

## **Judge Erin J. DeLabio**

I reached out to my former employer, a private practicing attorney by the name John P. Bartolomei to inquire about Judge DeLabio. John told me that as a law clerk, Erin DeLabio was always pro-father, so it was no surprise to him, that as a judge her stance would remain unchanged. Various articles show a stark contrast in DeLabio's election campaign. Erin DeLabio states she is pro-family and works hard to protect children, especially in neglect and abuse cases.

- 1.) Why would Judge DeLabio award the biological and absentee father SOLE custody when there were active/pending criminal and CPS investigations at the time?
  - a.) Whether the Judge DeLabio believed the allegations or not, wasn't it her duty to wait until the investigations concluded to make a final determination in custody arrangements?
- 2.) Why would Judge DeLabio send two minor children out-of-state under the following conditions:
  - a.) With a family they had very limited contact with;
  - b.) When there were serious allegations of neglect/abuse by the father and his family during bi-weekly visitations substantiated by credible evidence submitted by several licensed medical professionals;
  - c.) During the middle of the school year for the oldest child;
  - d.) While the oldest child was receiving trauma based counseling for PTSD and two types of anxiety disorders – general and separation;
  - e.) While the youngest child (17 months) is still breast feeding;
  - f.) When the mother had submitted two petitions filed on two separate occasions for an order of protection, both of which were left undecided;
  - g.) When the mother had no prior criminal history or any allegations against her for any wrongdoing before or during this case leading up to the point where she ultimately had to go into hiding to protect her two minor and defenseless children.



- 3.) Is Judge DeLabio's outright negligence in protecting the biological mother and her children considered a criminal offense? Furthermore, what are Judge DeLabio's motives for blatantly ignoring the following:
  - a.) the heavily evidenced history of domestic violence committed by the biological father toward the biological mother
  - b.) the credible evidence the biological mother had against the biological father for harassment of her and her daughter during the custody case (please see petitions and transcripts)
- 4.) Why didn't Judge DeLabio recuse herself when she became aware of the fact that there was a formal complaint submitted by the biological mother to the NYS Commission on Judicial Conduct (SCJC) on January 19, 2019?
  - a.) Was Judge DeLabio's decision to grant sole custody to the biological father an act of retaliation toward Katie for reporting her misconduct and unethical behavior to the SCJC?
  - b.) Why would Judge DeLabio grant the biological father (the abuser) an order of protection against the biological mother (the victim), while leaving the biological mother's previous petitions for an order of protection undecided? Why would Judge DeLabio ask Katie if she needed a domestic violence advocate and simultaneously not protect Katie and her children by granting her petition of an order of protection?
- 5.) Did Judge Erin J. DeLabio direct outside agencies to intimidate and instill fear in the biological mother and her family?
  - a.) Did Erin DeLabio instruct Nick Faso (Niagara County Sheriff Dept) to intimidate and harass the biological mother's family the very same day that she granted the biological father sole custody? Please see Kevin Riford's (brother of biological mother) account of his encounter with Nick Faso and subsequent arrest (Niagara County Sheriff's - NCS folder). Erin DeLabio was elected at the same time as Judge Faso, who has also been under judicial review for misconduct in the past. (Please see article).
  - b.) Did Erin DeLabio instruct Niagara County Sheriff investigator, Stephen to question the biological mother's sister under the FALSE PRETENSE that he was looking to PROTECT the biological mother from the biological father? Please see Christina



Little's (sister of biological mother) account of her encounter with the investigator at her residence.

- 6.) What are Judge DeLabio's motives in diligently going above and beyond for an out-of-state feckless father, who has shown little to no interest in his children prior to this custody case?
  - a.) Is Judge DeLabio's direct involvement in not only serving the best interests of the father, but allowing his interests to supersede those of the children and the biological mother suspicious? Was this merely a judge aligning with her historically pro-father stance or was it something more self-serving and sinister? ...Maybe financial compensation; political connections; business ties, etc.
- 7.) Why didn't Judge DeLabio carefully think her words and actions through? Judge DeLabio is definitely impulsive, inflammatory, and even at times contradictory? I look back and wonder how someone with a law degree and years of experience in the court could make such reckless and careless decisions.
  - a.) Did she think my sister and her family were easy targets? Maybe. Or did Judge DeLabio need to follow through on what she was paid to deliver? Possibly.

Upon information and belief, Judge Erin DeLabio directed Nick Faso, Niagara County Sheriff specifically to harass my family. Nick Faso came alone, in the dark, pounding on the door and not identifying who he was. Nick Faso falsely arrests my brother to obtain access to my brother's cell phone and car. Nick Faso makes identical statements to my brother and me in separate conversations, Nick states to me, "Peter's in town and he's coming to your house!". Nick states to my brother, "Peter's in town and he's coming to your sister's house!"

Upon information and belief, Judge Erin J. DeLabio directed Stephen Gaydos, a Niagara County Sheriff's investigator to come to my house under the guise that he is there to help my sister and that he doesn't like Peter Diarbakerly. He states, "I need to get in contact with your sister, so I can help her". He claims to not know who Peter Vito is when I question why the Niagara County District Attorney chose not to pursue charges on behalf of Katie L. Riford against Peter Diarbakerly for the domestic violence/abuse she endured over the entire course of their relationship. Oddly enough, Mr. Gaydos knew immediately the name of Peter Vito's wife, Elizabeth Donatello, when I couldn't remember her name and I asked if not defending and protecting my sister, Katie, could have anything to do with Ms. Donatello's former position.



