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New York Commission On Judicial Conduct

61 Broadway

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To whom it may concern,

I would like to file a complaint against Judge Marion T McNulty in Suffolk Supreme Court. My main index # is 06-10815, although each Writ has its own index number.

Summary. I have been involved in my divorce/custody since 2005. My ex wife has alienated all three of my children against me. The court has ordered two expensive forensic reports, both of which state Parental Alienation and that my ex wife is a sociopath, pathological liar and has anti social personality disorder. In 2011 my ex wife wanted another "opinion" so they chose Linda Gottlieb LSW who stated unequivocally Parental Alienation Syndrome. Where my ex wife has taken things in her own hand, I have tried to get justice through the court system. All I have ever asked for is to have the court enforce my court ordered stipulations as it relates to my parenting time.

I feel that when you read my complaint and transcripts, you will see that Judge McNulty is clearly engaging in misconduct. The only reason I can see is possibly political, as my attorney when I first started with Judge McNulty was Raoul Felder. Unfortunately Mr. Felder didn't tell me that at the same time he was representing me, he was also on a panel that eventually "admonished" Judge McNulty. This is the only reason I can think of. (See exhibit A).

Here is a recap of my issue with Judge McNulty. As I am still not seeing my children and the Judge continues to verbally abuse me while not enforcing my court ordered stipulation, I hope that you can review my case as soon as possible as it seems obvious that the Judge is trying to let my daughter "age out" so she doesn't have to do her job.

Short History

- 1) On February 3, 2011, after not seeing my children for over a year the Judge finally ordered my ex wife to comply with our stipulation (see exhibit B starting at page 13 line 20). The Judge said that if my ex wife didn't comply; there would be "consequences" (Page 15 line 9). After not seeing my children for over a year, suddenly the next day they both came and came every scheduled day for over a year.
- 2) March of 2012 my ex wife stopped complying with the visitation schedule once again. I filed a contempt motion, my ex, knowing it would stall the system then filed a cross motion. I was told by the clerk that Judge McNulty is taking at least 60 days to rule on motions. I sent a letter asking for a sooner date but it wasn't replied to. As you know, in 60 plus days she will rule that this is being put off to trial; which the clerk is saying would be second quarter 2013!!!

Proof of Judicial Misconduct

- 3) In order to get in court sooner, I then filed a Writ. Here is where I can document the misconduct.
- 4) May 24, 2012 while appearing for the Writ, the below occurred (see exhibit C).
 - A) Page 7, line 6. The Judge basically says that since my daughter is 16 she can't enforce my agreement. As far as I know, the law is 18, not 16 and for the judge to state that she can't or wont enforce my stipulation because she doesn't think my daughter will comply is nonsense. She is making the law, not following it. This is like saying the court shouldn't order community service for a teenager if they don't think they will comply. She should follow the law and let me deal with enforcing it. Does the Judge feel my daughter shouldn't be "forced" to go to school or the Dr? Of course she does. This is no different. At this hearing, the Judge even states on the record that my ex has "done everything in" her "power for years to thwart visitation". If this is the case, the Judge should have immediately changed custody pending a hearing (page 7, line 21) as Young V Young states "indeed, a custodial parents interference with the relationship between a child and a noncustodial parent has been said to be an act so inconsistent with the best interests of the child as to per se raise a strong probability that the offending party is unfit to act as a custodial parent. Such interference with the relationship between child and a noncustodial parent can take many forms, the obvious being the outright denial of visitation by making the child physically unavailable at the appointed time. However, the instant case involves a more subtle and insidious form of interference, a form of interference which, in many respects, has the potential for greater and more permanent damage to the emotional psyche of a young child than other forms of interference; namely, the psychological poisoning of a young persons mind to turn him or her away from the noncustodial parent. In this case, if left with the mother, the children would have no relationship with their father.

B) Page 15, line 13, I asked for immediate custody based on DR70 and **before** I could even present my case, the judge denied it (see page 15, line 18). How can she deny it without even hearing me present my case?

5) June 27, 2012 I appeared on another Writ (see exhibit D)

- A) Page 7, line 2 the Judge tells me I am "stupid" for posting "silly" things on my web site where I am running for public office. I think it would be clear to anyone hearing this that the Judge can no longer be fair and unbiased (not that she ever was).
- B) Page 7, line 19 the Judge won't let me speak.
- C) Page 8, lone 1, again, the Judge won't let me speak. She won't let me make my oral motion.
- D) I am trying to make an oral motion for temporary custody based on DL70 (see exhibit E). The Judge tells me that I cannot even make this motion as "the second department has determined that a writ of habeas corpus is not an appropriate vehicle by which one can change custody or visitation". I can't find this anywhere on line and I feel the Judge was bullying me into not pursuing my oral motion. As far as I can see based on the Exhibit E, I was totally within my rights to make this motion at the time of the Writ hearing.
- E) Again, page 9, line 7 the Judge won't let me speak

Thank you in advance for looking into this matter,

Gary Jacobs

In the Matter of Carlie Jacobs

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1 MR. JACOBS: Yes, I have.

2 THE COURT: How stupid are you to do something
3 silly like that when you have a case before the judge who's
4 going to make a decision about you. And I don't even know
5 it. To tell you the truth, I have been called a lot worse
6 and a lot better. And it has never, ever once affected me.
7 It's almost comical. Like I told you the last time with the
8 text, you write it down, it's in the ether world forever.
9 You can call me anything you want. I don't really care.
10 I'm a very good judge. There is half a dozen lawyers in
11 this courtroom who will stand for me if ever asked. And the
12 Appellate Division, possibly 80 percent, 90 percent of the
13 panel affirms my decisions.

14 MR. JACOBS: I think you've been shown --

15 THE COURT: Say that again?

16 MR. JACOBS: Up until today I believe you've been
17 fair. Today --

18 THE COURT: I'm fair everyday.

19 MR. JACOBS: I'm not finished talking. You keep
20 cutting me off.

21 THE COURT: I don't care.

22 MR. JACOBS: Let the record reflect I'm not done
23 with my case.

24 THE COURT: You are done. Because today the writ
25 is satisfied and --

September 28, 2012

New York State Commission of Judicial Conduct

61 Broadway

Suite 1200

New York, NY 10006

Re 2012/N-0528 Gary Jacobs complaint against Judge Marion T McNulty

Dear Ms. Figueroa,

I want to thank you very much for your prompt reply to my request for an update on my complaint. It was greatly appreciated!

I would like to submit a follow up to my complaint. As I stated in my complaint, Judge McNulty called me "stupid" and insinuated that it was a mistake insulting her on my political web site when she was ruling on my case. Well, she did what she insinuated she would and disposed of ALL 5 of my pending motions. I know you at the judicial review board don't rule on decisions per se and I will be dealing with that upon appeal but in order to see that Judge McNulty "punished" me for my statements I want to give you the crux of my motions.

I haven't seen my kids since March of this year. I filed two contempt motions against my ex for interfering with my parenting time. This alone should at least have been under the lowest level of reason sufficient for the Judge to have a hearing on my case. Instead, she denied all my motions and is denying me a hearing. This, with the judge having read the two court ordered forensic reports saying my ex was alienating the kids against me and is a sociopath. Also, the judge has as evidence court papers from the district attorney saying my ex wife lied in order to get an ex parte OP against me.

In short, the judge has done what she insinuated she would and now I have no recourse other than a long appeal process and will no longer have any chance of seeing my kids. THIS SHOULD NOT BE ALLOWED TO GO ON!!

Thank you,


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