

Chief justice, supreme court	\$204,076
Associate justices, supreme court	\$197,937
Chief justice, superior court and administrative judges appointed pursuant to supreme court rule 54	\$197,937
Associate justices, superior court	\$185,638
District court justices prohibited from practice pursuant to RSA 502-A:21	\$185,638
Probate judges prohibited from practice pursuant to RSA 547:2-a	\$185,368

The Stated Purpose of this “New Hampshire Judicial Branch” : “Our Mission: To preserve the rule of law and protect the rights and liberties guaranteed by the United States and New Hampshire Constitutions, the courts will provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve.”

<https://www.courts.nh.gov/>.

Rule of Law:

<https://www.uscourts.gov/educational-resources/educational-activities/overview-rule-law>

More than 200 years ago, Alexander Hamilton, James Madison, and John Jay published a series of essays promoting the ratification of the United States Constitution now known as Federalist Papers. In explaining the need for an independent judiciary, Alexander Hamilton noted in [The Federalist # 78](#) that the federal courts "were designed to be an intermediate body between the people and their legislature" in order to ensure that the people's representatives acted only within the authority given to Congress under the Constitution.

The U.S. Constitution is the nation's fundamental law. It codifies the core values of the people. Courts have the responsibility to interpret the Constitution's meaning, as well as the meaning of any laws passed by Congress. [The Federalist # 78](#) states further that, **if any law passed by Congress conflicts with the Constitution, "the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents."**

"Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposed that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental."

The American democratic system is not always based upon simple majority rule. There are certain principles that are so important to the nation that the majority has agreed not to interfere in these areas. For instance, the Bill of Rights was passed because concepts such as freedom of religion, speech, equal treatment, and due process of law were deemed so important that, barring a Constitutional Amendment, not even a majority should be allowed to change them. Rule of law is a principle under which all persons, institutions, and entities are accountable to laws that are:

- Publicly promulgated
- Equally enforced
- Independently adjudicated
- And consistent with international human rights principles.

In 1983, the New Hampshire Supreme Court created the Administrative Office of the Courts (AOC). The AOC provides operational support to New Hampshire's unified court system in its constitutional responsibility to provide for the administration of justice.

NH Circuit Court Family Division Rule 2.2 “Rules of Evidence do not apply in Domestic Violence or Parenting Cases”. Michael Garner's testimony to the NH Legislators on 3/28/23 (See TIMELINE for link/URL), about not applying the Rules of Evidence in DV (Domestic Violence) or Family Cases due to no trial by jury in these N.H. “Family Division” “Circuit Courts”, “What we hope to be is the gatekeeper for reliable information”. This violates the Rule of law, which the NH Courts “Mission statement” (above) is to follow both US and NH Constitutions. . <http://www.youtube.com/watch?v=vbFOdcRT>

See Order 4/24 case number 650 2013 DV 16, page 6 Michael Garner stated “ **Rules of evidence do not apply and did not apply to the orders Mr. Collier seeks to vacate. The standard of proof is a preponderance of evidence rather than proof beyond a reasonable doubt. The Hearings complied with Due Process**”.

After Michael Garner warned the Legislative body about altering their practice, they made a bill that requires rules of evidence in family court. See NH hb499, Rules of Evidence to apply in Family Cases (Will be voted on Jan.3):

<https://legiscan.com/NH/bill/HB499/2023> ;

House Special Committee on the Family Division of the Circuit Court (05/02/23):

https://www.youtube.com/watch?v=jVjJumYj6_w ;

House Special Committee on the Family Division of the Circuit Court (05/16/23):

<https://www.youtube.com/watch?v=TppRpmPCm7U> ;

<https://www.youtube.com/live/yT0oP8faRro?si=NJwXc5thH4xD0Mb>

The Chairman of the House Judiciary and Ret. NH Supreme Court Justice Robert Lynn recently stated on 3/12/25 “**Preponderance of Evidence can only come from a legal proceeding and not through civil litigation**”. This was in response to a bill on NH RSA 173b on the floor referencing sexual abuse and using the terminology of a “preponderance” to make the bill pass.

Chairman Lynn's response directly contradicts Michael Garner's written Order and testimony to the Legislative body.

American Bar Association Definitions: Rules of Evidence: Ignoring these rules makes evidence inadmissible. It must be admissible, reliable, complete, authentic, and believable.