Upon information and belief, Erin DeLabio has directed CPS with the assistance of Jason Cafarella, AFC and Randy Margulis, Peter Diarbakerly's attorney. CPS NEVER once helped when my sister had credible evidence of neglect and abuse committed by Peter Diarbakerly and his family during visitations. They always claimed that 4 adults' claims overruled the claims of an eight year old girl. CPS also stated to my sister and me on more than one occasion that custody cases are a matter of "he said, she said" and "if it's a family court matter, CPS does not get involved"; "It's up to family court to investigate allegation of neglect and abuse."

Now magically, CPS is coming over daily asking to come in, even though we have told them repeatedly that Katie and the children are not here. Eric from CPS told my brother that he was getting a warrant from family court to come in the house. The fact that CPS is diligently working on behalf of my sister's abuser does not fall in line with CPS's past statements that "CPS does not get involved with family court matters". When we questioned Eric from CPS, who directed him to harass our family, he had no response.



02/21/2019 05:28 7162806501

NCFAMILYCT

PAGE 06

F.C.A §§ 430, 550, 655, 828, 1029

GF5 12/2013

ORI No: NY031023J

Order No: 2019-000081

NYSID No: \_\_\_\_\_

At a term of the Family Court of the State of New York,  
held in and for the County of Niagara, at Niagara County Courthouse  
175 Hawley Street, Lockport, NY 14094, on February 21, 2019

**PRESENT: Honorable Erin P. DeLabio****In the Matter of a FAMILY OFFENSE Proceeding**

**Peter Mark Diarbakerly (DOB: 03/11/1990),**  
**Petitioner**

**- against -**

**Katie Lynn Riford (DOB: 11/15/1984),**  
**Respondent**

**File # 75138****Docket # O-00478-19****Temporary Order of Protection****Ex Parte**

**NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CRIMINAL CONTEMPT, AND/OR MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT. IF YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.**

**THIS ORDER OF PROTECTION WILL REMAIN IN EFFECT EVEN IF THE PROTECTED PARTY HAS, OR CONSENTS TO HAVE, CONTACT OR COMMUNICATION WITH THE PARTY AGAINST WHOM THE ORDER IS ISSUED. THIS ORDER OF PROTECTION CAN ONLY BE MODIFIED OR TERMINATED BY THE COURT. THE PROTECTED PARTY CANNOT BE HELD TO VIOLATE THIS ORDER NOR BE ARRESTED FOR VIOLATING THIS ORDER.**

A petition under Article 8 of the Family Court Act, having been filed on February 21, 2019 in this Court and good cause having been shown, and Katie Lynn Riford having been not present in Court.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Katie Lynn Riford (DOB:11/15/1984) observe the following conditions of behavior:

[01] Stay away from:

[A] Olivia Nicole Riford-Diarbakerly (DOB: 03/23/2010);

[B] the home of Olivia Nicole Riford-Diarbakerly (DOB: 03/23/2010) at 266 Lincoln Road, Lincoln, MA 01773;

[C] the school of Olivia Nicole Riford-Diarbakerly (DOB: 03/23/2010);

[02] Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion or any criminal offense against Olivia Nicole Riford-Diarbakerly (DOB: 03/23/2010);



GF-5 Page 2

O-00478-19

2019-000081

It is further ordered that this temporary order of protection shall remain in force until and including August 21, 2019, but if you fail to appear in court on this date, the order may be extended and continue in effect until a new date set by the Court.

Dated: February 21, 2019

ENTER

**ENTERED**  
 Niagara County Family Court

FEB 21 2019

*[Signature]*  
 BY *[Signature]*

*[Signature]*  
 Honorable Erin P. DeLabio

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

The Family Court Act provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties authorizes, and sometimes requires such officer to arrest a person who is alleged to have violated its terms and to bring him or her before the court to face penalties authorized by law.

Federal law requires that this order is effective outside, as well as inside, New York State. It must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person restrained by the order is an intimate partner of the protected party and has or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect due process rights (18 U.S.C §§ 2265, 2266).

**It is a federal crime to:**

- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired (18 U.S.C. §§ 922(g)(8), 922(g)(9), 2261, 2261A, 2262).

**Check Applicable Box(es):**

- ☐ Party against whom order was issued was advised in Court of issuance and contents of Order
- ☐ Order personally served in Court upon party against whom order was issued
- ☒ Service directed by Police Service
- ☐ [Modifications or extensions only]: Order mailed on [specify date and to whom mailed]:
- ☐ Warrant issued for party against whom order was issued [specify date]: \_\_\_\_\_
- ☐ ADDITIONAL SERVICE INFORMATION [specify]: \_\_\_\_\_



At a term of the Family Court of the  
State of New York, held in and for  
the County of Niagara, at Niagara  
County Courthouse, 175 Hawley  
Street, Lockport, NY 14094, on  
February 15, 2019

**PRESENT:** Hon. Erin P. DeLabio

In the Matter of a **Custody/Visitation** Proceeding

**File #:** 75138

**Docket #:** V-03058-18

V-03057-18

**Peter Mark Diarbakerly,**

Petitioner,

- against -

**Katie Lynn Riford,**

Respondent.

