

VOICE OF DETROIT <http://voiceofdetroit.net>

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VICTORY! GODBOLDO CRIMINAL CHARGES DISMISSED; CALLING CAMPAIGN TO FREE ARIANA BEGINS SEPT. 6



Attorney Allison Folmar (third from left), Maryanne Godboldo, Mubarak Hakim and Penny Godboldo and some of their many supporters celebrate Judge Ronald Giles' ruling outside 36th District Court Aug. 29, 2011

Judge Giles: "We are talking about a person's constitutional rights, including liberty"

Channel 7 exposes illegality of Wayne County Juvenile Court practice of rubber-stamping judge's signature to take children

**By Diane Bukowski
Aug. 29, 2011**

DETROIT—Thirty-Sixth District Court Judge Ronald Giles today emphatically dismissed all criminal charges against Maryanne Godboldo, who refused to turn her 13-year-old daughter Ariana over to police officers during a 12-hour stand-off at her home March 24. His ruling came at the conclusion of Godboldo's two-part preliminary exam on numerous felony charges.



Judge Ronald Giles

“There are two main issues here,” Giles said. “First, the [court] order in and of itself. The order has to do more than look official. We are talking about a person’s constitutional rights including the right to liberty, subjecting them to an order that is grossly inadequate and incorrect. The mistakes on it are numerous as identified by CPS [Child Protective Services] worker Mia Wenk herself.



Rukiyah Shabazz

“ It is ridiculous to go in to remove in this court’s opinion somebody’s children based on THIS order. It does not even express any situation where we have exigent circumstances where it says the child is at risk. There was no imminent threat of death or severe physical harm. Therefore I am going to quash this order and everything thereafter is null and void. It is the fruit of the poisonous tree.”

Giles held an evidentiary hearing on the order prior to the first part of Godboldo’s preliminary exam July 25, but held his ruling in abeyance.

Even if the court did find the order valid, Giles said, “I have no evidence on this record that this defendant discharged that firearm. It could have been either one of the individuals in the house. Therefore this court dismisses all charges.”

Police brought a Special Response Team with assault weapons, armored cars and helicopters to Godboldo’s home on Linwood near Blaine to take Ariana after officers first on the scene claimed they heard a gunshot in the home. Wenk had called 911 to summon police to the scene because she wanted Ariana on a dangerous psychotropic drug, Risperdal.

In a court where at least 95 percent of defendants are bound over to circuit court, many hailed Giles’ ruling as extremely courageous.

An emotional cry rang out from Godboldo’s supporters and dozens followed her outside weeping and hugging her with joy, as she and

Ariana’s father Mubarak Hakim linked hands.

“The judge did the right thing, and I had wonderful attorneys beside me, along with my supporters,” Godboldo said. “I thank you all and especially Judge Giles, and I thank the people of Detroit.”



Later, she said, “Ariana was the one who suffered **Atty. Allison Folmar speaks to media** the most in this situation. She was taken from me and abused sexually, physically,

emotionally and spiritually. It was five weeks that I lost with my daughter, I couldn't eat and I couldn't sleep, but now I have her back am I am able to once again take even better care of her."

Godboldo told VOD earlier that Ariana has been "her entire life," ever since her birth.

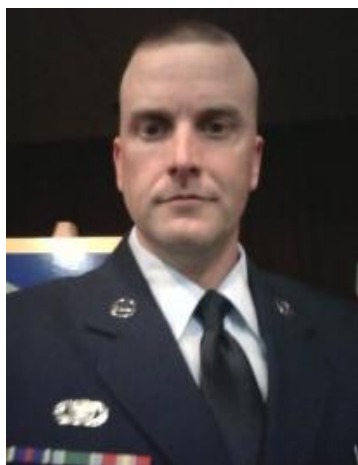
Godboldo had faced "one count of Discharge of a Weapon in a Dwelling, three counts of Felonious Assault, three counts of Resisting and Obstructing an Officer, and a Felony Firearm count," charges carrying up to at least eight years in prison. Attorneys Allison Folmar and Byron Pitts represented her on the charges.