"Rules of evidence - Standards governing whether evidence in a civil or criminal case is admissible." - "Consumers' Guide to Legal Help Legal Terms Glossary":

[https://www.americanbar.org/groups/legal_services/flh-home/flh-glossary/#:~:text=Rules%20of%20evidence%20%2D%20Standards%20governing.or%20criminal%20case%20is%20admissib le.](https://www.americanbar.org/groups/legal_services/flh-home/flh-glossary/#:~:text=Rules%20of%20evidence%20%2D%20Standards%20governing.or%20criminal%20case%20is%20admissib le.;) ;

This seems clearly "to the Contrary" of this Court's "Mission"!

<https://www.courts.nh.gov/rules-circuit-court-state-new-hampshire-family-division/rule-2-2-application-new-hampshire-rules> ;

We cannot 'vindicate' our 'rights' in "Family Court(s)" if "rules of evidence do not apply": During the House Special Committee of Family Division of the Circuit Court: on 4/2/24 NH General Counsel Erin Kregan stated **"civil court is for the plaintiff to vindicate their rights, and in criminal court the burden of proof is much higher, the rights of the defendant are protected"**. "Civil sanctions are not meant to be punitive, they are intended for the plaintiff to vindicate their rights". House Special Committee on the Family Division of the Circuit Court (04/02/2024):

<https://www.youtube.com/watch?v=WPPyUg3Ua3E>

See also, House Judiciary Committee meeting on 1/17/24 At the 5hr 21 minutes, NH State Rep Smith and Co-chair of the Judiciary Committee asks the General Counsel Erin Kregan "is the Supreme Court the only Constitutional Court in NH?" The General Counsel's response was "Superior Court is also a constitutional created court". Rep Smith then asked, "What about Circuit Court?" The General Counsel's response was "Circuit Courts were made by statute."

House Judiciary (01/17/2024): <https://www.youtube.com/watch?v=bRBjoHcXrek>

See US Supreme Court Decision [self v. Rhay, 61 wn (2d) 261] "Statutes are not the Law".

To the Citizens of New Hampshire:

We are pleased to welcome you to the New Hampshire Circuit Court which includes the District, Probate and Family Divisions. The establishment of the Circuit Court on July 1, 2011 was a major milestone for the Judicial Branch and it reflects an extensive effort to streamline our operations so that we can provide better, more efficient and more economical service to the citizens who come to our courts.

The Circuit Court reflects our willingness to change the way we do business and make the best of the resources available to us. Most importantly, we believe that this restructuring will improve the administration of justice in our state as we work, in

challenging economic times, to fulfill our constitutional obligation to provide fair and equal access to justice for all citizens.

When you visit the Circuit Court, you will not see many changes, other than a new name on the door or in the title of a form. The addresses and telephone numbers for District, Probate and Family locations are the same as they were prior to the establishment of the Circuit Court. There are important differences however behind the scenes. In the Circuit Court clerks offices throughout the state, we have made changes that will help us be more responsive to the needs of court users, whether it is answering a telephone inquiry or processing a court order.

We ask for your support and patience as the Circuit Court gets underway. We are confident that it will strengthen the Judicial Branch and its stated mission "to provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve."

Ellen V. Christo
Circuit Court
Chief Judge

490-D:2 Jurisdiction. –

Notwithstanding any law to the contrary and except for the limited need to allow an existing case to proceed with the same judge who had presided over it before the implementation of the judicial branch family division, following implementation of the division at a division site in accordance with RSA 490-D:5, jurisdiction over the following matters shall be exclusively exercised through the judicial branch family division as procedurally jurisdiction was previously exercised in the superior, district, and probate courts:

- I. Petitions for divorce, nullity of marriage, alimony, **custody of children**, support, and to establish paternity.
- II. Actions for support or **custody for children of unwed parties.**

490-D:3 Equity Jurisdiction. – Notwithstanding any law to the contrary, the judicial branch family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the judicial branch family division. Suits in equity where subject matter jurisdiction lies with the **judicial branch family division including, but not limited to, petitions for divorce, nullity of marriage, alimony, custody of children, support,**

See NH Supreme Court Opinion 2007: Marital Masters have no power to enforce. SB
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490-D:9 Recommendations of Marital Masters. – All recommendations of marital masters shall be signed by a judge. The judge signing such recommendations shall certify that he or she has read the recommendations and agrees that the marital master has applied the correct legal standard to the facts determined by the marital master.

In New Hampshire Family Division, martial masters and referees are appointed officials who hear cases and make recommendations, rather than final orders, which must be approved by a judge. Masters typically handle broader, complex divorce and parenting matters, while referees often focus on specific, narrower issues like child support, medical support, or paternity cases.

