No. _____

In The
Supreme Court of the United States

FERNANDO GABRIEL IRAZU,

Petitioner,

vs.

MARGARITA OLIVA SAINZ DE AJA,

Respondent.

On Petition For Writ Of Certiorari To The Appellate Court Of The State Of Connecticut

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

This is a parental rights case where international private law and constitutional law intersect with ramifications of exceptional relevance for US legal policy worldwide and the functioning of the domestic legal system.

Specifically, this case addresses a *pro se* father's rights and the need to protect US jurisdiction and laws as well as to enforce final US judgments internationally –in tandem with foreign *exequatur* proceedings under Continental Law–, all in light of his rights to due process and to be timely heard in the context of his unequal treatment under the law.

1. Did the lower court infringe the Petitioner's parental rights and due process by ignoring the Court's unanimous precedent, *in re, Chafin v. Chafin*, as a result of the Respondent attacking the final US divorce judgment and orders via a subsequent fraudulent and concealed contentious divorce action in Spain, among other relief related to minor children?

2. Did the lower court infringe the Petitioner's parental and property rights by perpetuating a *status quo* of contempt to court and fraud by the Respondent, thus granting the latter a *de facto* sole custody award while terminating this party's parental rights, all through due process violations and an unequal treatment under the law (never proper proceedings per local normative)?

QUESTIONS PRESENTED – Continued

3. Did the lower court infringe the Petitioner's parental and property rights by applying the law in a biased, partial and unequal fashion? In this regard, did the lower court also infringe the Petitioner's due process by not disqualifying the district court judge, reversing her rulings, and ordering the transfer of any further proceedings to federal venue?

4. Did the lower court ignore the constitutional claims posed by the Petitioner as well as all records, facts, and applicable law in this case, including undisputed evidence proving abuse of process, false criminal charges and illegitimate advancement of civil claims, a spurious civil restraining order with nationwide reach under federal punishment, the curtailment of this party's parental and property rights, unethical and criminal conduct, as well as lack of proper counsel, police brutality, harassment, and persecution through state-related institutions?

LIST OF PARTIES

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

The petitioner respectfully prays for a writ of certiorari issue to review the judgment from the State courts below.

STATE COURT OPINIONS

A copy of the decision of the Supreme Court of the State of Connecticut denying the Petition for Certification (PSC 18-0347) from the ruling of the local Appellate Court is dated 3/13/2019, unpublished, and appears as Appendix A.

A copy of the decision of the Appellate Court affirming the district court rulings enumerated below (AC 41455, *Heller, J;* AC 41598, *Genuario, J;* and AC 42118, *Truglia, J*)[1] is dated 2/12/2019, published (187 Conn. App. 902), and appears as Appendix B.

A copy of the rulings of the local district court appears as Appendix C, namely:

(i) motions for contempt and fraud for violation of parental and patrimonial rights, also in the context of a subsequent fraudulent and concealed divorce process in Spain (3/2/2018 and 5/14/2018, *Heller J);*

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[1] Post-denial of the Petition for Certification by the Supreme Court of the State of Connecticut, the Appellate Court reversed its decision as to AC 42118 *(Truglia, J),* and this case is pending of resolution.

(ii) disqualification of *Honorable Donna Heller, Judge,* for biases and partiality as well as request for transfer of any further proceedings to federal venue (4/24/2018, *Genuario, J)*; and

(iii) civil restraining order with nationwide reach in the midst of appellate proceedings (9/12/2018, *Truglia, J*).

A copy of the latest court-mandated Stipulation *(Tindill, J)* is dated 6/10/2016 and appears as Appendix D.

A copy of the Memorandum of Decision (*Harrigan, J,* incorporating Orders of Marital Dissolution, *Malone, J*) ruling on the divorce of the parties is dated 9/2/2010 and appears as Appendix F.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. §1257 on a timely basis per final State courts' ruling above.

CONSTITUTIONAL AND STATUTORY PROVISIONS

First, Fourth, Fifth, Sixth, Eight, Ninth, and Fourteenth Amendments, United States Constitution.

Conn. Gen. Stat., § 45a-717, (a) through (k).

Parental Kidnapping Prevention Act, 28 U.S.C., §1738 A (b) and (f).

Uniform Child Custody Jurisdiction and Enforcement Act, Chapter 1, § 102-105, Chapter 2, § 201.

Hague Convention on the Civil Aspects of International Child Abduction, Articles 2-5.

US Department of State, US Customs and Border Protection Guidelines.

Connecticut Practice Book, *Code of Judicial Conduct*, Canon 2, Rules 2.2, 2.3, 2.11.

Connecticut Practice Book, *Rules of Appellate Procedure*, § 60-1.

Conn. Gen. Stat., § 46b-15 (a).

18 U.S. Code § 2265. *Full Faith and Credit Given to Protection Orders.*

18 U.S. Code § 2262. *Interstate Violation of Protection Order.*

STATEMENT OF THE CASE

1. Protection of US Jurisdiction and Laws, and Enforcement of Final US Judgments Internationally; Parental and Property Rights; Unequal Treatment Under the Law and Abuse of Process.

At the core this is a family law case encompassing international private law and constitutional law from different angles, which as a whole embarks on matters of exceptional relevance regarding US public policy and the overall functioning of the legal system.

The parties are US citizens; the Petitioner was born in Buenos Aires, Argentina; and the Respondent was born in Granada, Spain. The parties married in

New York City on 10/6/1995; the Respondent recorded the US marriage of the parties in the Spanish consulate of New York City on 10/17/1995; a religious ceremony under the Catholic faith took place in Granada, Spain, on 5/18/1996; and three children were born in the US out of their union: a girl (11/4/1998); a boy (7/31/2000); and a girl (5/26/2003).

The parties divorced at the Superior District Court of Stamford/Norwalk, Connecticut, on 9/2/2010. At the Petitioner's request, on 1/26/2016 the Ecclesiastical Tribunal from the Diocese of Bridgeport, Connecticut, granted an annulment of the parties' religious marriage.

The petitioner was deemed a loving and outstanding father by the district court[2] and the Respondent,[3] he was granted joint legal custody of his children; and specific co-parenting rights and duties were mandated. In exchange for co-parenting, the Respondent retained residence of the family home – acquired with the fruit of the Petitioner's exclusive effort– for a set period of time and under certain conditions.[4]

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[2] "COURT: ... There is no question in my mind that they're both loving parents and that's been clearly demonstrated in this courtroom...", *Divorce Trial before late Judge Harrigan,* 6/16/2010, page 17.

[3] Margarita Oliva Sainz de Aja, *Divorce Trial before late Judge Harigan,* 6/10/2010, page 47; *"Throughout the years, Fernando has been a good husband, has shown an exceptional dedication to his family and is an outstanding father",* Letter from Margarita Oliva Sainz de Aja to *Honorable Robert John Malone, Judge,* 4/2/2009; id. 8.

[4] Appendices D and F.

The rulings subject to review ignored the aforesaid, and perpetuated a *status quo* of contempt to court and fraud from the other party of several years. This *status quo* implies the termination of the Petitioner's parental rights by *de facto* granting a sole custody award to the Respondent with no legal recourse, after two of the three children having reached legal age during these delayed proceedings.