**FINAL ORDER ON  
PETITION FOR CUSTODY  
AND VISITATION  
ON DEFAULT**

**NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT IN  
INCARCERATION FOR CRIMINAL CONTEMPT.**

Peter Mark Diarbakerly having filed a petition on October 11, 2018, pursuant to Article 6 of the Family Court Act, requesting an order awarding custody of the following minor child(ren):

| <u>Name</u>                      | <u>Date of Birth</u> |
|----------------------------------|----------------------|
| Olivia Nicole Riford-Diarbakerly | 3/23/2010            |
| Mason M Riford                   | 9/12/2017            |

And Katie Lynn Riford having been served with a copy of the petition, been advised by the Court of the right to counsel, and having the allegations of the petition, and having not appeared before this Court to answer the petition and to show cause why an order of custody and visitation should not be granted

And the Court having searched the statewide registry of orders of protection, the sex offender registry and the Family Court's child protective records, and having notified the attorneys for the parties and for the child and the following self-represented party Katie Lynn Riford of the results of these searches and the Court having considered and relied upon the following results of these searches in making this decision: results reviewed.

And the matter having duly come on to be heard before this Court;

NOW, after examination and inquiry into the facts and circumstances of the case and after hearing the proofs and testimony offered in relation thereto, this Court finds and determines that it is hereby

ORDERED that the best interests of the above-named children require that custody and visitation be awarded as follows: Petitioner-Father is awarded sole custody of the children OLIVIA



NICOLE RIFORD-DIARBAKERLY (B:03/23/2010) and MASON MRIFORD (B:09/12/2017); and it is further

ORDERED that any law enforcement agency in the State of Massachusetts and the State of New York are hereby authorized and directed upon receipt of a certified copy of the Order to assist the Father, Peter Mark Diarbakerly, to the extent legally authorized by the State of Massachusetts and the State of New York in implementing this Order including but not limited to removal of any children described herein from the custody, control and possession of Mother, Katie Lynn Riford, at her residence or otherwise and the delivery of said children to the Father, Peter Mark Diarbakerly, so that the Father may remove the children to the jurisdiction of the State of Massachusetts from the State of New York; and it is further

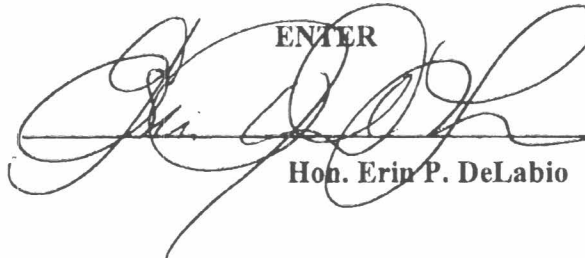
ORDERED that Respondent-Mother is granted supervised access with the children with the supervisor to be agreed upon between the parties; and it is further

ORDERED that the Mother's access shall be as the parties agree and arrange; and it is further

ORDERED that the Mother shall have independent access to all medical/educational records and providers.

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Dated: February 15, 2019

ENTER  
  
Hon. Erin P. DeLabio

**Check applicable box:**

☒ Order mailed on [specify date(s) and to whom mailed]: 2/15/19 - P, R, & ATTY's  
☐ Order received in court on [specify date(s) and to whom given]: \_\_\_\_\_

CC: Jason J Cafarella, Esq., Attorney for Child  
Randy Stuart Margulis, Esq.  
Peter Mark Diarbakerly, Petitioner  
Katie Lynn Riford, Respondent





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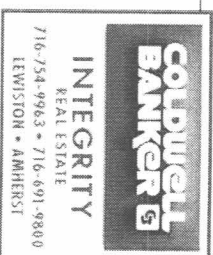


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## Delabio begins tenure as Niagara County Family Court judge

Submitted

Thu, Jan 4th 2018 05:30 pm



Niagara County Family Court Judge Erin Delabio takes her oath of office from Niagara County Family Court Judge Kathleen Wojtaszek Gariano as her husband, Joey, holds the Bible. Delabio succeeds Hon. John Batt presiding over Family

By Christian W. Peck

Niagara County Public Information Officer

Niagara County's newest judge began the week in Albany, attending specialized training, while her staff settled in at the Niagara County Courthouse in Lockport.

Judge Erin Delabio, the former Wheatfield town justice elected last fall to succeed long-serving Family Court Judge John Batt, took her oath of office over the holidays before family and supporters. In remarks to an assembled crowd of more than 200 family and well-wishers, the new family court judge noted that growing up in a family of eight children had given her new role a special appeal.

"The chaos of a big family and the love and support from a large family brings me before you today," Delabio told supporters. "When I came out of law school it was just so natural for me to work with families. And it was always my passion to help them fix their problems and, if they couldn't be fixed, to neutralize the situation. The core desire was to always protect children."

Delabio, who practiced family law as a private attorney, pointed to her background.

"I have represented spouses escaping abusive relationships, children torn by the struggles of seeing their parents fight," Delabio said. "I have represented families wanting to adopt a foster child. Throughout my practice I have dealt with times of pain and sorrow and also great joy in people's lives. Family Court is



Court at the Niagara County Courthouse in Lockport. the one court where all of these things intersect."

Delabio brings significant experience to her new post. In addition to serving on the bench in Wheatfield, Delabio has served as law clerk to Niagara County's other Family Court judge, Kathleen Wojtaszek Gariano.

Delabio offered a pledge to the community she serves after Gariano administered her oath.

"I will be compassionate. I will be hard at times. But, most of all, be decisive, and have the courage to do what is best for children, families and the community," Delabio said. "I will always strive to be fair. I expect that my work will make the lives of those who come before me better."

