

No. 18-5798

IN THE
SUPREME COURT OF THE UNITED STATES
C. B.
Appellant/Petitioner,
vs.
THOMAS FISCHGRUND,
Appellee/Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF FLORIDA

REHEARING PETITION FOR WRIT OF CERTIORARI

Initial Brief
Filed on behalf of Cassandra Bell

Pro Se Petitioner

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QUESTIONS PRESENTED

1. Should the Supreme Court of Florida decline to accept jurisdiction, when the claims brought before the court, strongly express as well as clearly and convincingly raises questions of great public importance; Shows the lower tribunal courts intentionally depriving a natural born citizen of the United States their perpetual Constitutional, Human and Civil Rights; and shows a repeated pattern of discriminatory enforcement from the lower tribunal courts?
2. Should a Judge deny one party their Fourteenth Amendment Right, of Equal Protection Under the Law, Fundamental fairness, and Due Process by denying said party their right to an evidentiary hearing, although a higher court has remanded the Judge to give said party an evidentiary hearing?
3. Should an exception to hearsay be denied and ignored, when establishing Fraud in a claim?
4. Should a Court be allowed to violate the Supreme Laws of the land under the Supremacy Clause of Article VI of the Constitution?
5. Is there a conflict of interest and position when a Judge makes a public record that he or she is only taking a case to protect one party, and he or she is only allowing the opposing party to execute their 6th Amendment Right to counsel, so the agenda of the party they are protecting is ensured?
6. Should an Ex Parte Emergency hearing be deemed a non emergency when a public record of fraud has been established, and said fraud is the foundation of why the contract in question was made valid?
7. Should a higher court rule in favor of a lower court, when the lower court has demonstrated an obstruction of a high courts' order?
8. Should a higher court rule in favor of a lower court, when the lower court has suppressed evidence that is self authenticating, and requires no extrinsic evidence of authenticity in order to be admitted in the court?

PARTIES TO THE PROCEEDINGS

Petitioner Cassandra Bell, Pro Se Mother of Baby Boy Bell is the Appellant in the Florida Supreme Court.

Esq Thomas N. Fischgrund is the Respondent, in the Florida Supreme Court.

Both parties appear in the caption of the case on the cover page.

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DECISION BELOW

The decision of the Florida Supreme Court is reprinted in the

- Appendix labeled D, and is unreported.

JURISDICTION

The copy of the United States Supreme Court's instruction for rehearing was sent via postal service on January 24, 2019. A Response was made within 15 days of the date of the postage stamp.

This court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS ACTS AND TREATIES INVOLVED

- 14th Amendment In relevant part "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."
- Privity of contract doctrine
- Canons of the United States 2(A)- Respect for Law. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.,

- (B)- Outside Influence. A judge should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment. A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness.,
- 3(A)- Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently
- (1) A judge should be faithful to, and maintain professional competence in, the law and should not be swayed by partisan interests, public clamor, or fear of criticism.
- (2) A judge should hear and decide matters assigned, unless disqualified, and should maintain order and decorum in all judicial proceedings.
- (3) A judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity. A judge should require similar conduct of those subject to the judge's control, including lawyers to the extent consistent with their role in the adversary process.
- (4) A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law.
- (B)- Administrative Responsibilities
- (1) A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court personnel.
- (3) A judge should exercise the power of appointment fairly and only on the basis of merit, avoiding unnecessary appointments, nepotism, and favoritism.
- 3(C) (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which:
 - (a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
 - (c) the judge knows that the judge, individually or as a fiduciary, or the judge's spouse or minor child residing in the judge's household, has a financial interest in the subject matter in controversy or in a party to

- the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding;
- Florida Supreme Court Code of Judicial Conduct Canon 4 A judge shall conduct all of the judge's quasi-judicial activities so that they do not:
 - (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;
 - (2) undermine the judge's independence, integrity, or impartiality;
 - (3) demean the judicial office;
 - (4) interfere with the proper performance of judicial duties

Articles of the International Covenant of Civil and Political Rights Treaty (ICCPR)

Article 8

- 1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
- 2. No one shall be held in servitude.

Article 14 In Relevant Part

- 1. All persons shall be equal before the courts and tribunals.

Article 16

- Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

- 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
- 2. Everyone has the right to the protection of the law against such interference or attacks.