- [Marital Masters](#): Handle comprehensive domestic relations cases, including divorce, parental rights, and responsibilities, usually sitting in a courtroom setting.
- [Referees/Hearings Officers](#): Specifically handle child support, paternity, and related enforcement or modification matters, sometimes acting in a more informal conference room setting.
- [Shared Authority: Both must have their recommendations signed and approved by a judge to become binding court orders.](#)

From statutes and official Judicial Branch resources:

- Marital Masters:
 - Appointed judicial officials in the Family Division.
 - Their written recommendations must be signed by a judge to become enforceable orders (RSA 490-D:9).
- Referees / Child Support Hearings Officers:
 - Handle specific family law matters (especially child support/paternity).
 - Their recommendations or findings are also subject to review and sign-off by a judge before they take effect.
- Rules and definitions on the NH Judicial Branch website clearly recognize these roles in the Family Division judicial process.

<https://www.courts.nh.gov/rules-circuit-court-state-new-hampshire-family-division/rule-115-recommendationsex-parte-orders>

Recommendations/Ex Parte Orders: Recommendations of marital masters may be approved in person, by facsimile transmission, by telephone or electronically. Such recommendations may be approved by any judge of the state, regardless of whether they are specially designated as family division judges. Any judge of the state may issue emergency orders for family division cases in person, by telephone, by facsimile transmission or electronically.

All such orders shall be transmitted to the appropriate family division location upon execution. See RSA 490-D:9.

https://www.courts.nh.gov/our-courts/circuit-court/family-division/child-support/child-support-hearings-officer?utm_source=chatgpt.com

Child Support Hearings Officer: How the Process Works

Child support cases may be heard by a Child Support Hearings Officer, sometimes called a Child Support Referee. The hearings officer is a lawyer appointed by the Family Division Administrative Judge, pursuant to RSA 490-F:15.

The hearings officer hears child support matters including those cases where parties are receiving or applying for services through the Division of Health and Human Services, Office of Child Support Services. Setting a child support matter before a hearings officer results in a shorter waiting time for a hearing date and faster processing of the case once it has been heard. Hearing officers are authorized to conduct hearings and submit recommendations for orders on issues of paternity establishment, child support, medical support, and tax exemptions as well as registrations of court orders from other states.

Hearings may be held in a courtroom or in a conference room. Unlike a judge or a marital master, a hearings officer does not sit on the bench. Each party sits on one side of a table; the hearings officer sits at the head of the table. Just as in any other hearing, each parent will get a chance to present his/her case to the hearings officer. The court keeps a record of these hearings by sound recording either by tape or CD. **After the hearing, the hearings officer makes recommendations to a judge. Just as when a marital master hears a family case, all recommendations of a hearings officer must be reviewed and approved (signed) by a judge before they become orders of the court. Normal procedures for asking a court to reconsider an order, or for appealing an order to the NH Supreme Court, are in effect for any orders based on the recommendations of a hearings officer.**

490-F:15 Referees. – The circuit court, with the consent of the parties shall, and without the consent of the parties may, commit to one or more referees any cause at law or in equity, or the determination of any question of fact pending in the court wherein the parties are not, as matter of right, entitled to a trial by jury; and with the consent of the parties shall in the same manner commit any other cause or the determination of any other question of fact.

490-F:10 Full-Time Circuit Court Judges. – A circuit court judge designated to be full-time under RSA 490-F:7, IV shall not be permitted to engage in the practice of law to any degree. Full-time judges shall receive the salary specified in RSA 491-A:1.

[NH RSA 493-A:1-a](#) requires that all recommendations from judicial referees be approved by a justice in regular or senior active service of the assigned court. The approving judge must certify that they have reviewed the recommendations and that the referee applied the correct legal standard.

<https://law.justia.com/codes/new-hampshire/title-li/chapter-493-a/section-493-a-1-a/>
[493-A:1-a Judicial Referees. –](#)

I. Any full-time justice of the supreme, superior, district, or probate court who is mandatorily retired from either regular active service or senior active service upon reaching age 70, and any part-time district or probate court justice who is mandatorily retired upon reaching age 70, shall thereafter be eligible to serve as a judicial referee on the court from which he or she retired or on any other court in which his or her service as a referee is authorized by law.