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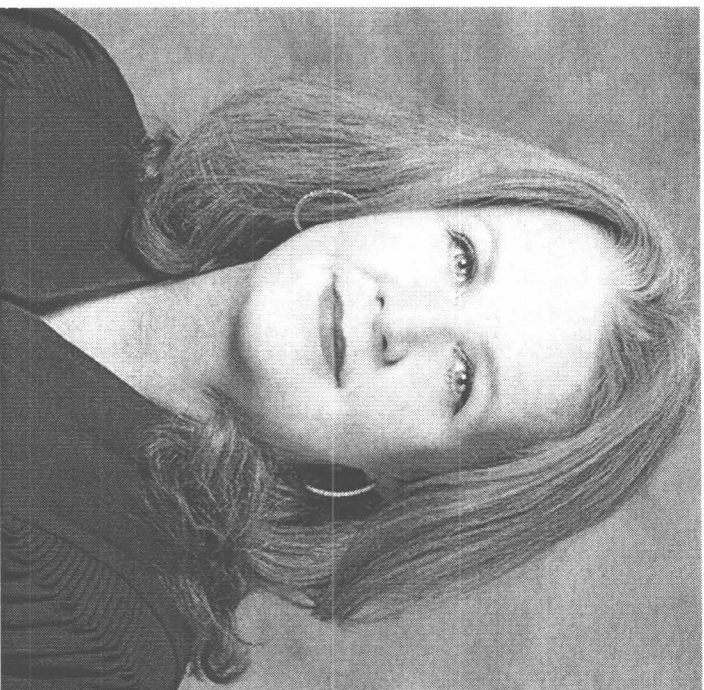


[https://www.niagara-gazette.com/news/local\\_news/delabio-announces-bid-for-family-court-judge/article\\_65affa80-491e-5f50-b0a9-257cf1e76bc7.html](https://www.niagara-gazette.com/news/local_news/delabio-announces-bid-for-family-court-judge/article_65affa80-491e-5f50-b0a9-257cf1e76bc7.html)

## Delabio announces bid for Family Court judge

ELECTION: Current Family Court Judge John F. Batt is retiring.

Staff reports Feb 12, 2017



Erin Delabio



Wheatfield town Justice Erin P. Delabio has announced her candidacy for Niagara County Family Court Judge.

Delabio is looking to fill the seat of current Family Court Judge John F. Batt, who is retiring.



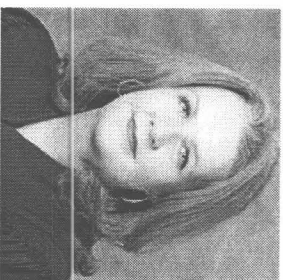
Professionally, Delabio is the confidential law clerk to Family Court Judge Kathleen Wojtaszek Gariano. She's a former assistant county attorney in Niagara County and, as an attorney, has specialized in family and matrimonial law.

"Over the past 20 years, I have represented spouses trying to escape abusive relationships and start a new life. I have represented children who are torn by the struggles of seeing parents fight and split up. I have represented families wanting to adopt a foster child and give them a better home and start on a future they could not otherwise have," Delabio said in a release.

Delabio is a graduate of the State University College at Buffalo and received her law degree from the School of Law at Queens College in 1992.

"Family Court is the institution which has to deal with and resolve family struggles, protect children from abuse and neglect, and give people who have no good place to turn a fresh start," Delabio said. "As your next family court judge I pledge to be both compassionate and deliberative and to always do what is best for our children, our families and our community."

Previously, Lockport attorney Patrick Balkin announced his candidacy for family court judge. Balkin has a private practice and also is an assistant county attorney representing Social Services.



Niagara County GOP committee endorse Delabio for family court judge




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## THE BUFFALO NEWS

# Lockport police lieutenant acquitted on DWI charge

By Staff (<https://buffalonews.com/author/staff/>) | Published June 8, 2015


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LOCKPORT – Lockport Police Lt. Adam R. Piedmont was acquitted Monday on a charge of driving while intoxicated, as well as a lesser count of driving while impaired, on charges stemming from his arrest Oct. 5 in Newfane.

Wheatfield Town Justice Erin DeLabio, who presided over the nonjury trial, issued her verdict Monday without explanation. She convicted Piedmont of a traffic violation, using a cellphone while driving, and fined him \$150 plus a \$93 surcharge, according to defense attorney George V.C. Muscato.

Another SHADY  
Ruling by  
Judge DeLabio  


Sheriff's deputies said Piedmont, who was off duty, refused a breath test after his vehicle struck a parked car on South Main Street in Newfane. He said he was checking his phone for a message at the



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Piedmont was initially placed on paid administrative leave after the arrest, but later returned to desk duty on the midnight shift, Muscato said.



[https://www.lockportjournal.com/news/piedmont-found-not-guilty-of-dwi/article\\_bea81394-0e4c-11e5-9d6f-9f271cbbaf6c.html](https://www.lockportjournal.com/news/piedmont-found-not-guilty-of-dwi/article_bea81394-0e4c-11e5-9d6f-9f271cbbaf6c.html)

FEATURED

## Piedmont found not guilty of DWI

By Kaley Lynch [kaley.lynch@lockportjournal.com](mailto:kaley.lynch@lockportjournal.com) Jun 8, 2015

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JOED VIERA/STAFF PHOTOGRAPHER Lockport Police Lt. Adam Piedmont leaves Wheatfield town court on Monday after a judge found him not guilty of driving while intoxicated. Piedmont was charged last October, in Newfane, after striking a parked vehicle.



WHEATFIELD — A Lockport police officer charged with driving while intoxicated last fall was acquitted of the charge on Monday night.

Lt. Adam Piedmont was found not guilty of driving while intoxicated, but was found guilty of using a cell phone while driving, in connection with a property damage accident Oct. 5 in Newfane.