The present outcome is particularly due to the unequal treatment under the law of a *pro se* father confronting state-driven illegalities as well as unethical and criminal conduct of various parties, which include a subsequent fraudulent and concealed divorce process in Spain that was declared null and void after the Petitioner discovered such scheme and proceeded to enforce the US divorce judgment and orders via an *exequatur*.

The Respondent continued her abusive pattern of advancing civil claims illegitimately, and pursued a nationwide restraining order against the Petitioner in the midst of the local appellate process, which further curtailed this party's parental and property rights.

The Petitioner's updated request for relief before the lower court, also in light of all constitutional concerns detailed herein, was denied the same day oral arguments took place before the Appellate Court.[5]

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[5] *Motion for Reconsideration En Banc with Appendix* (denied 1/22/2019), 1/18/2019; *Amended Request For Relief* (denied 1/9/2019), 12/19/2018, Appellate Court.

2. Basic Factual Timeline.

2009-10. These proceedings were triggered in early 2009 with false criminal allegations of abuse against the Petitioner that were dismissed, discarded and/or unsubstantiated as a result of rulings from the district criminal court as well as the opinion from the *Department of Children and Families*[6] and the late divorce trial judge himself *(Harrigan, J).*[7]

The Petitioner endured multiple proven illegalities from the Greenwich Police Department as well as Greenwich Firefighters, among others within the State of Connecticut. The Petitioner suffered a cardiac arrest and was hospitalized in Greenwich.[8]

2010. In 2010, the Petitioner was prompted to act *pro se* during a divorce trial centered on criminal allegations, and the trial judge honorably advised him to get his record expunged *(Harrigan, J).*[9] Although the Petitioner *pro se* later had his record fully expunged by the local criminal court,[10] the long-lasting damage was done. His good name, honor, reputation, professional career, as well as patrimony have all been decimated.

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[6] Letter of 2/20/2009 from the *Department of Children and Families*, State of Connecticut, Ethel Moore, Social Worker-Investigation.

[7] Transcripts, *Divorce Trial before late Judge Harrigan*, 6/4/2010, page 93.

[8] *Appendix to the Defendant-Appellant's Brief,* A 115-463, AC 42118, cross-referenced per *Appendix to Motion to Consolidate and Order,* 9/24/2018, AC 41455, and *Communication to the Court*, 1/10/2018, AC 42118 / AC 41455, Appellate Court; among others.

[9] Id. 7.

[10] *Court Order of 1/30/2012 (Comeford, J),* CRO90165772S and CRO90168728S, *State of Connecticut v. Fernando Gabriel Irazu.*

During the divorce trial, the shared religious beliefs of the parties represented an issue for the local court.[11] Orders of marital dissolution were entered into by the presiding judge in the criminal process *(Malone, J).* The divorce decree deemed both parties equally responsible for their marital breakdown, and mandated mutual and flexible co-parenting of the minor children under joint legal custody. All marital assets were divided in equal stakes. The Respondent received $1 as alimony.[12]

Even after the conclusion of the divorce process, the local prosecutor protracted such spurious criminal proceedings. Although this ignominy came to an end due to the Petitioner's *pro se* efforts, as a US citizen and without any plea bargain he was still compelled to "self-deportation" to his country of origin Argentina.[13]

2010-13. In 2010, the Petitioner quickly complied with all financial orders in excess. While he was abroad, the district court *(Malone, J)* denied any clarifications of his rights; sequestered $27,000 of his exclusive property and designated Attorney Kevin Collins as trustee of those funds; as well as modified the $1,000,000 life insurance policy on each of the parties' lives for the exclusive ownership of the

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[11] "COURT: No politics. No religion. Does that make sense to you?", *Divorce Trial before late Judge Harrigan,* 6/10/2010, page 63 ; "Q: Over the last decade, has your husband displayed very firm religious commitments? A: Yes, you have; and they were all shared by me.", *Divorce Trial before late Judge Harrigan,* 6/4//2010, pages 58, 129.

[12] Appendix F.

[13] Id. 113, 116-117.

Respondent.[14] In 2011, the Petitioner was erroneously declared in contempt for non-existent debts after a *capias* being issued while he was exiled in Argentina, only for the officiating judge to later advise him to appeal his own ruling *(Wenzel, J)*,[15] which concluded with a *Petition for Writ of Certiorari* before the Court.

2014-15. In 2014, the Petitioner established a *Child-Support Obligations Trust* before the district court in the amount of $250,000 via his equity in the family home, all based on a budget exclusively produced by the Respondent and Attorney Kevin Collins –by now a contentious party counsel who denied the existence of this budget on record.[16] Regardless of such guarantee, in 12/2015 the Respondent sued the Petitioner for child support, educational support orders, and welfare. The Respondent is a sophisticated NY and Spanish qualified attorney, a senior partner at Baker McKenzie in New York City,[17] the owner of various real estate properties, and holder of relevant investments and savings.

2016-17. On 6/10/2016, the parties settled all differences through a court-mandated Stipulation *(Tindill, J)*.[18] The Petitioner increased his commitment to $400,000 with additional equity in the family home, and co-parenting was at the center of

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[14] Order #153, *Appendix to the Defendant-Appellant's Brief,* A 104-108, AC 41455, Appellate Court; Appendix E.

[15] *Hearing before Judge Wenzel*, 2/17/2012, pages 35, lines 1-5; 36, 1-8.

[16] Representation of Attorney Kevin Collins, *Hearing before Judge Heller*, 7/11/2017, pages 21-22; Exhibit A, *Hearings before Judge Heller*, 7/11-13/2017, id. 5.

[17] Exhibit K, *Hearings before Judge Heller*, 7/11-13/2017, id. 5.

[18] Appendix D.

any consideration. The Petitioner was immediately stonewalled in all co-parenting.[19] This party contends he was induced under false pretenses to enter into such agreement for the exclusive financial benefit of the other side.

One week after executing this Stipulation, on 6/17/2016, the Respondent sued the Petitioner for contentious divorce in a concealed and fraudulent fashion in Spain, resorting to false marriage data, domiciles and residences, as well as documentation.[20] The Petitioner argued the marriage of the parties in New York City of 10/6/1995 in fact took place in Spain, and established the last marital domicile and residences of the parties in Spain –all in one of the properties inherited by the Respondent in this country–,[21] when they had only resided as a couple in the United States and every member of the family is a US citizen despite holding Spanish nationality. Without such array of falsehoods, under Spanish law,[22] proper jurisdiction and competence would have

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[19] "COURT: All right. To the extent this document talks about a pattern of conduct, which is what Mr. Irazu has been testifying about, I will allow it as a full exhibit. I'm going to disregard the post-motion events, but there are statements in here from Mr. Irazu about -- such as I asked you to confer with me about it, but you ignore my requests over and over again. So to that extent, I will take it as a full exhibit.", *Hearing before Judge Heller*, 7/13/2017, page 44, lines 13-21; Exhibits L, M, Q, S, T, U, V, KK, LL, EE, FF, MM, HH, AA, JJ, *Hearings before Judge Heller,* 7/11-13/2017, Exhibits A and B, 1/26/2018, id.5.