Article 23

- 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 26

- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

STATEMENT OF THE CASE

I. Introduction

For the past four years, Cassandra Bell, Petitioner and Biological Mother of Baby Boy Bell, the child in this subject matter, has been denied her fundamental right to have her evidence acknowledged, accepted, and heard in the lower tribunal courts of Florida. May 13, 2015, the Sixth Judicial Circuit Court, held an evidentiary hearing. In which, Judge Patrice Moore of the Sixth Judicial Circuit, only allowed opposing party Mr. Fischgrund to enter evidence, and bring forth witnesses. Judge Moore denied Cassandra her fundamental right of being heard within the court, and denied Cassandra equal protection under the law, when she refused to allow Cassandra's evidence to be acknowledge, heard and accepted. She further denied and violated Cassandra's due process, when she dismissed Cassandra's claim, without first giving her the liberty of being heard before the court of law. Due to the nature of Judge Moore's bias-ness and Errors of Law. On December 30, 2015, the Second District Court of Appeal, remanded Judge Moore to give Cassandra an evidentiary hearing, just as she had given opposing party Mr. Fischgrund. Also to accept Cassandra's timely filed motion. Two years after the Second District Court of Appeal remanded Judge Moore to give Cassandra an evidentiary hearing. Judge Moore continued her discriminatory enforcement. By only accepting the evidence of opposing party Mr. Fischgrund, and basing her rulings on things to benefit Mr. Fischgrund. On February 13, 2017, Judge Moore held a hearing requested by Cassandra on her Motion to Revoke Consent to adoption. Then denied said motion stating that "the motion was untimely and warranted an evidentiary hearing." Judge Moore fell in contempt of a higher court, and denied Cassandra Due Process under the Law. **See Appendix B.** Being that the Second District Court of Appeal previously found Cassandra's motion to revoke consent to be timely filed and remanded Judge Moore to give Cassandra an evidentiary hearing. The February 13, 2017 hearing should have been Cassandra's evidentiary hearing. As the only evidence left to be accepted, acknowledged, and heard on this claim was that of Cassandra. Since opposing party Mr. Fischgrund's evidence was already acknowledged, heard, and accepted during the May 13, 2015 evidentiary hearing. The November 13, 2017 Ex Parte Emergency hearing was no different. Judge Moore refused to accept and acknowledge Cassandra's evidence yet again, for reasons that the Second District Court of Appeal already ruled against. **See Cassandra Bell, Petitioner, v Thomas Fischgrund Respondent No. 2D15-3073.** However, because a higher court remanded Judge Moore to accept Cassandra's motion to Revoke Consent, and remanded Judge Moore to give Cassandra an evidentiary hearing. Judge Moore's refusal to do so was not only a Violation and Denial of Cassandra's Due Process according to the 14th Amendment, but it was also an Error of Fact, Error of Law, and the Obstruction of Court Orders. **Federal law 18**

U.S. Code 1509- Obstruction of court orders. Though Judge Moore denied Cassandra's November 13, 2017, Ex Parte Emergency hearing. Stating "Cassandra's evidence was premature warranting a final hearing." The November 13, 2017 hearing should have also been Cassandra's evidentiary hearing, and the evidence Cassandra brought forth, should have been acknowledged, accepted, and heard. Denying this hearing was a Violation and Denial of Cassandra's Due Process, an Error of Fact, Error of Law, and the Obstruction of Court Orders. Not only did Cassandra's evidence show merit in why an Ex Parte Emergency hearing was needed. It also established evidence that was Self-Authenticating. Cassandra revisited a public record she filed within the court before the Ex Parte hearing, as evidence to support her reasoning for requesting the emergency ex parte hearing. However, Judge Moore failed to acknowledge and accept Cassandra's public recorded document, after Anthony Marchese, attorney for the prospective adoptive parents stated the public record was hearsay. Although Cassandra objected to Anthony Marchese being included in her claim, as he has no legal standings according to **Article III Case or Controversy of the Constitution's** requirement of Standing. And including him, goes against the **privity of contract doctrine**, as she conferred rights and imposed obligations upon persons who were and are not parties to the adoption contract. Judge Moore ignored Cassandra's objections, and sided with esq Anthony Marchese's hearsay comment. Cassandra then stated that "she had an exception against hearsay." Where Judge Moore, stated "Make your exception." Cassandra then stated and used **Federal Rule 902 (1), and (2), Evidence that is Self-Authenticating.** Federal Rule 902 (1), and (2) states that Domestic Public Documents that are sealed and signed, or not sealed but are signed and certified, are self-authenticating; they require no extrinsic evidence of authenticity in the order to be admitted. Judge Moore continued to ignore the federal rule stated by Cassandra, stating that "the evidence she was presenting warranted a final hearing." Judge Moore was attempting to skip Cassandra's evidentiary hearing, and move straight into a final hearing, with only the evidence of Mr. Fischgrund, accepted on the docket, to rule upon. The Public Document was signed and certified by the Notary Section of the Executive Office of the Governor of Florida. The Executive Office found that Susan Deckrow, who is the case manager, support person, and Notary for Mr. Fischgrund in the alleged termination of parental rights and consent for adoption contract, was, in deed, in violation of the laws governing Florida notaries public. The law that Mrs. Deckrow was in violation of was Prohibited Act **Fla Stat. 117.107(10)**- which states that "a notary may not notarize a signature of a document if the document is incomplete or blank." Not only did Mr. Fischgrund suppress this evidence found and determined by Florida's Governor's office on November 4, 2015, for two years to the date of the November 13, 2017 Emergency Ex Parte hearing. In Addition, Judge Patrice Moore, also