According to the Niagara County Sheriff's Department, Piedmont struck a parked vehicle on Main



Street about 3:45 a.m. At the time he told the responding deputy that he'd done so while checking his cell phone for a message. The deputy charged him with DWI after noting signs of intoxication and also charged him with refusal to submit to a breath test.

The case was heard in Wheatfield Town Court, where Justice Erin DeLabio ruled after a non-jury trial that there wasn't sufficient evidence beyond a reasonable doubt to find Piedmont guilty of DWI.

DeLabio also ruled that there wasn't enough evidence to convict Piedmont of driving while impaired, as Niagara County assistant district attorney John N. Phillipps, Jr., had attempted to argue at a hearing two weeks ago.

DeLabio ordered Piedmont to pay a \$150 fine, the highest possible fine for a driving while using a cell phone, and \$93 in court fees. The charge will put five points on Piedmont's driver's license.

DeLabio had put off announcing a verdict on May 26 after Piedmont's attorney, George V.C. Muscato, and Phillipps each presented copies of the police report on the incident that varied in one detail. Phillipps' copy said Piedmont showed impaired motor skills at the time of his arrest and Muscato's copy did not.

The refusal-to-submit charge was dropped that night with the consent of Phillipps, who agreed with Muscato that there was insufficient evidence the test had been offered.

Muscato said the case has had a significant impact on Piedmont and that he completed the Catch a Falling Star program, which offers counseling to law enforcement personnel.

"There's a lot to say about the progression he's made," Muscato said.

The case ended up in Wheatfield town court after both Newfane town justices recused themselves from hearing it.

Piedmont had been on paid administrative leave from Lockport Police Department since his arrest. That leave was lifted Monday night with issue of a verdict in the court case against him, according to Chief Lawrence Eggert.

The police board will meet next week to consider whether Piedmont broke any internal administrative rules in the October incident.

"We'll take a good look at it and determine what happens next," Eggert said.



## 7 comments

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**NONE**

YEA A B--LL SH--T THANKS JUDGE YOU -HOLE

Jun 10, 2015

Like Reply

**April Garland**

Well then. If I refuse a BAC test, I expect the same NOT GUILTY verdict as Adam Piedmont. If a cop can get away with it so can I!

Jun 9, 2015

Like Reply

**whouknow**

he's from a good Christian family you know; and related to former police officers, and so, he can't be guilty.. of course they didn't check his cell phone.. and of course he wasn't drunk and of course he didn't hit a parked car (isn't there a law against that?)... and of course he enjoyed his paid leave... can't you tell from looking... don't police officers have to pass physicals? or is that only for "certain" people too?

Jun 9, 2015

Like Reply

**HisSon**

I would like to know if hey checked his cellphone. This just doesn't look right.

Jun 9, 2015

1 Like Reply



**whouknow**

@HisSon its not right... its who you know and who you bl&w and that is the bottom line.... its sickening to me, in many respects...

Jun 9, 2015

Like Reply

**Ronald Maciejewski**

Not being a police officer and I refused breath test Would I get off HA no way what a farce

Jun 9, 2015

1 Like Reply



**whouknow**


@Ronald Maciejewski never would that happen... are you related to former police officers.. are you a police officer yourself? if not.. you are just simply out of luck! just like the attorney who was behind the wheel passed out when his car drove into a ditch.. he was drunk... clearly drunk, but he didn't get

Jun 9, 2015









## Debbie Walker-DeWitt

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## Randy Margulis

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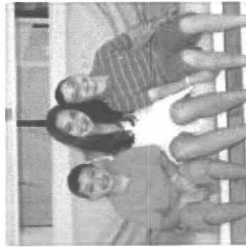
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NorthPark Group, LLC