II. A judicial referee may be assigned to take testimony, receive and review evidence, and make recommendations for findings of fact and conclusions of law in any court specified in paragraph I by the chief justice of the supreme court or superior court, from which the referee retired, or the administrative justice of any other court from which the referee retired. All recommendations of judicial referees shall be approved by a justice in regular active service or senior active service of the court to which the referee is assigned. The judge approving such recommendations shall certify that he or she has read the recommendations and agrees that the judicial referee has applied the correct legal standard to the facts determined by the judicial referee. A judicial referee shall not preside over jury trials and shall not enter final orders in any case.

"The jurisdiction of a court can be 'lost' when constitutional rights of the [habeas] plaintiff have been violated," [124 N.H. at 807, 481 A.2d at 530](#),

NH District Court Writ of Habeas Corpus Submitted Jan 17th, 2025 case number 1:25-CV-36-SE-TSM. Denied April 16th, 2025

https://www.law.cornell.edu/wex/habeas_corpus

habeas corpus

OVERVIEW:

Latin for "that you have the body." Federal courts can use the writ of habeas corpus to determine if a state's detention of a prisoner is valid. A [writ](#) of habeas corpus is used to bring a prisoner or other detainee (e.g. an institutionalized psychiatric patient) before the court to determine if the person's imprisonment or detention is lawful. A habeas petition proceeds as a civil action against the State agent who holds the defendant in custody. It can also be used to examine any [extradition](#) processes used, the amount of [bail](#), and the [jurisdiction](#) of the court.

See, e.g. [Knowles v. Mirzayance](#) 556 U.S. 111 (2009), [Felker v. Turpin](#) 518 US 1051 (1996) and [McCleskey v. Zant](#) 499 US 467 (1991).

HISTORICAL BACKGROUND:

The habeas corpus first originated back in 1215, through the 39th clause of the Magna Carta signed by King John, which provided "No man shall be arrested or imprisoned...except by the lawful judgment of his peers and by the law of the land,"

English courts began actively considering petitions for habeas corpus in 1600. While habeas corpus had initially originated as an instrument in opposition to the king's "divine right to incarcerate people," there were many other constables and other authorities during those times, who imprisoned people for various reasons. Accordingly, habeas corpus also developed as the king's role to demand account for his subject who is restrained of his liberty by other authorities. Deeply rooted in the Anglo-American [jurisprudence](#), the law of habeas corpus was adopted in the U.S. as well. James Madison, in 1789, argued for the adoption of the [Bill of Rights](#), including habeas corpus. **The fourth Chief Justice of the U.S. Supreme Court, Chief Justice Marshall, emphasized the importance of habeas corpus, writing in his decision in 1830, that the "great object" of the writ of habeas corpus "is the liberation of those who may be imprisoned without sufficient cause." The U.S. Supreme Court has recognized that the "writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action" and must be "administered with the initiative and flexibility essential to ensure that miscarriages of justice within its reach are surfaced and corrected.**

HABEAS CORPUS IN THE U.S. TODAY

The sources of habeas corpus can be found in the [Constitution](#), [statutory](#) law, and [case law](#). The [Suspension Clause of the Constitution \(Article I, Section 9, Clause 2\)](#), states: "The Privileges of the Writ of Habeas Corpus shall not be suspended unless when in Cases of Rebellion or Invasion the public Safety may require it." Although the Constitution does not specifically create the right to habeas corpus relief, federal statutes provide federal courts with the authority to grant habeas relief to state prisoners. Only Congress has the power to suspend the writ of habeas corpus, either by its own affirmative actions or through an express delegation to the Executive. The Executive does not have the independent authority to suspend the writ.

NH Supreme Court Appeal of Custody Order denied, case number 2013-0689, October 16, 2013

NH Supreme Court Appeal of Custody Order denied, case number 2014-0318, April 24, 2014

NH District Court Case 22-cv-162 LM denied on Rooker Feldman Doctrine, February 21, 2023

NH Supreme Court Writ of Certiorari (unlawful protective order) denied April 14, 2023

NH District Court Case 1:24 cv 15 JL AJ denied on Rooker Feldman Doctrine, May 15th, 2024

FIRST CIRCUIT COURT OF APPEALS FOR THE FEDERAL CIRCUIT Affirmed dismissal of case 1:24 cv 15 JL AJ on Rooker Feldman Doctrine, citing 11th Amendment Immunity. December 30, 2024