Attys. Byron Pitts, Folmar

"We thank Judge Giles for standing solely on the Constitution and looking solely at the law," Folmar said outside.

"Maryanne Godboldo has been an upstanding citizen of her community all her life. She has lived at the same address and had the same phone number for 40 years. She had to endure not only the unlawful taking of her child but these criminal charges as well. This sends a message to Detroit Police that when you come to someone's house you have to be legal. Unfortunately the police department did not know their own policy."



P.O. Kevin Simpson

Like his supervisor Lt. Michael Neid, P.O. Kevin Simpson also has a military background.

On July 25, Pitts showed a policy from the DPD manual regarding the service of civil orders to Police Officer Kevin Simpson, who with his partner Thomas Trewhella responded to Wenk's 911 call. The policy states clearly that is it not the job of the DPS to serve civil orders.

Wenk had testified that she wanted a police car there because Ariana needed to be "caged."

Simpson then admitted police were not performing their proper duties during the stand-off.

Pitts and Folmar both have pointed out that even the Michigan appeals court order currently criminalizing resistance to police officers in the case of unlawful arrests says that the officers must be "in the performance of their duties."

On Aug. 29, Assistant Prosecutor Lora Weingarden called civilian Deputy Chief Michael Falvo, an attorney, to the stand to counter Simpson's admission. Falvo said it has been common police practice since the 1970's to accompany CPS. However, Judge Giles

would not agree to Weingarden's request to admit him as an expert witness, saying that only he as judge can rule on legal matters in his court.

Weingarden then brought up another section of the DPD manual allowing deviance from policies in "rare" instances.

On Pitts' cross-exam, Falvo admitted that officers must report deviations to their superiors, which had not been done in this case. Pitts pointed out that the manual expressly forbids forcible entry into a house in rare instances where DPD might assist other agencies.



Asst. Wayne County Prosecuting Attorney Maria Miller, spokesperson for Prosecutor Kym Worthy, at first released a statement saying the office was "considering" an appeal.

Shortly afterwards, she said, "He [Judge Giles} ruled that the Juvenile Court order to remove Godboldo's daughter was not valid. However, Judge Lynne Pierce, Wayne County Third Circuit Court Judge in Family Court, held a lengthy hearing and determined the court order was valid. Judge Giles also ruled that there was insufficient evidence produced to show that the defendant fired a gun at law enforcement authorities. The Wayne County Prosecutor's Office objected to the Court's rulings and will appeal the dismissal."

Prosecutor Kym Worthy During the custody hearing before Pierce, a court supervisor testified that it is routine procedure for probation officers to rubber stamp Family Court Chief Judge Leslie Kim Smith's signature on court orders to remove children, although they have no legal authority to do so. Smith never even sees the documents involved.

Even Maura Corrigan, appointed as Director of Human Services under Gov. Rick Snyder, recently said "only judges" can authorize CPS' removal of children. (Click on [Maura Corrigan statement](#) to read Corrigan's statement.)

Roger Farinha, attorney for Ariana's father Mubarak Hakim, said the criminal court finding will affect the ongoing civil custody case, which is scheduled for another hearing in front of Pierce Sept. 29.

On Aug. 9, a jury found that Ariana should remain under state custody based in part on Pierce's repeated rulings that the order was a valid court order, despite testimony by court supervisor Vikki Kapanowski. Kapanowski said that three probation officers rubber stamp Family Court Chief Judge Leslie Kim Smith's signature on child removal documents which never go before the judge.



Gail Bagalle (l) of Save Our Children, foster care advocate; Judge Pierce (r)

“We repeatedly asked Judge Pierce to wait until the criminal case was over before allowing introduction of evidence [relating to the stand-off],” Farinha said. Farinha and

Attorney Wanda Evans, who represented Hakim and Godboldo in the custody case, argued that testimony from police officers at that hearing would prejudice the jury, since Godboldo would have to take the Fifth Amendment regarding the events of March 24.

“The statute says a judge cannot have probation officers perform her duties,” Farinha said. “The file stamp on the order was not valid, the seal was not valid. We are pursuing appeals of the jury finding and Pierce’s orders.”