suppressed this evidence when she failed to accept this evidence during the November 13, 2017 Emergency Ex Parte hearing. Then again, when she failed to consider, reference, or acknowledge this Self Authenticating document in her Final Judgement of Termination of Parental Right order signed March 7, 2018. Judge Moore, ignoring public records of a violation of law during the process of the alleged termination of parental rights, and consent for adoption, is demonstrating the suppression of evidence, thus the obstruction of justice, obstruction of the due administration of justice, and Error of Law; **Fla Stat 843.03, Obstruction of Justice, Federal Code 18 U.S.C 1503 Obstruction of the due administration of Justice.** The Self- Authenticating document Cassandra produced during the November 13, 2017, Ex Parte, Emergency hearing. Established that, the foundation used to make the contract to terminate parental rights valid, was fraud. Thus established merit, and warranted an Ex Parte Emergency Hearing. Judge Moore's repeated pattern, refusing Cassandra the Equal Protection under the law, per the 14 Amendment is also an intentional violation of Cassandra's Constitutional and Civil Rights, to protect the reputation of her friend Mr. Fischgrund. Judge Moore stated in open litigation that "she took this case because she did not want Cassandra's letter objecting to the consent to adoption sitting on any other judge's desk, making it look as though her friend Mr. Fischgrund, was doing something bad to this lady," as she referred to Cassandra. Judge Moore made these statements before any evidence was taken. **See Appendix E.** Judge Moore before any evidence was heard, decided Cassandra was only seeking attention, and had buyers remorse; which shows a failure in order and decorum in the judicial proceeding, to not only Cassandra, but to the minor child in question. **See Appendix F- G** As Judge Moore is referencing said child(Human Life) as a form of a transaction action for purchase. Judge Moore stated out of her own mouth the second reason she took the case "was for Mr. Fischgrund, to protect his reputation." Further, the only reason Judge Moore allowed Cassandra to get Counsel was because she stated that "DCA is kicking cases back, where the parties don't have attorneys, and those adoptions, are not happening." Judge Moore is stating that the only reason she did not restrict Cassandra from executing her perpetual Sixth(6th) Amendment right is to ensure, opposing party Mr. Fischgrund's adoption agenda, and stated also, if Cassandra doesn't receive anything else she will at least have counsel. **See Appendix H.** All of Judge Patrice W. Moore's opinions about Cassandra, her rulings in this case were completely arbitrary and biased against Cassandra, to protect the reputation of her friend Mr. Fischgrund. Evidence and transcripts show her own words admitting these facts. Judge Moore had no plans to give Cassandra an evidentiary hearing before nor after the Second District Court of Appeal remanded her to do so, see again **Appendix F lines 7-10** where Judge Moore stated verbatim "Her(Cassandra) letter alone, in my book would not have gotten her an evidentiary hearing." Judge