<https://www.courts.nh.gov/our-courts/circuit-court/judges>

Senior Active Status Judges

- **Hon. David Forrest (current child support referee and not a real judicial judge.) He needs a judicial judge's signature to make it a binding court order)**
- Hon. David D. King
- Hon. M. Kristin Spath
- Hon. Mark F. Weaver
- **Judicial Referees (Retired Judges)**
- Hon. Gerard J. Boyle
- Hon. John Boyle
- Hon. Edward J. Burke
- Hon. Susan Carbon
- **Hon. James M. Carroll**
- Hon. Gary R. Cassavechia
- **Hon. Michael Garner**

See NH Family Division Rule 1.3 (0) (6) Exemplified Copies

Question of Law:

1. How can a referee or marital master decide fact and law with unreliable evidence, and when the statute that governs their activity says they can't practice law?
2. Why are none of my orders signed by a judicial judge per state statute /policy/procedure?
3. Constitutional responsibility but can't practice law?
4. Why does the NH website list both Carroll and Garner as referees and not general jurisdiction judges? They signed my orders.
5. Why did Carroll and Garner sign off on my orders without a judicial judge?
6. How can the Standard of proof be a preponderance of evidence and not proof beyond reasonable doubt, and the hearings complied with due process? Changing the burden of proof still complies to be fair and impartial?.
7. If Rules of Evidence do not apply, making everything unreliable, what evidence submitted into the record supports the Criminal Statute Protective Orders if Referee Carroll noted I did nothing specific to meet either the criminal threatening or the criminal harassment?
8. If Criminal Statute Protective Orders are used in civil litigation without supporting evidence, and where we lose our rights per the general counsel, and I received 17 years protective order, when do I ever get justice?
9. Why do so many different rules and statutes contradict each other?

10. Why does referee Forrest think he has jurisdiction to deny access to evidence to defend without a justice's signature, dated Jan,21,2026 ?
11. Tangible evidence does not apply to Domestic Violence cases?
12. If this JCC noted they don't have jurisdiction over Administrative Court Judges, (recent new evidence acquired) why are we sent there by the family courts for complaints against family court judges?
13. Why does RSA 490 D-9 contradict RSA 493:A:1;A ?

Filed with NHJCC:

06/05/2014, 1st complaint filed, jc-14-031-G;
08/11/2014, complaint jc-14-0313-G dismissed;
09/17/2014, reconsideration of dismissal filed;
11/17/2014, reconsideration denied;

09/16/2015, Filed Redress of Grievance; NH House of Representatives.

11/03/2017, 2nd complaint filed, jc-17-057-G, acknowledge receipt of cover letter with supporting documents;
12/11/2017, Voted to dismiss complaint, jc-17-057-G;

06/15/2020, 3rd complaint filed, jc-20-031-G, acknowledgment of cover sheet and supporting documents;
07/13/2020, jc-20-031-G, alleged misconduct complaint Dismissed;

07/30/2020, "Judicial Conduct Complaint_July_30,2020_Re-JC-20-031-G", filed;
9/14/2020, reconsideration of jc-20-031-G denied;

11.28.2020, Letter to NH Supreme Court, regarding prev. Complaints_nhjcc2020, sent;
11/30/2020, filed motion for "Reconsideration" of 6/15/20 complaint, jc-20-031-G;
12/02/2020, acknowledge of receipt of second request for reconsideration;
01/11/2021, reconsideration of jc-20-031-G Denied;

01/25/2021, Formal Complaint to Admin Judge Keating, against Michael Garner of Laconia family Court, for "interject[ing] law into medicine", as stated in said complaint. This complaint includes hypothetical order(s) (without supporting evidence) / findings, as well contradicting medical records.

2025, Four (4) Complaints denied by NHJCC, Judge who did not have an Oath on file, etc.... However the NH State Prosecutor wants to drop that case against me. So why did the NHJCC deny the complaint of a judge without an Oath on file.?

Feb 5th 2026, 0830am 8th Circuit Keene NH, Child Support Referee Forrest (not a real judge) will try to arrest me again for non payment. Without a

Justice's signature. No Justices signature noted on any of the orders dating back to late 2012, (per NH RSA 493 a:1:a)

ALL ORDERS ARE VOID.

I am facing 2 Jury Trials currently, along with a Mandatory Appeal in NH Supreme Court as well for the Unconstitutional Protective Order (NH RSA 173b) , case number 2025-0423.

ARRESTED BY NH LAW ENFORCEMENT THREE (3) TIMES FROM UNLAWFUL FRAUDULENT PROCEEDINGS.

Bring Everyone you know and help put a stop to Extortion and Child Abuse.

**Randy Collier,
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Surry, NH
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