Weingarten argued that her office had proven that Godboldo fired a gun during the stand-off. However, it came out during the exam July 25 that no evidence technicians were ever called to the scene.

Police Officer William Blake, of the Tactical Mobile Unit which backed up the assault team, said he saw a “bullet hole” in the ceiling of the inside stairwell leading to the kitchen, but on cross-exam by Pitts, he admitted he had never reported seeing that bullet hole in his initial CRISNET report, or in a May report to the prosecutor’s office.



P.O. William Blake

Officers testified they found a gun and bullets in the house, but never linked them directly to Godboldo through physical evidence. Wayne County Circuit Court Judge Deborah Thomas, who acted as a mediator during the stand-off and was called as a prosecution witness, testified that Godboldo told her only that “a weapon was discharged” during the stand-off.

No evidence technicians were called to the scene in a timely fashion. On Aug. 9, a unit of “Crime Scene” Detroit police officers with a search warrant came to the home belatedly and jiggled a pen around in a hole in the kitchen door they apparently claimed was a bullet hole. Professor Eric Lambert, chair of Wayne State University’s Department of Criminal Justice, told VOD however that the search was extremely belated and could be subject to challenge in court.

Weingarten never raised the search during the Aug. 29 hearing.

As this article went to press, Godboldo’s supporters held their weekly Monday meeting at 6 p.m. at Hartford Memorial Church, where she and her sister are active members. They vowed to continue the battle against Worthy’s appeal and to return Ariana to her mother’s custody.

MARYANNE GODBOLDO, MUBARAK HAKIM, AND ARIANA GODBOLDO-HAKIM HAVE RECEIVED WORLD-WIDE SUPPORT IN THEIR CASES. VOD READER PORTIA COMMENTED EARLY ON:



“The main problem is ‘the best interests of the child’ was the slogan used by Hitler and his SS in Germany. Said the Fuhrer, “When an opponent declares: ‘I will not come over to your side, I calmly say ‘your child belongs to me already.’ Who are you? You will pass on. Your descendants, however, now stand in the new camp. In a short time they will know nothing but this new community.”

This sums it all up. Bless those who now support this family, as it could be your family tomorrow.”

The Justice 4 Maryanne Committee’s website is at <http://www.justice4maryanne> .

Channel 7 reporter Heather Catallo aired an excellent report the evening of Giles’ dismissal of Godboldo’s charges, on the unlawfulness of seizing children based on orders signed by probation officers, and never reviewed by a judge. She interviewed both a Michigan State University professor who specializes in such matters, and a representative of the State Court Administrator’s office.

Upcoming events to free Maryanne Godboldo and Ariana

We welcome your presence at all of these events. There is power in numbers.

****Justice for Maryanne Task Force Committee Meetings meets EVERY Monday 6-7:30pm @ Hartford Memorial Baptist Church 18700 James Couzens Hwy in Detroit. In Fellowship Hall - from now until the last Monday in October 2011****

Beginning Tuesday, September 6th, 2011 - Calling Campaign

Please call and/or send letters to Judge Lynn Pierce EVERY DAY and tell her to let Ariana go home to her mother. Urge her review her ruling and the jury’s decision in the custody case against Maryanne Godboldo on August 9th. Remind her that Judge Giles ruled that the order to remove Ariana was invalid and that CPS worker Mia Wenk is currently being sued in Federal Court for not following CPS protocol in another case. If she knows that the community stands behind Maryanne – she may let Ariana go back to Maryanne before or during her follow-up custody hearing on September 29th.

Let her know that Child Protective Services cannot get away with treating our law-abiding citizens in this cruel and unconstitutional way.

Judge Lynn Pierce

Lincoln Hall of Justice

1025 East Forest Court Room 2B Detroit, MI 48207

(313) 833-0165 8-4:30pm EST Mon-Fri

Monday, September 12th, 2011 at 6pm at Hartford Memorial Baptist Church, 18700 James Couzens Drive at W. 7 Mile Road Call **313.861.1300** Church Office or **313.867.4841**

FREE SEMINAR“Psychiatric Drugs: Are They Helping or Destroying Our Culture?”

Thursday, September 29th, 2011- Custody Proceedings continue.