Moore stated in **Appendix F** lines **20-24**, that “she was going to help Cassandra get over the situation.” By Judge Moore stating she was going to help Cassandra “get over” the situation, before any evidence was taken, she is stating she already believes opposing party Mr. Fischgrund is innocent of the allegations brought against him. She had a predetermined outcome before any evidence was collected. Judge Moore’s actions, inactions, statements, rulings, and Obstruction of both Justice and Obstruction of Court orders show she never had and will never have the intention of giving Cassandra her Due Process of the law. Evidence shows Judge Moore has acted as a character witness, for Mr. Fischgrund, is responsible for lending the prestige of her judicial office for the advancement of Mr. Fischgrund. Judge Moore has shown, no dignity and respect towards the laws protecting Cassandra’s justice and rights, failed to accord to the legal interest Cassandra had in the proceedings, as she was swayed by partisan interests. Judge Moore’s actions, statements, decisions, rulings, and orders were and are so outside of the law, that they are not only capricious, but they too, were and still are indefensible from the first hearing to the last. Judge Moore, upon learning of the fraud, should have fairly exercised a power of appointment towards the best interest in the placement of the child solely on the merit of fraud, and not based upon her favoritism towards Mr. Fischgrund. Further, making Judge Moore in violation of the **Canons of the United States 2(A), (B), 3(A) (1),(2),(3),(4), (B) (1), and (3)**. Evidence clear and convincingly show, that Judge Moore, has a personal relationship with Mr. Fischgrund, and her actions during the entirety of this case, was intentionally bias for the benefit of Mr. Fischgrund. Due to the listed facts, Judge Moore should have immediately disqualified, and or recused herself from this case. However, because she did not disqualify or recuse herself, Judge Moore fell in violation of **Canons 3(C) (1) (a), and (c)**. Thus making both the Second District Court of Appeal, and the Florida Supreme Court’s decision to deny Cassandra’s appeal, and or side with the Sixth Judicial Circuit Court’s ruling erroneous, and a violation of the **Florida Supreme Court Code of Judicial Conduct Canon 4 A (1),(2),(3), and(4)**.

E. Reason to Grant the Petition

The Second District Court of Appeals failed to uniformly decide when they denied Petitioner Cassandra’s claim, because they based their determination and decision solely on the response to the petition, and the orders of the circuit judge. See again **Appendix A** Which in turn, failed to acknowledge the reasons and evidence behind Cassandra’s Emergency and Ex Parte relief; which clearly and convincingly demonstrated the Imminent danger the child is currently placed in, and the fraud used as a foundation to validate the contract in question. The Second District Court of Appeal failed also, to make a declaration of right, which settles the right and removes the confusion of the party. After party Cassandra, brought forth her

evidence and issues to the Second District Court of Appeals. Looking for the confusion in which her Emergency Ex Parte Relief was denied. Without the merit of Cassandra's evidence being considered and acknowledged on the record to be lifted. The Second District Court of Appeals followed the Circuit Courts pattern of making a ruling based on one party's evidence. In addition, both the Second District Court of Appeal and the Florida Supreme Court's decisions expressly and directly failed to acknowledge the Sixth Judicial Circuit Court's discriminatory enforcements, Error of Facts, Error of Laws, Violations of Cassandra's Due Process and Equal protection under the law. Failed to acknowledge the Sixth Judicial Circuit Judge's obstruction of justice, obstruction of court orders, suppression of evidence, bias-ness and favoritism towards one party; and said courts failure to remain impartial. Failing to acknowledge the reasons behind the Emergency and Ex Parte relief; Which clearly and convincingly demonstrated the Imminent danger the child is currently placed in. Challenges the Best Interests and the wellbeing of every minor child in question under these circumstances, which must be considered. Immediate, emergency and ex parte relief, takes precedence over an evidentiary hearing, when evidence shows a child has been placed in imminent danger. And evidence shows the basis in which the child has been taken is fraud. Judges being allowed, and having the power and free will to adjudicate in matters they have interests in. Courts being swayed by partisan interests. Judges failing to accord to every person who has a legal interest in the proceedings; to protect the reputation of another. Judges intentionally conferring rights and imposing obligations upon persons who were and are not parties to a contract, for individual reasons. And court systems linked to one another blatantly ignoring such facts; that not only places a minor child in Imminent danger. But Violates and denies the Due Process and Equal Protection certain persons have under the law, carries the national importance of having the United States Supreme Court decide the questions involved.