[20] Exhibits D, E, and N, *Hearings before Judge Heller*, 7/11-13/2017, id. 5.

[21] Exhibit N, *Hearings before Judge Heller*, 7/11-13/2017, id. 5.

[22] Spanish Constitution, articles 25 and 12; Spanish Law of Civil Procedure, *Of Matrimonial and Children Proceedings, Competence*, article 769; Spanish Civil Code, articles 40, 49, 86.

never been activated: the Respondent needed a fraud to obtain custody orders over minor children under Spanish jurisdiction and laws, as well as improper financial and patrimonial benefits.

The Petitioner fortuitously discovered this fraud a year later through official correspondence from the Spanish court sent to the family residence in Connecticut and handed to him by his youngest daughter.[23] The Spanish court had been trying to locate the Petitioner around the world, while the other party contented she did not know of his whereabouts and requested this foreign court to publish edicts in local newspapers to find him. Via this official correspondence, the Petitioner discovered the Spanish court had declared him in contempt to court for not answering summons he had never seen or received, set a date for a contentious trial with witnesses, and called for a prosecutor to take part of this process.

The Petitioner *pro se* requested the nullity of those fraudulent proceedings as well as an *exequatur* of the final US divorce judgment,[24] which were granted by the Spanish court.[25]

Only a month after executing such Stipulation in the United States, on 7/9/2016, the Respondent unilaterally enrolled the oldest daughter for college in Spain[26] –still a minor and already under Spanish

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[23] Exhibits F and G, *Hearings before Judge Heller*, 7/11-13/2017, id. 5.

[24] Exhibit H (marked for identification and later discarded by the district court), *Hearings before Judge Heller*, 7/11-13/2017, id. 5.

[25] Exhibit C, *Hearings before Judge Heller*, 7/11-13/2017, id. 5.

[26] Exhibit L, *Hearings before Judge Heller*, 7/11-13/2017, id. 5.

jurisdiction and orders due to the Respondent's fraudulent divorce action there–, against court orders, the parties' prior understanding, as well as federal and international normative.[27] In 12/2016 the Petitioner, alleging fraud, pursued a motion for contempt and order against the Respondent –this motion was amended to reflect the discovery of the Spanish fraudulent and concealed divorce action.

2017. After half a year of unethical delays, hearings were conducted before *Judge Heller* in 2017. Those delays included cancelling the respective hearing presumably for this party having confounded the words plaintiff and defendant in his motion, when up to eight witnesses under subpoena were present before the lower court *(Colin, J)* –only three of those witnesses finally came back to testify–, as well as the attempt from the other side, in tandem with local officials, to preclude this party from ever getting to those hearings via a motion for abuse of process seeking to impose a *"leave to file protocol"* of any and all filings made by the Petitioner in the State of Connecticut.[28]

Those rescheduled hearings *(Colin, J)* took place in mid 2017 *(Heller, J),* and the Petitioner was precluded from mentioning the word fraud when he had argued such was in fact the case,[29] in general

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[27] Id. 65.

[28] "COURT: ... I think a lot of the relief you're looking for in this motion though you have poached it as a motion to open we have already had extensive evidence on. So I would like to look at that and the other motion that Attorney Collins mentioned [abuse of process and "leave to file" protocol)]...", *Hearing before Judge Heller*, 11/27/2018, page 12, lines 1-6; id. 78.

[29] "COURT: All right. We're not going to talk about fraud. If you're not pursuing the fraud claim then we won't use the word

from offering evidence beyond two years back in time,[30] and from embarking on the overall background of these proceedings.[31] Nonetheless, this

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fraud. Okay? IRAZU: No.", *Hearing before Judge Heller*, 7/11/2017, page 241; "IRAZU: -- a core issue for me -- in connection with the Stipulation. So I gave [a] significant amount of money, close to half a million dollars -- in my house in exchange to a very, very large extent, co-parenting -- That has not been the case and that's why I'm here --Considering this is null and void and actually fraud for other things.", *Hearing before Judge Heller*, 7/13/2017, page 16.

[30] "COURT: All right. Well, what I'm going to ask you to do is to -- really this is -- we're now in 2017, so I would like to tie it into events that are more current.", *Hearings before Judge Heller*, 7/11/2017, pages 64-65; "IRAZU: ... I never ha[d] the opportunity to argue anything here, so suddenly I've [been] told no, you go back twelve months but they can go back ten years to argue abusive process. I don't see how my due process is protected and I don't see how I can make my case.", *Hearing before Judge Heller*, 7/11/2017, page 181; "COLLINS: -- this is not admissible evidence because it goes behind the last order of the court. COURT: Right. IRAZU: If I may – if I may, Your Honor? COURT: Just a minute, Mr. Irazu. The only reason, Attorney Collins, I'm going to allow Mr. Irazu to explain it a bit is I'm not certain that it's being offered as to payment issues. I think that it's being offered as to parenting issues. [...] COLLINS: --tell me why he's offering evidence regarding payment. But obviously if it's something that was resolved in the 2016 stipulation, then it will not be admissible. Okay?", *Hearing before Judge Heller*, 7/13/2017, pages 56-57.

[31] "COURT: You can certainly testify about everything that's happened to you... IRAZU: And -- yes. And to conclude, he certainly has, as a former head of investment banking at JP Morgan for an entire region and division, a pretty good understanding of what can happen to a professional who is considered like a criminal. Mental[ly] insane, and an abuser. So -- which [are] the allegations that I've been dealing with since my divorce. And whether Mr. Collins is concerned about protecting certain groups, I have no intention of suing anybody. I could have already done so. COURT: Now, we're not talking

party contends there is sufficient relevant evidence on record to prove his case.[32] *Judge Heller* had offered herself to have this case resolved for the Respondent;[33] [34] disdained the opinion of the prior judge who ruled on the Stipulation of 6/10/2016 (*Tindill, J*);[35] provided comfort to the other party on the record in terms of not giving any weight to testimonial and documentary evidence admitted by her,[36] as well as what evidence marked for

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about that. IRAZU: Okay.", *Hearing before Judge Heller,* 7/11/2017, pages 185-186.

[32] Almost 40 exhibits, including three sworn witness testimonies besides the parties, as well as all evidence, records and filings before the Appellate Court.

[33] "COURT: ... As I told you, I'm not making any finding about contempt ... It's going to be before the Court in April ... Attorney Collins, is there anything, any questions -- COLLINS: No, Your Honor. I have no -- COURT: -- that Miss Oliva has or anything -- COLLINS: -- the ruling is clear. COURT: -- to be resolved? Okay. COLLINS: Thank you, Your Honor." *Hearing before Judge Heller*, 2/28/2017, page 94.