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**Patricia Vito Hensley**



Randy Margulis



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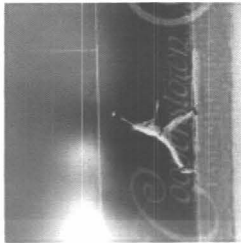
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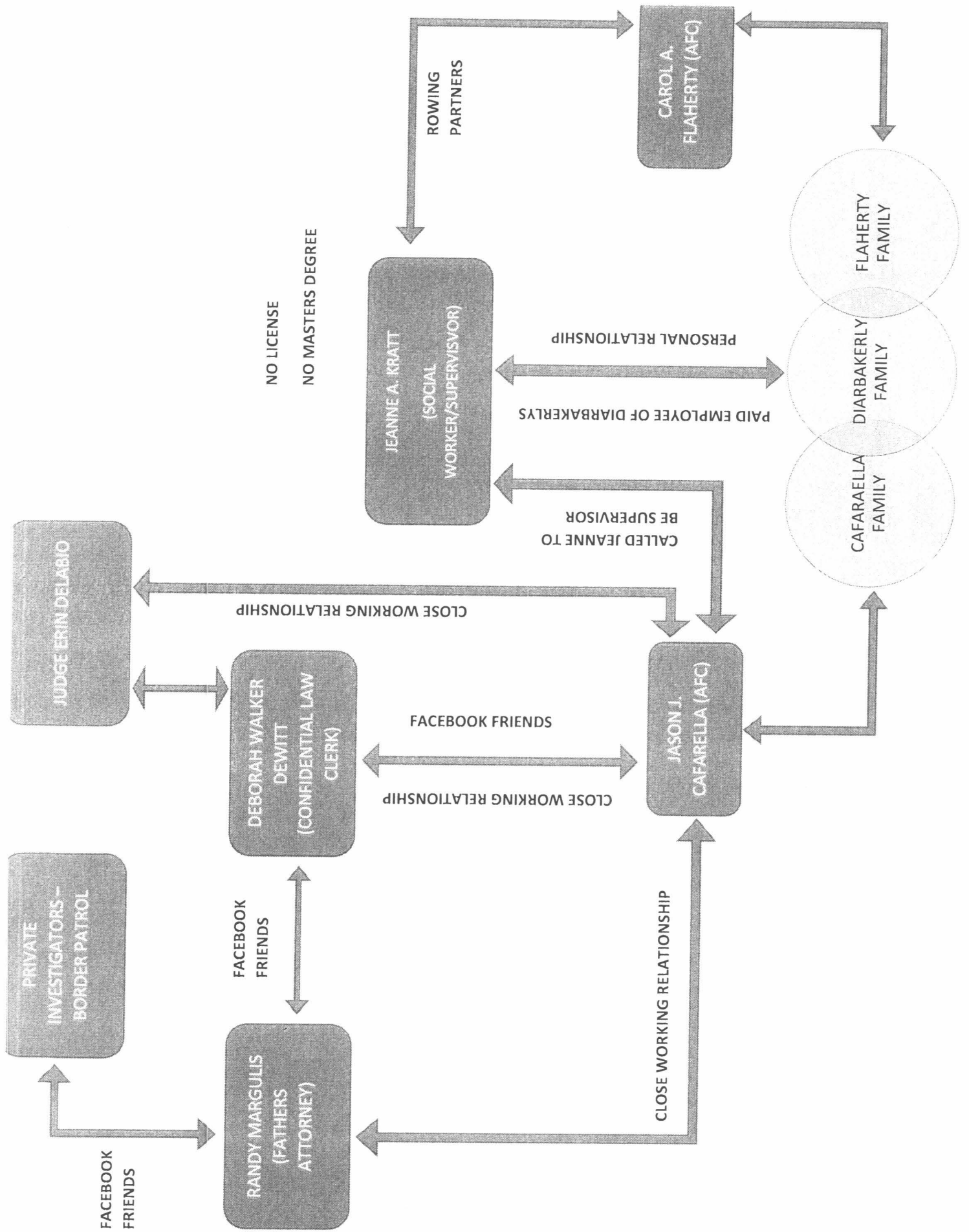
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# Jeanne Kratt

(Supervisor)

- Jeanne Kratt was hired by Peter's family as supervisor after Judge DeLabio, Jason Cafarella, AFC and both attorneys, Dana Herrington, Esq. (mother's 1<sup>st</sup> attorney) and Randy Margulis, Esq. (Peter's attorney) discreetly made an agreement behind closed doors and off the record and WITHOUT the mother's knowledge or consent. (court transcripts referencing this event taking place)
- Jeanne Kratt is listed on the court roster of neutral professionals and primarily works in Erie County. The AFC made the claim to Katie's attorney that he did not previously know Jeanne Kratt, but he placed the call to hire her specifically when she primarily works out of Erie County and did not have an "x" marked under the column family court. (most current court roster attached)
- Jeanne Kratt does NOT have a license to practice social work in NYS. The absence of licensure was verified through the Office of the Professions. (site search attached)
- Jeanne Kratt's education is listed as a Master of Social Work from the State University at Buffalo in a court roster dated 2015. This information could not be verified due to privacy restrictions. Her supervisory notes do NOT reflect master level education and/or domestic violence and conflict resolution experience; although she claims to have both. (court transcripts and court rosters attached)
- Jeanne Kratt demonstrated a clear and blatant BIAS against Katie Riford throughout the entire duration of visitations in which she supervised. Jeanne's bias was heavily demonstrated in her supervisory notes and her texts to Katie Riford. Additionally, a text that was meant for either Peter or his mother was inadvertently sent to Katie by Jeanne, which refers to Katie as "Ms. Miserable". (supervisory notes, text communications and specific text attached)
- Jeanne Kratt admitted in court testimony that she was prepped by Randy Margulis, Esq. and paid to prepare for trial by Peter's family. (court transcript attached).
- Jeanne Kratt not only committed perjury on the stand by stating that she is an independent social worker, but also intentionally and falsely used credentials to impede



a CPS investigation into abuse allegations of the two children who were under her supervision. (court transcript and correspondence/court documents with false credentials attached)

- Jeanne Kratt not only provided inconsistent and contradictory statements in her testimony, but also made boldface lies and false claims in her supervisory notes and communications with CPS. She never once substantiated her claims with any evidence or proof. One example of her many false claims was her accusation of assault by Katie Riford's mother who has severe limitations in strength and agility and who has been deemed totally disabled by New York State, the Social Security Administration and several licensed medical professionals due to interrelated, complex and debilitating autoimmune disorders. (court transcripts and supervisory notes attached)
- Jeanne Kratt is and has been a family friend of Regina Diarbakerly (mother of Peter M. Diarbakerly) prior to the start of this custody case.
- The Kratt and Diabakerly families know each other from the Gow School in East Aurora, NY. (Both families have children who attended the Gow School)
- Zoe Kratt (daughter of KC Kratt and niece of Jeanne Kratt) was written up for inappropriate behavior (indecent exposure) while attending co-ed summer camp at the Gow School in the summer of 2009. The incident was reported by Katie L. Riford (camp counselor) to David Mendlewski, the Director of the Gow School Summer Program. He was also Director of Campus Life/School Counselor during the regular school year.
- The eight-year old child in this custody case reported to her mother that she saw Regina sharing a bowl of soup with Jeanne while at a restaurant during one of the supervised visitations. This tip prompted a deeper investigation into the true nature of the Jeanne/Regina connection.