The reasons Cassandra brought forth stating her child was in imminent danger were as follows:

1. The Notary Coordinator of the Governor's office found Esq. Thomas N. Fischgrund's notary guilty of Prohibited Act FL Statute 117.107(10) for notarizing the alleged signature to terminate parental rights document, although it was blank and or incomplete; **See Appendix I**

- This shows the foundation to validate the alleged consent to terminate parental rights was based on fraud.

2. Cassandra was under the influence of heavy narcotics and drugs that impair memory and shut down the Central Nervous System which includes the brain. As a mixture of benzodiazepines, and opioids , all administered by hospital staff was given to her concurrently for three days, and at the time of the alleged signature; **See Appendix J**

- The opioids and benzodiazepines given to Cassandra are as follows: Pitocin, Nitrous Oxide(Opioid), Temazepam/Restoril(Benzodiazepine), Butorphanol/Stadol(Opioid), Lidocaine(Benzodiazepine), TerButaline Sulfate, Acetaminophen/Tylenol, Hydroxyzine Pamoate/Vistaril, Ondansetron/Zofran, Oxytocin, Fentanyl(Opioid), Ropivacaine, Epidural, Ephedrine, diphenhydramine/Benadryl, and Naloxone/Narcan. The mixture of Opioids and Benzodiazepines caused her to overdose. In which Narcan, had to be administered to save her life; due to her decreased respiratory rate of 8 beats or below per minute;

3. Esq. Thomas N. Fischgrund entered a false discharge and last proof of medications paper into the court to illegally establish standing to file the proposed consent to terminate parental rights;

- The false proof of discharge and medication page stated that Cassandra's last dose of medication was at 1814(6:14 pm), and that Cassandra had received discharge notification at 19:30(7:30 pm). However, both medical records, and a signed letter from Cassandra's OBGYN determines and proves, the document was an intentional fabrication against the truth.
- The false proof of discharge was later entered into the court by Mr. Fischgrund, as proof of discharge and proof that Cassandra was not under any medication at the time of the alleged signature; this document was and continues to be fraud on the court. See again **Appendix J** under Central Nervous agents, where an additional 30 ml of Lidocaine was administered to Cassandra on 1/21/2015, at 1901(7:01 pm), 29 minutes, before false proof of discharge paper listed Cassandra as being discharged. Then see **Appendix K -M**, the false proof of discharge and last dose of medication, and the actual discharge time signed by Cassandra's OBGYN, and medical records.

4. Cassandra had Post Traumatic Stress Disorder (PTSD), at the time of the alleged signature(prior diagnoses) and was already under an extreme amount of pressure and duress; **See Appendix N**

- Mr. Fischgrund's notary admitted in her witness testimony during Mr. Fischgrund's May 13, 2015 evidentiary hearing; she knew Cassandra was receiving counseling, and she too provided Cassandra with emotional support. Cassandra never called or went to an adoption agency, nor has she ever met or spoken to adoption entity Mr. Fischgrund, prior to these court proceedings. She went to the pregnancy center to receive counseling for her at the time 3-year old daughter. It was the pregnancy manger who called the notary, that later met Cassandra at the pregnancy center, as a pregnancy center worker. Transcript available upon request.

5. Cassandra was not discharged at the time of the alleged signature. She did not have discharge notification in writing at the time of the alleged signature. She had

not had 24 hours let alone 48 hours with her child as **FL. Statute 63.082(4)(b)** requires. The prospective adoptive parents, then legal strangers were given a room right next to Cassandra. For the three days, Cassandra was admitted to the hospital, without her knowledge or consent. Said legal strangers, were given the child immediately after his birth. Was illegally listed as said child's parents, next of kin, persons to contact, and guarantors on altered, and falsified medical documents. With no court order or legal right to do so. Illegally signed as said child's parents 13 hours before the consent to adoption was allegedly signed; with no court order. Then walked out of the hospital with said child, illegally, with no court approval, or home study being completed. The falsification of medical records, and the illegal signature claiming to be said child's parents constitutes to child laundering, a form of human trafficking in persons, and Identity/ child identity theft. **See Appendix O- Q**