[34] Under the current Model Code of Judicial Conduct of the ABA, Rule 2.11 mandates recusal and/or disqualification: (i) *when a judge's impartiality might be reasonably questioned*; and (ii) *when the judge made prior statements committing her to a result in future legal proceedings.*

[35] "COURT: Well, what Judge Tindill said during some colloquy is not going to be relevant.", *Hearing before Judge Heller*, 7/13/2017, page 39, line 2.

[36] "COLLINS: And then we can, perhaps, see whether or not this court can do anything with regards to that [fraudulent and concealed divorce claim in Spain], which I doubt that it can. ... COURT: All right. I'm going to allow the testimony. IRAZU: Thank you. COURT: And it may turn out that it has no substantial bearing, which of course goes to the weight of the evidence...But we've got ten minutes before lunch recess...", *Hearing before Judge Heller*, 7/11/2017, page 118; "COURT: ... I think your comments go to the weight, not the admissibility -- COLLINS: Yes, Your Honor. ... I do have a relevance objection. COURT: Yes. COLLINS: I assume that's being overruled on?

identification would be finally discarded with the participation of Attorney Kevin Collins;[37] and prejudged during a hearing arguing that enough evidence was available and that she wanted to hear a motion for order against the Petitioner to preclude him from seeking justice ever again and to sanction him.[38] As a result of a court-issued subpoena, insurance policy fraud was also uncovered –the Respondent had placed herself as the beneficiary of the $1,000,000 death benefit over this party's life via a revocable trust–,[39] among other misdeeds. A motion to open due to fraud was filed and argued to cover all formalities, if any.

The process to submit post-hearing briefs was unethically delayed for another half a year. The other party didn't argue a single defense to contempt or otherwise. The Respondent's "arguments", as construed by party counsel Attorney Kevin Collins, were limited to block the Petitioner from attaining justice and defamation, aiming at legal fees,

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COURT: That's -- I think it -- that goes to the weight of -- COLLINS: Okay. COURT: And, yes, it is tangentially -- goes to the relevance but I'm going to allow those.", *Hearing before Judge Heller*, 7/11/2017, page 102.

[37] "COLLINS: Not the text [the one saying "*my attorney will take care of it*']. Email [about sports]. COURT: Not the text. Email. ... All right. So the texts we're going to mark for identification and that'd be Defendant's Exhibit -- THE CLERK: J. COURT: --- J. And the mail will be K and is a full exhibit. COLLINS: And the court could see K. CLERK: No, no, no. The email's going to be I, Your Honor. COLLINS: Oh, I. COURT: The email's I. Okay. COLLINS: Then the court could see I. COURT: Okay.", *Hearing before Judge Heller*, 7/11/2017, pages 216-217.

[38] Id. 28.

[39] Exhibits P and O, *Hearings before Judge Heller*, 7/11-13/2017, id. 5.

sanctions, as well as a potential action for vexatious lawsuit upon a favorable ruling.[40] [41] [42] [43] [44]

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[40] *Plaintiff's Motion for Order Post-Judgment* (abuse of process and "leave to file" protocol), 4/5//2017; *Plaintiff's Objections*, 8/8-10/2017; *Plaintiff's Post Hearing Reply Memorandum*, 11/3/2018; *Plaintiff-Appellee's Reply Briefs* (AC 41455/AC 41598, AC 42118); *Oral Argument of 1/22/2019,* AC 41455, AC 41598, AC 42118, Appellate Court.

[41] *Ex-Parte Application for Relief from Abuse,* 8/29/2018, Margarita Oliva Sainz de Aja, *Appendix to the Defendant-Appellant's Brief,* A 48-49, AC 42118, Appellate Court; "IRAZU: ... So going back --- COURT: Any objection to this, Attorney Collins, as a court order? [#153, *Malone, J,* appointing Attorney Kevin Collins as trustee of $27,000 sequestered from the Petitioner, among others] COLLINS: Not really, Your Honor. But Your Honor has already taken judicial notice of the contents of the file [domestic abuse]. COURT: Right ...", *Hearing before Judge Heller*, 7/11/2017, page 11.

[42] "COLLINS: ... if one reads In Re Martin-Tragona, one case almost the repetitiveness of this; everybody is against me because of what I am. In In Re Martin-Tragona the basis was everything involved is Jewish; the judge is Jewish; the bankruptcy trustee is Jewish, the clerk is Jewish, the lawyers are Jewish ... And now this is where we get to where we can't allow for any reason someone like Mr. Irazu to come in to this court and claim that somehow, Judge Heller is against him because he is a Caucasian male, a naturalized U.S. citizen pursuant to, quote unquote, extraordinary abilities under U.S. immigration laws. Born in Buenos Aires, Argentina, South American -- ... COURT: I did -- I read it..", Representation of Attorney Kevin Collins, *Hearing before Judge Genuario*, 4/23/2018, page 44.

[43] "COLLINS: So the problem that we have is is that Mr. Irazu, from what I heard him say, is trying to connect up things that happened many years ago and wants to extrapolate from that information -- IRAZU: No. COLLINS: You know -- COURT: Right.", *Hearing before Judge Heller*, 7/11/2017, page 184, lines 19-25; id 40, 41, 42.

[44] Id. 40, 41, 42, 43; *Oral Argument of 1/22/2019,* AC 41455, AC 41598, AC 42118, Appellate Court.

2018. *Judge Heller's* rulings were issued on 3/2/2018 and 5/14/2018. She denied and/or ignored all relief sought by this *pro se* father. *Judge Heller* mirrored the requests from party counsel Attorney Kevin Collins, and argued that the Petitioner should be presumably sanctioned for filing a memorandum in excess of 35 pages with footnotes after him alerting the court in writing that such would be the case,[45] as well as an appendix composed of all relevant official transcripts;[46] for submitting selected evidence and records; and for formally requesting his due process to be respected as well as timely justice pertaining to children.

In her rulings, *Judge Heller* clarified that all court orders were clear and unambiguous and that the Respondent understood them;[47] incurred factual and procedural inaccuracies; deemed all of the violations to co-parenting duties by the Respondent mere *"communication challenges;"* recouped the Petitioner's testimony as to him not having spent one week of uninterrupted vacation with his children since 2009, including Christmas, but chose not to mention that the Respondent corroborated such misdeed under oath before her;[48] obviated any

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[45] *Letter addressed to Honorable Donna Heller Judge,* 8/1/2017; id. 5.

[46] The Respondent's party counsel, Attorney Kevin Collins, pursued the strategy of senseless objecting. As a result, the Petitioner took the time to reconstruct all clear questions and answers in most relevant themes for the benefit of the lower courts.

[47] Margarita Oliva Sainz de Aja, *Hearing before Judge Tindill,* 6/10/2016, page 6.

[48] "IRAZU: So when was the last time I spent holidays with my children? ... A: I remember, three, four years ago you took them skiing for a few days. ... Over Christmas time. IRAZU: ---two

mention and relief as to the children not having seen and/or visited their grandmother for many years; ignored credible testimony from respectable witnesses confirming lack of co-parenting from the Respondent in various areas;[49] deemed the fraudulent and concealed divorce action in Spain implicitly legal, when the very same Spanish court declared it null and void, and registered the US divorce judgment through an *exequatur* as a result of this party's request; justified the Petitioner for feeling *"outraged"* as to the prior and highlighted the Respondent's *"intemperate and disrespectful"* sayings toward this party; ignored to mention insurance policy fraud, and an illegitimate lien against the Petitioner with negative professional consequences; disdained the partial nullity of the Stipulation of 6/10/2016; and decided not to grant any relief in terms of custody of the minor children, as well as equitable and financial adjustments, needless to say declare the Respondent in contempt to court for any violation of court orders.

