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Letter to the Editor/Open Forum

Re: New 26<sup>th</sup> District judge 'delighted' at opportunity

I had to laugh when I read the statement attributed to judge Sharp about Mr. Napier's installation representing "a public affirmation...to the continuation of the highest standards of judicial conduct." That was a joke, right ?!

We haven't had "public affirmation" of the local judiciary since before the civil war. None of the judges in Virginia are elected by popular vote, which is why they get away with running rough-shod over the rights of the litigants. There is NO over-sight, the judicial review commission is a case of the fox's watching the hen-house. Even when abuses are reported, NOTHING is done.

I don't know why judge Hupp bothered swearing Mr. Napier in, neither one of them will actually do what the oath imposes: Article II section 7 of the Constitution of Virginia clearly states that "**ALL** [emphasis mine] officers elected or appointed under or pursuant to this Constitution shall...severally take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm) that I will [emphasis mine] support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will [emphasis mine] faithfully and impartially discharge **ALL** [emphasis mine] the duties incumbent upon me as....., according to the best of my ability (so help me God).”

In my own case, both judge Logan and judge Hupp have made it clear that neither one give a flip about the rights of the litigants. In a custody battle, mother bias is rampant. I see judge Napier is also an advocate of mother bias, because he too spouts the rhetoric about “the best interest of the child” being the standard in custody cases--Nothing can be further from the truth. Before you can use “the best interest standard” one or both parents must be declared unfit, that is established case law. However, none of the judges that I have encountered here in the 26<sup>th</sup> district have any respect for established law or the fundamental, protected, Constitutional rights of BOTH parents in the care, custody, and management of their child(ren).

When a judge advocates for “the best interest of the child” standard, what he/she is really saying is that they support state mandated child abuse. Or that they support the adversarial process of divorce and custody proceedings, which only serves the best interest of the judges, lawyers, therapists, etc ad nauseum ... Ultimately, it is the child who loses.

I also take note of judge Napier’s statement “Spousal abuse is an issue that is very special to me” and that he has “tried to empower women in abusive relationships...” I guess the translation is: he will believe every accusation of spousal abuse coming from a woman, whether it is true or not, and if a man comes before him with a complaint that his wife/girlfriend is subjecting him to abuse , he will not believe the man. This is the status quo.

Just once, I would like to see the judges do their job correctly, follow the law, no favorites, no bias, no chivalry (*acting like they are the woman's champion*). I see judge Napier is allegedly concerned about the "increasing number of children involved in serious criminal offenses." His answer, "discipline". My answer, stop creating single-parent households, stop eliminating fathers from frequent (*daily*) contact (*when/where possible*) with their children in the event of a separation or divorce. It is true, the Court can't force two people to stay together, however all the research shows that father involvement in a child's life greatly reduces the likelihood of the child getting involved in gangs, criminal activity, drugs, teen pregnancy, behavioral problems, etc... So, if the Court/judges would TRULY do what is in the "best interests of the children" who are the real victims in a divorce/custody battle, joint custody (*equal contact/access*) to or by both parents would be the norm and not the exception. Joint/EQUAL custody would also recognize the rights of the parents.

We would also have less need for more jail space, anyone care to bet how many of those locked up, just in Virginia, came from a broken home ? How can a judge say he promotes the best interest of a child in a divorce/custody situation when he orders less than equal time with both parents ? Anything less than equal is child abuse. Anything less than equal is a violation of the rights of all the parties involved. Any orders, without good cause, that deviate from equal access/custody are an act of treason against the Constitutions of Virginia and the United States.

Some of you may recall a few years ago when I wrote about the cops in and around Winchester not knowing the law. Now it seems that our appointed judges have the

same problem. One answer is for a return to electing the local judges by popular vote, that would make the judiciary accountable. We the people elect the Commonwealth Attorneys and Sheriffs, why not the judges too? Seems fair enough to me.

If anyone has any doubts to the validity of my statements, I would be happy to supply documentation of my own situation.

Sincerely,

A Concerned Resident and father,

Brian R Chapman

[www.antipeonage.0catch.com](http://www.antipeonage.0catch.com)

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\*Not available to non-custodial parents. Offer may vary in some areas. Other restrictions may apply. See Division of Child Support for details.