# Randy Margulis

(Peter's attorney)

- Randy Margulis called the CPS caseworker, Kelly Custode to state that a "licensed social worker was supervising the visits, so no abuse could have occurred".
- Randy Margulis REFUSED a CPS visit to assess his client's interactions with the children during their investigation into three separate reports of abuse by licensed medical professionals.
- Randy Margulis prepped Jeanne Kratt for her testimony, supervisor (neutral party) for her scheduled court appearance. Mr. Margulis wrote a letter to judge criticizing Anthony Cervi's attempt to question Jeanne Kratt regarding issues with visitations.
- Randy Margulis states on the record when Anthony Cervi cross examines Jeanne Kratt on her supervisory notes, "Your honor, that's attorney client privilege and Anthony Cervi responds "She's not your client".
- Randy Margulis NEVER submitted Jeanne Kratt's supervisory notes as evidence. If these supervisory notes were as damaging to Katie's reputation as Anthony Cervi suggested, why didn't Randy Margulis jump at the chance to disparage Katie in court to strengthen his client's position?
- **Randy Margulis is Facebook friends with Debbie Walker-DeWitt, Esq. (Judge DeLabio's confidential law clerk).**
- Randy Margulis is Facebook friends with Patricia Vito Hensley, Esq. (wife of Peter M. Vito of Peter M. Vito and Associates, private investigators).



# Jason J. Cafarella, Esq.

(Attorney for Children)

- Jason Cafarella FAILED to protect and defend his clients, an eight-year old girl and 15-month old boy by inappropriately using his status and intentionally working against the best interests of his clients by placing a call to the caseworker handling the CPS investigation of abuse allegations. (CPS caseworker, Kelly Custode confirmed communications with Jason Cafarella, Esq., Randy Margulis, Esq. and Jeanne Kratt)
- Jason Cafarella FAILED to establish and maintain an ongoing dialogue and rapport with his clients throughout the entire course of this custody case. (Jason Cafarella has had two 5-min meetings with the older child throughout this custody case)
- Jason Cafarella FAILED to ascertain the impact of domestic violence on all parties involved, especially his clients. Mr. Cafarella stated numerous times to Katie's attorney that he didn't have a chance to review the domestic violence evidence provided to the court. (Domestic violence evidence attached)
- Jason Cafarella FAILED to communicate with his client's counselors and actively monitor the progress of the eight-year old girl's trauma based and behavior modification counseling. (Both counselors providing specialized services to the eight-year old girl confirm that the AFC has not reached out to them, which they found unusual).
- Jason Cafarella illegally and unethically substituted judgment for the eight-year old girl. Jason Cafarella DID NOT INFORM his client that he was going against her wishes and substituting judgment, which is a requirement. (court transcript and AFC guidelines attached)

Jason Cafarella: With regards to Olivia, she's eight years old, and her stated wishes are that she does not want to have further access with her father.

The Court: Okay.

Jason Cafarella: **However, I am substituting judgment, because to follow the child's wishes, Judge, would be tantamount to severing her relationship with her father. That would not be in her best interests and would likely – will likely result in a substantial risk of imminent serious harm to the child.**



The Court: Okay.

Jason Cafarella: Thank you, Judge.

**\*\*Please note that in the beginning of this case, Jason Cafarella states on the record:**

Jason Cafarella: part of this is that **dad has not had a – a very integral relationship with his daughter up until – I mean at least the phone conversations recently, and he’s seen her maybe a few times a year.** Maybe this would help at least establishing a little bit better relationship.

- Jason Cafarella intentionally deceived his client and actively worked against his client’s expressed fears, concerns and wishes.

(The eight-year old girl stated the details of her meeting with the AFC to her mother: She told Jason Cafarella that “Peter and his family were hurting her” and Jason Cafarella responded with “That’s not good”; she further stated “I don’t want to go on any more visits with them” and Jason Cafarella responded with “I’ll do my best to make sure that happens”).

Additionally, the AFC refused the school counselor’s offer to stay with the eight-year girl during this unannounced school visit. He went to court after this meeting, on the same day to substitute judgment.)

- Jason Cafarella inappropriately used his status to negatively influence his client’s current school counselor by sharing his opinions and specific aspects about the custody case.

(Katie Riford and her daughter both commented on a noticeable change in demeanor by the school counselor toward them after the Jason Cafarella’s visit to the school. The school counselor went from having a very open and positive communicative approach to intentionally avoiding contact with the eight-year old girl and her mother.)

- Jason Cafarella violated his client’s right to privacy by tainting the neutrality of the eight-year old girl’s current school counselor.

(Katie Riford chose not to share specifics of the ongoing custody situation with her daughter’s current school counselor, so that her school experience could be neutral and unaffected by those specific circumstances.)



## Dana Herrington, Esq.

(Katie Riford's 1<sup>st</sup> Attorney)

- Dana Herrington was providing adequate representation in the beginning of this case, but then there was drastic change in her overall attitude toward Katie. Additionally, Dana started participating in closed door and off the record meetings and not sharing information with her as she once had.

Dana Herrington started having private conversations with Jason Cafarella, AFC during and after court. Katie observed these discreet discussions, but was never close enough to hear the information being exchanged. Ms. Herrington NEVER revealed the nature of those conversations with her own client. Dana Herrington is an AFC in Erie County.