The Petitioner scrutinized all transcripts and records, and following an objective standard, on 4/24/2018, he unsuccessfully pursued *Judge Heller's* disqualification as well as the transfer of any further proceedings to federal venue *(Genuario, J)*. After this party's motion for disqualification, *Judge Heller* called for *Family Services* to deal with this scenario for the fist time. The Petitioner claims biases and partiality

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days? A: I -- I don't remember how many days. Q: Two days, when you went to Morocco and France on your own. COURT: Okay. Let's --- A: Yes. COURT: ---talk about – what's happening now. Okay..", Margarita Oliva Sainz de Aja, *Hearing before Judge Heller*, 1/16/2018, page 39.

[49] Julio Ojea Quintana, *Hearing before Judge Heller*, 7/11/2017, pages 88-89, 109.

have been objectively proven by clear and convincing evidence.[50]

Last 9/12/2018, the Respondent obtained a nationwide restraining order against the Petitioner from the district court *(Truglia, J).*

2019-Present Time. Since 7/2016, the Petitioner has seen his oldest daughter on a few occasions for a few hours each, and has virtually lost contact with his youngest daughter, who is undergoing serious issues impacting her wellbeing.

The Petitioner's mother, the only living grandparent of the children and the one who took good care of them when they were little, could not see them for eight years. On record, the Respondent's counsel, Attorney Kevin Collins, told the district court the Petitioner *"can Google grandparents rights."* [51] [52]

Despite the Petitioner's claims are not moot, in tandem with the opinion of the Court, it is a fact of reality no court order can bring back the time lost in the lives of the Petitioner,[53] his children, and close extended family, but remedies can serve the purpose of rendering true justice.[54] This abusive litigation extends to more than ten years; almost four years

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[50] Id. 28-39, 42-43, 45-49, 55; Appendix C.

[51] Transcripts, Representation of Attorney Kevin Collins, *Hearing before Judge Heller,* 7/13/2017, pages 48, 71-72.

[52] *In re, Troxel v. Granville,* 530, U.S. 57 (2000).

[53] "... courts can and should take steps to decide these cases as expeditiously as possible, for the sake of the children ...", *in re, Chafin v. Chafin,* 133 S. Ct. 1017, 185 (2013).

[54] "...U.S. courts continue to have personal jurisdiction over Ms. Chafin, may command her to take action even outside the United States, and may back up any such command with sanctions...", *in re, Chafin v. Chafin,* 133 S. Ct. 1017, 185 (2013).

since the Respondent filed her vexatious and abusive action last 12/2015; and almost three years since her fraudulent and concealed divorce process in Spain last 6/2016.[55] The Petitioner's life has been consumed by litigation in both the United States and Europe, to the point of losing his employment.

REASONS FOR GRANTING THE PETITION

1. US Public Policy Issue of Exceptional Importance: International Private Law and Foreign *Exequatur* Proceedings; Protection and Enforcement of US Jurisdiction, Laws and Final Judgments; Conflict with Precedent of the Court Per *Chafin v. Chafin*.[56]

In the case under analysis there is a final US divorce judgment and orders to be obeyed, which should have been respected and registered by the Respondent through an *exequatur* in Spain –never in competition with a simultaneous and/or contiguous foreign divorce process.

The *exequatur* is the procedural codified institution under Continental Law that allows a peaceful legal coexistent among sovereign nations

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[55] "IRAZU: --- the reason why I'm arguing this, Your Honor, is because there are new developments in a situation that has no relief and no resolution. And the delays and extensions within the court system by the other party are clearly designed to perpetrate an illegal frame in which my parental rights are completely destroyed, to put it somehow in violation of *Chafin*, which is a court – Supreme Court decision, fairly recent. As you might remember, the other party attempted to subject the children to a foreign jurisdiction, similar to that frame, clearly under *Troxe*l as well –", *Hearing before Judge Heller,* 1/16/2018, page 6, lines 13-24.

[56] *In re, Chafin v. Chafin,* 133 U.S. 1017, 185 (2013).

worldwide by recognizing and enforcing final foreign judgments at the pertinent domestic level. As a sophisticated attorney qualified in the US and Spain,[57] the Respondent acknowledged under oath knowing the concept and purpose of an *exequatur* under Continental Law.[58]

The US divorce judgment and orders were directly attacked when the Respondent in a premeditated fashion[59] subsequently activated Spanish jurisdiction and laws over three minor children and the parties through a concealed and fraudulent divorce action –as opposed to filing for such *exequatur*–, also in the pursuit of undue financial benefit.[60] If the Spanish divorce process would have come to an end without an *exequatur* of the final US divorce judgment –granted as a result of this party's request–, thus issuing a new divorce judgment under Spanish jurisdiction and laws, the US judgment and orders would have not been

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[57] Id. 17.

[58] Q: Are you telling me and the Court that you don't know what an *exequatur* is? A: No, I haven't told you that that I don't know what an *exequatur* is. Q: You do know? A: I know what an *exequatur* is, yes. Q: You do know? A: Yes. Q: Okay. So you know that an *exequatur* is [an] enforcement of [a] foreign final judgment in a different jurisdiction? You know that? A: I do, yes.", Margarita Oliva Sainz de Aja, *Hearing before Judge Heller*, 7/11/2017, pages 144, lines 25-27; 145, 1-9.

[59] Id. 58; "IRAZU: There is a major issue in terms of conflict of laws that has been thoroughly considered throughout this process. My wife rejected to repeal Spanish law and because of the mistake in Mrs. Ramer's pleadings as to our marriage date [10/18/1995 as opposed to 10/6/1995] that continued throughout the process, I decided to counterclaim for dissolution...", Fernando Irazu, *Divorce Trail before late Judge Harrigan*, 6/10/2010, pages 92-93.

[60] Id. 20.

enforceable in Spain.[61] All in all, irrespective of such foreign jurisdiction having been activated by the Respondent with false marriage data, domiciles, residences and documentation.[62]

A new divorce process under Spanish jurisdiction was not only unnecessary but also illegitimate under Spanish and US laws. If the Respondent's objective was to be divorced from the Petitioner with legal effect in Spain, an *exequatur* could have been pursued by her under Spanish law as long as she cannot divorce someone from whom she is no longer married to, as the very same Spanish district court affirmed at the time of declaring the nullity of her illegal divorce action and subsequently accepting this party's *exequatur*.[63]

Ultimately, the Spanish court protected and enforced US jurisdiction, laws and the final divorce judgment of the parties, something the lower courts in Connecticut refused to do within an overall case questioning the performance of a local judge and forum. The legal message sent from Connecticut to the entire world is that US jurisdiction, laws and judgments can be challenged abroad, even via fraud, concealment and deceit in the pursuit of improper benefits, not only without consequences back home but in fact rewards and potential sanctions against the party making this very same claim after protecting such US jurisdiction, laws and judgments

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[61] An *exequatur* is not possible if there is a prior or subsequent final judgment (art. 52.1 of Law 29/2015; arts. 81, 86, 89, 97 and ss., Civil Code; art. 96 and ss, Civil Registry Law; arts. 22, 323.2, 144, and ss., Law of Civil Proceedings).

