

IN THE CIRCUIT COURT FOR THE LAKE SUPERIOR COURT JUVENILE  
DIVISION  
IN AND FOR LAKE COUNTY, INDIANA

CASE NO.: 45 DO6 0710JT000213

John Charles, DOWNES	)
Petitioner,	)
	)
v.	)
	)
MARYBETH BONAVENTURA,	)
GLENN COMMONS,	)
Eugene M. Velazco Jr.	)
Respondent.	)
_____	)

**Petitioner’s Notice of Federal Younger Alert**

Comes now the Petitioner, John Downes, noticing the Court and all parties of the fact that he is giving his formal federal Younger doctrine alert, as to any and all federal questions raised within these proceedings that may still lack proper resolution in compliance with written law and established due process, and providing fair and reasonable opportunity for the Indiana state court system to comply with all aspects of federal law therein, by stating: Child Protective Service made a rush to judgment based on unreliable and unchecked accusations of a mentally ill person. CPS failed to follow its own guidelines and zoomed in for unwarranted permission to take a child that was in no danger. The initial report found a clean house with no drugs or alcohol on the premises. The baby taken into custody that day had no marks or other signs of abuse except that which the worker Nunez could dream of in one of her wild subjective personal fantasies. There was no investigation of any accusations or charges before the child was taken.

In court Judge Bonaventura found no cause of action, that is no injury to the development of the baby, nor injury to his person beyond the fact that the father admitted to drinking alcohol on occasion.

In the next session of court, Magistrate Commons refused to accept the father’s denial of the Initial Disposition presented by worker Nunez. Three times the father attempted to deny the disposition and Mr. Commons refused to accept the plea. The father knew if he was able to address each charge individually the case would be dismissed. Mr. Commons refused to accept the denial and abused his judicial power by forcing and or tricking the father into accepting the Initial disposition by accepting an offer of help. His actual words were and the record will reflect this, “You can’t get any help if you don’t accept this disposition. You do want help don’t you?” The father agreed to accepting the court’s assistance however, what he received was not perceived as help. The treatment he got from CPS and Metropolitan Oasis was no more than locking him into a corner and getting him to accept the fact that he was helpless in this matter. Then when the mother had the father falsely arrested the court determined that he was to much a risk because of his criminal record. That charge is in the process of being dismissed for lack of evidence and proof positive that whatever injuries the mother had were created by her own hands a week before she called the police.

As thoroughly detailed by the undersigned Petitioner's argument, authority, and exhibits in this case, the matters in question have been so utterly defective and inadequate as to deprive the Petitioner of even the most basic precepts in the well established course and due process of law.

In such a case, the federal court system will not abstain from hearing and enjoining those same unlawful practices under either the Younger doctrine (e.g., see *Younger v. Harris*, 401 U.S. 37 (1971), and its progeny), nor the doctrine normally requiring exhaustion of administrative remedies before applying for a federal injunction to address flagrant civil rights violations.

Title 28 U.S.C. § 2283, the anti-injunction statute, prohibits federal courts from enjoining state court proceedings, but the statute excepts from its prohibition injunctions which are "expressly authorized" by another Act of Congress. The United States Supreme Court has previously determined that actions brought under the Civil Rights Act of 1871, 42 U.S.C. § 1983, are within the "expressly authorized" exception to the ban on federal injunctions. *Mitchum v. Foster*, 407 U.S. 225 (1972).

By giving this formal written notice of the flagrant civil rights violations at play in this case, and by giving the required formal opportunity for the state court system to now correct those same violations of basic, well established due process, the federal courts are free and clear to address the same matters if this state court system continues to display itself unable to do so.

**WHEREFORE**, the undersigned Petitioner provides the above required notice and alert.

Respectfully submitted,

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John C. Downes  
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