- Dana Herrington participated in numerous closed door meetings, which were all off the record with the judge and opposing attorney. One included the set-up of supervision by a neutral party for visitations. When Ms. Herrington came out of the courtroom, Katie asked for an update. Ms. Herrington stated that Peter offered to pay for the supervision and therefore he had the right to choose the supervisor. Katie asked Ms. Herrington how those details were decided without her knowledge and/or consent. Dana responded "Because the court said so". Katie had two witnesses to that conversation, a domestic violence court advocate and her mother. Katie was led to believe by numerous parties, including her own attorney Dana Herrington, Randy Margulis, Jeanne Kratt and Jason Cafarella that the supervisor was court ordered and court appointed. (see correspondence and court transcripts attached)
- Dana Herrington participated in another behind closed door meeting, which was off the record pertaining to the psychological examinations. Ms. Herrington stated to Katie after that meeting, "It doesn't look good for your case because the psychiatrist's report accuses you of parent alienation." This was very distressing to Katie and the domestic violence court advocate called her later that day to offer emotional support. Katie's 2<sup>nd</sup> attorney stated that he didn't understand Dana Herrington's implication that her psychological assessment determined the overall fate of the case.
- Dana Herrington FAILED to respond to Katie's numerous emails regarding the occurrence of negligence and abuse during visitations supervised by Jeanne Kratt. (please see attached correspondence)



- Dana Herrington deliberately delayed the release of Katie's file when she decided to retain a different attorney. It took over a month for Katie to obtain her records. Dana Herrington used the excuse that Katie had an outstanding balance of \$200, which had to be paid before the release of her file could occur. Katie was never notified of this balance prior to her release request.



# Anthony Cervi, Esq.

(Katie's 2<sup>nd</sup> attorney)

- Anthony Cervi is currently serving as Court Justice in the Town of Lancaster Adult Drug Court (elected five years ago). Mr. Cervi stated in his campaign platform agenda, "I believe in my many years of legal practice that I have shown to be of good temperament and I have consistently exhibited and upheld the high ethical standards of my profession".

([www.buffalonews.com](http://www.buffalonews.com)) Article entitled "Anthony J. Cervi, Candidate for Lancaster Town Justice".

- Anthony Cervi is currently listed on the court roster as an AFC in Erie County – He is currently assigned as an AFC on a different case.
- Anthony Cervi has participated in numerous behind closed doors and off the record meetings with Judge DeLabio, Randy Margulis and Jason Cafarella.

(When questioned by Christina Little regarding the unethical practice of removing transparency, Mr. Cervi states "You're right, I can't do that anymore". He further stated "Judges are doing this more and more now and Niagara County Family Court is a whole different beast".

- Anthony Cervi told Jason Cafarella that he would have him removed as AFC because he was not adequately representing his clients and clearly showing bias against his client. Additionally, Mr. Cervi told Jeanne Kratt that he would have her impeached because she was an unreliable witness, but Mr. Cervi has FAILED to file motions to do the same. He would have served his client's best interests in doing so because there was justifiable cause and sufficient evidence to warrant such a move. Mr. Cervi's statements were made in late July and early August.
- Anthony Cervi stated that falsely using credentials is NOT a crime. He further stated "I don't know where you're going with this?" in reference to Jeanne Kratt's lack of licensure to practice as an independent social worker as reported by Christina Little and Katie Riford.
- Anthony Cervi did NOT call CPS to inquire why three separate reports of abuse by licensed medical professionals and detailed claims from his client's daughter were



allowed to remain unaddressed. Katie repeatedly urged him to contact CPS on her behalf. He NEVER did.

- Anthony Cervi did NOT object to the judge's request to have Katie personally deliver her children to Peter directly at his hotel, knowing the history of domestic violence.
- Anthony Cervi states that a confidential law clerk being Facebook friends with the attorneys in a case she is currently presiding over is NOT a conflict of interest and does NOT necessitate a need for a change of venue. He went on to say that this sort of fraternizing is commonplace between attorneys because the legal community in the Buffalo area is so small. When Christina Little stated "that when a judge's confidential law clerk engages in this type of behavior; it's considered an abuse of power", he did NOT respond.
- Anthony Cervi recently demanded \$10,000 from Katie an hour before a scheduled meeting without any prior discussions leading up to that point. He had already established a 'pay as you can schedule' with his client and NEVER required the retainer amount to be full and just gave friendly reminders when the retainer was running low throughout this case. (At that point the amount owed for services rendered was approximately \$2,000 and Christina Little paid \$1,000 at the end of that meeting, leaving a balance of \$1,000).
- When Anthony Cervi was confronted by Christina Little and Kevin Riford that he was part of the corruption by doing NOTHING for his client, except for answering motions made by the opposing attorney; and that demanding an excessive amount of money be paid by the end of the day was a strategy to make her release him from his legal and moral obligation to defend her; he literally sat there and stared at the wall.
- Katie Riford put a tremendous amount of work in preparing her responses to the motions that Peter's attorney was continuously filing. I do NOT believe he fairly charged her based on her significant contributions to his casework.
- Anthony Cervi refuses to enter Jeanne Kratt's supervisory notes as evidence to the court, stating "I control what is entered in as evidence". He further states "the report hurts Katie because of the numerous negative comments made by Jeanne Kratt about Katie Riford". Christina Little told Mr. Cervi that the supervisory notes show Jeanne Kratt's complete lack of professionalism, competence and education/experience in social work, domestic violence and conflict resolution; it also shows a remarkable bias against Katie. He continues to DENY their importance in defending his client.