[62] Id. 20.

[63] Id. 25.

in foreign lands.

The rulings under review represent a substantive matter of law and public policy against the unanimous precedent of the Court set per *Chafin v. Chafin,*[64] federal and international legislation regarding minor children like the Uniform Child Custody Jurisdiction and Enforcement Act, the Parental Kidnapping Prevention Act, and the Hague Convention on the Civil Aspects of International Child Abduction, among others,[65] as well as comity principles under local law.[66] Although this is a family law case and not moot, the larger topic herein is of utmost importance under US public policy, including the enforcement of US final judgments against foreign governments, institutions and/or companies abroad.[67]

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[64] Id. 56.

[65] Parental Kidnapping Prevention Act, 28 U.S.C., 1738 A (b) and (f); Uniform Child Custody Jurisdiction and Enforcement Act, Chapter 1, § 102-105, Chapter 2, § 201; Hague Convention on the Civil Aspects of International Child Abduction, Articles 2-5; US Department of State, US Customs and Border Protection Guidelines; Preface and Provisions 1, 2, 3, 5, 7, Memorandum of Decision, 9/2/2010; Provision 6, Stipulation, 6/10/2016, Appendices D and F.

[66] *In re, Cashman v. Cashman*, 41 Conn. App. 382, 676 A.2d 427 (1996); *Zitkene v. Zitkus*, 140 Conn. App. 856, 60 A. 3d 322 (2015); *Lindo v. Lindo*, 48 Conn. App 645, 710 A.2d 1387 (1998); *Van Wagner v. Van Wagner*, 1 Conn. App 578, 474 A.2d 110 (1984); *Burton v. Burton*, 189 Conn. 129, 454 A.2d 1282 (1983); *Morabito v. Wachsman*, 191 Conn. 92, 463 A.2d 593 (1983).

[67] "...Courts also decide cases against foreign nations, whose choices to respect final rulings are not guaranteed [...] ... "[H]owever small" that concrete interest may be due to potential difficulties in enforcement, it is not simply a matter of academic debate, and is enough to save this case from mootness. (internal citations omitted)," *in re, Chafin v. Chafin*, 133 U.S. 1017, 185 (2013).

2. Fundamental Rights and Strict Scrutiny: *de facto* Termination of Parental Rights, Property Rights, Lack of Due Process, and Unequal Treatment Under the Law.

Against the best interest of children, the practical outcome of the ruling under review has been the *de facto* termination of the Petitioner's parental rights through an uninterrupted *status quo* of contempt to court and fraud by the Respondent –never per Connecticut General Statutes, § 45a-717, the normative step to accomplish such a goal–,[68] which carries serious violations of this party's due process as a result of his unequal treatment under the law. [69]

As recounted, the Petitioner was denied of timely justice and precluded from offering relevant evidence to further substantiate his claims before the district court, and all evidence before the local courts was also ignored against minimal principles of due process, therefore impacting the Petitioner's fundamental rights.[70] Parental rights are among the greatest any person might hold, thus demanding heightened protection when not strict scrutiny upon their

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[68] Connecticut General Statutes, § 45a-717, (a) through (k). *Termination of Parental Rights. Conduct of Hearing. Investigation and report. Grounds for Termination.*

[69] *In re, Santosky v. Kramer*, 455 U.S. 745 (1982); *Meyer* v. *Nebraska,* 262 U.S. 390, 399, 401 (1923); *Pierce v. Society of Sisters,* 268 U.S. 510, 535 (1925); *Armstrong v. Manzo*, 380 U.S. 545 (1965); *Stanley v. Illinois*, 405, U.S. 645, 651 (1972); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Parham v. J. R.*, 442, U.S 584, 602 (1979); *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997); *Troxel v. Granville*, 530 U.S. 57 (2000).

[70] *In re, Troxel v. Granville*, 530 U.S. 57 (2000).

infringement.[71]

Over the years the Court has leveled the field in terms of recognizing women deserve a fair access to and/or treatment at the workforce, even within traditionally male dominated areas like military academies.[72] By the same token, the Court has also acknowledged that fathers cannot be treated in a different fashion[73] in multiple areas of family law,[74] needless to say when we are talking of a loving, outstanding and committed father like in the present case. Depriving a father of his parental relationship and time by unilaterally sending a minor child for college to a foreign country, among many other actions and omissions against due co-parenting, is not only a violation to court orders as well as federal and international normative related to children,[75] but in principle a constitutional infringement on his parental rights.

Post-divorce, the only legal bonding to be respected and protected, as far as the parties are concerned, is the one linking parent and child upon truthful co-parenting. The Court has proclaimed that a parent's right to *"the companionship, care, custody*

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[71] "...I would apply strict scrutiny to infringements of fundamental rights.", (Thomas, J., concurring).", *in re, Troxel v. Granville*, 530 U.S. 57 (2000).

[72] *In re, Stanton v. Stanton* (no social stereotypes as legitimate basis), 421 U.S. 7, 10 (1975); *United States v. Virginia* (equal access to women), 518 U.S. 515 (1996).

[73] *In re, Caban v. Mohammed* (no distinction between unmarried mothers and unmarried fathers), 441 U.S. 380 (1979).

[74] *In re, Stanley v. Illinois* (unwed fathers hold equal rights), 405 U.S. 645 (1972); *Quilloin v. Walcott* (better divorced-father to be treated equally), 434 U.S. 246 (1978).

[75] Id. 65.

and management of his or her children" is an interest *"far more precious"* than any property rights,[76] which have nonetheless been severely impacted by the proceedings under scrutiny. The ruling under review represents a substantive matter of law in conflict with settled precedents from the Court.[77] [78]

3. Disqualification of *Judge Heller* and Transfer to Federal Venue: Prejudgment and Unequal Treatment.

The Petitioner proved through objective records the unequal treatment he was subject to by the lower court after filing and arguing a proper motion to disqualify[79] and transfer any further proceedings to federal venue.[80] A fair trial was not an ingredient of the rulings under review, impacting their constitutional validity,[81] as long as justice is not an issue of venue, popularity, vocal performance and/or perceptions in certain hearing, rather what is due to someone in particular based on the facts of the case, applicable law, and evidence. This has not been the case in these proceedings marked by *"an evil eye and an unequal hand",*[82] and, therefore, the absence of the

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[76] *In re, May v. Anderson,* 345 U.S. 528 (1952).
[77] Id. 69-74, 76, 78, 81-82.
[78] *In re, Byars v. U.S.* (constitutional violations via circuitous and indirect methods), 273 US 28 (1927).
[79] *In re, Gillis v. Gillis,* 214 Conn. 336, 343, 572 A.2d 323 (1990).
[80] *In re, Adams v. Adams,* 93 Conn. App. 423, 426, 890 A.2d 575 (2006).
[81] *In re, Murchison,* 349 U.S. 133, 136 (1950); *Caperton v. A.T. Massey Coal* Co, 129 S. Ct. 2252, 2259 (2009); *Cameron v. Cameron,* 187 Conn. 163, 170, 444 A.2d 915 (1982); *State v. Stanley,* 161 Conn. App. 10, 32, 125 A. 3d 1078 (2015); *Hawley v. Baldwin,* 19 Conn. 585, 590 (1849).
[82] *In re, Yick Wo v. Hopkins,* 118 U.S. 356 (1886).

rule of law.

Judge Heller, a resident of Greenwich, Connecticut, should have recused and/or disqualified herself,[83] and the Appellate Court ruled on the matter without addressing her performance or any of the issues at hand. Retaliation for pursuing justice[84] is not sheltered in the United States,[85] and the ruling under review obviates and is in conflict with standards set by the Court as well as local and federal precedents.[86]

The lower courts even ignored their own law as to the concept of bad faith and fraud, contempt to court, standards applicable to a *pro se* father when the wellbeing of his children is at stake, as well as suitable equitable and legal remedies in family proceedings.[87]

Furthermore, the Appellate Court's discretion has been used to conceal and affirm injustice rather than to bring light to relevant outstanding issues and

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[83] Connecticut Practice Book, *Code of Judicial Conduct*, Canon 2. Rule 2.2; Rule 2.3. Rule 2.11.

[84] *In re, United States v. Brown*, 72 F.3d 25, 29 (5th Cir. 1995); *McKenna v. Delente*, 123 Conn. App. 137, 144–45, 1 A.3d 260 (2010).

[85] *In re, Jenkins v. McKeithen*, 395 U.S. 411 (1969); *Hannah v. Larche*, 363 U.S. 420 (1960).

[86] Id. 81, 84-85.

[87] *In re, Mulholland v. Mulholland*, 229 Conn. 643, 649, 643 A.2d 246, 249 (1994); *Kasowitz v. Kasowitz*, 140 Conn. App. 507, 59 A.3d. 347 (2013); *Landry v, Spitz*, 102 Conn. App. 34, 42-43 (2007); *Billington v. Billington*, 220 Conn. 212, 217-18, 595 A.2d 1377 (1991); *Reville v. Reville*, 312 Conn. 428, 442, 93 A3d 1076 (2014); *Cimino v. Cimino*, 174 Conn. App. 1, 9-10 (2017); *Oneglia v. Oneglia*, 14 Conn. App. 267, 271-272, 540 A.2d 713 (1988).

advance justice.[88] The Appellate Court requested *sua sponte* for Attorney Kevin Collins, the Respondent's counsel, to answer motions or requests filed by the Petitioner and to submit a brief out of the statutory period; denied this party the standard additional pages to address constitutional concerns; consolidated *sua sponte* the case related to the disqualification of *Judge Heller* only to deny this party the opportunity to submit a separate brief on it; and denied the Petitioner's request for relief prior to oral arguments, among others. The interpretation of the law and rules has been one-sided.[89]

The Petitioner's opinions are rooted in objective matters of fact and law, thus respectfully falling within acceptable standards[90] insofar they give rise to an objective, reasonable belief that the assertions are true, which are protected speech at the federal level.[91] The Petitioner claims biases and partiality subject to strict scrutiny, never financial corruption or otherwise.[92]

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[88] Connecticut Practice Book, *Rules of Appellate Procedure*, § 60-1.

[89] *Orders of the Appellate Court*, 4/11-12/2018, 5/2/2018, 8/29/2018, 10/11/2018, 12/27/2018, 1/3/2019, 1/9/2019, 1/22/2019, AC 41455, AC 41598, AC 42118; id. 88.

[90] *In re, Burton v. Mottolese*, 267 Conn. 1, 51 (2003).

[91] *In re, United States District Court v. Sandlin*, 12 F.3d 861 (9th Circuit 1993); *Standing Committee on Discipline of U.S. District Court for Central District of California v. Yagman*, 55 F 3d. 1430 (CA 9, 1995).

[92] *In re, Statewide Grievance Committee v. Burton*, 299 Conn. 405 (2011).

4. Curtailment of Parental and Property Rights Through Abusive Pattern within the Legal System: Nationwide Civil Restraining Order and Constitutional Violations.

As proven, the Respondent engaged in a pattern of advancing civil claims[93] via illegal and/or illegitimate means.[94] Relevant evidence includes correspondence with the Greenwich Police Department and the local judiciary, photographs of the Petitioner's bruised body post his illegal arrest, sworn witness testimonies of various parties –also from the Respondent herself–, official correspondence from the Respondent to the court, neuropsychological studies of the Petitioner, financial affidavits and records, threats of all sorts against the Petitioner by the Respondent, documentation contradicting the respective police reports, among others. This reproachable pattern is extensive to the past joint efforts of the Greenwich Police Department and the Respondent in trying to arrest the Petitioner for non-existent violations to some prior spurious protective order.[95]

With pending oral arguments at the Appellate Court, last 9/12/2018 the Respondent obtained a nationwide one-year civil restraining order from the district court under penalty of federal punishment. The Petitioner has no intimate relationship with the Respondent, and despite he does not own or possess any firearms he is now precluded from doing so.[96]

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[93] Transcripts, *Hearing before Judge Truglia*, 9/12/2018, pages 13-19, 23.
[94] Id. 8, 93, 113.
[95] Id. 94.
[96] Appendix C.

The parties have been living apart for ten years and the Petitioner has lived in New York City for more than two years without any incidents and meaningful interaction.

The effect of this restraining order is to reinforce a *status quo* of contempt to court regarding lack of co-parenting and fraud, as a result of placing the Petitioner at risk of criminal charges and prosecution in his interaction with the other party, under the same legal standards that allowed such order to be granted in the first place.[97]

No behavior from the Petitioner fell under Connecticut General Statutes § 46b-15[98] to vouch for such an order, something corroborated by local[99] and out-of-state precedents –including some with laxer standards–,[100] which in various cases grant

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[97] "COURT: Okay. Now, sir, you don't' have to fear the police as long as you abide by this order. By if you do violate the order, I'm advising you it is a class – potentially a class D felony. IRAZU: That's my fear. COURT: I know. So it's very simple. Don't contact her. IRAZU: But I have to [co-parenting]. If I'm -- if she contacts me...", *Hearing before Judge Truglia*, 9/12/2018, pages 28, lines 26-27; 29, lines 1-7.

[98] Connecticut General Statutes § 46b-15(a). *Relief from Physical Abuse, Stalking or Pattern of Threatening by Family or Household Member.*

[99] *In re, Putnam v. Kennedy* (no subjective feelings as statutory grounds), 104 Conn. App. 26, 34, 932 A.2d 434 (2007); *Jordan M. v. Darric M.* (continuous threat of present physical injury required), 168 Conn. App. 314, 319, 146 A.3d 1041 (2016); *Rosemarie B-F. v. Curtis P.* (one incident as insufficient grounds), 133 Conn. App. 472, 477, 38 A.3d 138 (2012).

[100] *In re, Marriage of Evilsuzor v. Sweeney* (abusive speech), 237 Cal. App. 4th 1215 (2015); *Hogue v. Hogue* (cyber abuse), 16 Cal. App. 5th 833 (2017); *Nevarez v. Tonna* (past proven behavior), 227 Cal. App. 4th 774 (2014); *Burquet v. Brumbaugh* (disturbing the peace), 223 Cal. App. 4th 1140 (2014).

reciprocity per comity principles under federal normative.[101] [102] Transcripts prove the requirements to grant this restraining order relied on falsehoods.[103] Subjective feelings are not typified as valid grounds to issue protective orders because they might not be truthful, in sync with reality, and/or have any correlation or proportionality with the objective conduct of the other party.

Unsuccessfully, last 8/2018 the Respondent attempted to generate inflammatory written exchanges that could facilitate her obtaining an order of this sort. However, she was still able to manipulate a harmless single written communication from the Petitioner, longing for peaceful justice in the legal system within the context of praying for eternal justice at a Christian gathering in church –in fact, protected speech between the parties according to their own shared religious beliefs.[104] The Spanish written words *"injustices are paid"* were deemed by the district court as an implied threat, not even the "pattern of threats" capable of putting a person's life at risk of immediate physical harm, as required per

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[101] 18 U.S. Code § 2265. *Full Faith and Credit Given to Protection Orders*; 18 U.S. Code § 2262. *Interstate Violation of Protection order*; 18 U.S. Code § 922 (g) 8. *Unlawful Acts;* among others.

[102] *In re, United States v. Morrison*, 529 U.S. 598 (2000).

[103] "IRAZU:...[it's been] already proven before the Court that I'm a sane man, that I'm a nonviolent, peaceful man, that I pose no threat to anybody, and that I haven't threatened anybody. So in order to say that someone has threatened, there has to be something concrete.", *Hearing before Judge Truglia*, 9/12/2018, page 26.

[104] Transcripts, *Hearing before Judge Truglia*, 9/12/2018 pages 24-25; id. 11.

local law.[105]

The order from the district court further detached the Petitioner from his children, also preventing any potential inspection of his partially owned home. The Petitioner is not allowed to pick up or drop his children at their place of residence, and he cannot be present in school and religious events, medical emergencies and appointments, and/or any other occasion if the Respondent happens to be there without the joint company of both children residing with her.[106] As a principle, it is never a moot issue.[107]

This order was granted in violation of the Petitioner's due process, and perpetuates an unequal treatment of this party under the law. In this sense, the Court has set a balanced test mandating minimal basic requirements of due process to be respected at the time of issuing a restraining order via a proper hearing,[108] and those requirements are not met for the simple fact of holding it. Conducting a hearing before a judge, as if there were no hearing and no judge, is nothing short of utilizing a restraining order as a sword instead of a most needed shield.[109]

The Petitioner was not allowed to introduce any evidence or even to question the Respondent under

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[105] Transcripts, *Hearing before Judge Truglia*, 9/12/2018, pages 7, 13, 16, 25, 26, 28, 30.

[106] Id. 96.

[107] *In re, Putnam v. Kennedy*, 279 Conn. 162, 900 A.2d 1256 (2006).

[108] *In re, Matthews v. Eldridge,* 424 U.S. 319 (1976).

[109] *In re, Connecticut v. Doehr* (unconstitutional statute for no hearing in prejudgment attachment of property), 501 U.S. 1 (1991).

oath;[110] he was precluded from actually reviewing the spurious evidence admitted by the district court;[111] and the officiating magistrate refused to scrutinize and take judicial notice of all records proving defamation, falsehoods and ulterior goals in the midst of family proceedings before the Appellate Court.[112] The district court judge ruled from the bench without any emergency at hand –an *ex parte* application had been denied two weeks prior–, after addressing presumable concerns related to Greenwich's First Selectman and the proximity of their residences –less than 100 yards apart from the Respondent–, as well as the illegalities endured by this party in such location.[113]

The Court held the police are not liable for not enforcing the terms of a restraining order that culminated in a violent crime,[114] and federal precedents also exempted the police from liability for not providing around the clock protection to a white family who was harassed by a gang of motorcyclists, a situation that prompted those victims to move out of their home and town –irrespective of discrimination

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[110] *In re, Haines v. Kerner*, 404 U.S. 519 (1972).

[111] Id. 105.

[112] *In re, Boddie v. Connecticut* (due process as meaningful opportunity to be heard), 401 U.S. 371 (1971).

[113] Transcripts, *Hearing before Judge Truglia*, 9/12/2018, pages 27-28; *Miranda v. Arizona,* 384 U.S. 436 (1966); *Graham v. Connor,* 490 U.S. 386 (1989); *Malley v. Briggs,* 475 U.S. 335 (1986); *Cuyler v. Sullivan* 446 U.S. 335 (1980); "...[A] kind of society that is obnoxious to free men shall never be encouraged.", *in re, Burdeau v. McDowell*, 256 U.S. 465 (1921); *Walder v. Unites States,* 347 U.S. 62 (1954); *Klopfer v. North Carolina*, 386 U.S. 213 (1967).

[114] *In re, Castle Rock v. Gonzales (contrario sensu)*, 545 U.S. 748 (2005).

against this white family was entertained by the federal court of appeals.[115]

In this case, the facts of those precedents operate in an inverse fashion as long as a father was "singled-out" in preparation for and in the midst of long-lasting family proceedings under the premise of protecting a false victim. The Petitioner was proved innocent of those defamatory allegations, but as a US citizen he was nonetheless harassed, persecuted, as well as compelled to relocation and "self-deportation" to his country of origin.[116] It is fair to claim the Petitioner endured an inappropriate "hostile" public-related conduct[117] for a variety of identifiable reasons, which also seem to include his religious and otherwise beliefs.[118] The pretext of crime prevention cannot condone criminal activity from third parties and public retaliation for alleging so.[119]

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[115] *In re, Del Marcelle v. Brown County Corp. (contrario sensu),* 680 F.3d 887 (7th Cir. 2012).

[116] *In re, Ng Fung Ho v. White*, 259 U.S. 276 (1922); *Sessions v. Dimaya*, 584 U.S. (2018).

[117] *In re, Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 584 U.S. (2018).

[118] Id. 11, 48, 78, 81-84, 117, 119; *Defendant's Petition for Clarifications*, 9/7/2010.

[119] *In re, Timbs v. Indiana* (unconstitutional public behavior regarding property rights), 586 U.S. (2019).

CONCLUSION

The Petitioner pleads the Court to admit this *Petition for Writ of Certiorari* in light of his rights per the First, Fourth, Fifth, Sixth, Eight, Ninth, and Fourteenth Amendments of the US Constitution.

DATED at New York, NY, April 15, 2019.

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