- Notary Susan Deckrow, arrived at the hospital at 6:30 pm and for thirty minutes, stood over Cassandra in her hospital bed, while Cassandra was still admitted, and "Prayed", over, and "talked" to Cassandra, and still received NO consent to an adoption. **See Appendix R-T**
- The alleged signature was "taken" at 2007(8:07 pm). Which means, Mr. Fischgrund's notary stood over Cassandra for two hours before the alleged consent. Susan Deckrow waited an hour after the nurse administered 30 more ml of Lidocaine, which is just enough time for the additional doses of the opioid narcotic to distribute through Cassandra's system. Cassandra was so incoherent, and unaware, that Mr. Fischgrund's notary had to stand over Cassandra, and read documents, that later, Mr. Fischgrund claimed to be a consent to adoption, a termination of parental rights, and a waiver to receive notice of the proceedings. **See Appendix Q**
- These documents all were allegedly signed the same day Cassandra received an additional 30 ML of Lidocaine, a opioid that shuts down the Central Nervous system, which includes the brain. Less than 24-hours after, Cassandra gave birth to Baby Boy Bell, the Child in question; Overdosed on hospital administered opioid narcotics, and drugs, as medical records show. And, while Cassandra was still a patient at the birthing place, or hospital, as the signed letter from Cassandra's OBGYN doctor and additional medical records shows.
- Cassandra can neither confirm or deny what documents, were allegedly signed. Because, as of date, she has never received a copy from Mr. Fischgrund, or his notary, of what she allegedly signed. And as evidence shows Cassandra was completed unaware due to the hospital administered narcotics.

The violation and denial of Cassandra's due process, and equal protection under the law. In which, each of the above listed courts have shown to have violated. Is not only a violation of Cassandra's Human and Constitutional Rights. Including Cassandra's **14th Amendment Right**; Which states in relevant part "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." But is also a violation of the several **Articles of The International Covenant of Civil and Political Rights Treaty**(ICCPR). In which, according to The **Supremacy Clause** of the United States Constitution, **Article VI, Clause 2**, establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the supreme law of the land. It provides that ALL courts are bound by the supreme law. Being that the United States signed the ICCPR in October, 1977, then ratified said Treaty in 1992, the ICCPR Treaty, is as much as the Supreme Law of the land as the U.S. Constitution is, per Article VI, Clause 2 of the Constitution. The Articles Judge Moore violated from the ICCPR Treaty, equates to Judge Moore violating Federal Law, and they are listed as follows:

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.

- A. By the above listed courts denying Cassandra's evidence the liberty to be heard, acknowledged and failing to acknowledge that there is a public record from the Governor's office, that Mr. Fischgrund was in violation of a Prohibited Act during the alleged consent to this adoption, makes the taking of Baby Boy Bell, Human Trafficking in Persons, a form of slavery. Thus shows Judge Moore and those complicit with Judge Moore's rulings intentionally holding said child in slavery, and involuntary servitude of the prospective adoptive parents, to protect the reputation of Mr. Fischgrund.
- Article 14 In Relevant Part

1. All persons shall be equal before the courts and tribunals.
 - Evidence shows that Cassandra was not treated equally in Judge Moore's court, nor did Cassandra have the same equal protection under the law, as Mr. Fischgrund did.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

- Judge Moore went through extreme measures to suppress Cassandra's evidence, including the obstruction of court orders, all to help Mr. Fischgrund. Thus failing to provide Cassandra with the recognition she lawfully should have been awarded before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

- Judge Moore's entire dealings with Cassandra's claim was arbitrary, and in favor of opposing party Mr. Fischgrund. In which, provided Cassandra with an unlawful interference with her family. As Cassandra's child was unlawfully human trafficked. The evidence of said trafficking was ignored by Judge Moore, and the courts that were complicit in her rulings. Judge Moore further, attempted give Cassandra the reputation of not doing what was best for her child, Baby Boy Bell, to protect Mr. Fischgrund's reputation in return.

2. Everyone has the right to the protection of the law against such interference or attacks.

- For the past four years no court has provided Cassandra with protection from said interferences or attacks.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

- Judge Moore only wanted to help Cassandra get over her child being stolen from her, thus provided no protection to keep Cassandra's family together.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

- Claiming Cassandra has buyers remorse, and was only seeking attention is discrimination on Judge Moore's part to protect Mr. Fischgrund. Refusing Cassandra the liberty to enjoy the same Constitutional rights as Mr. Fischgrund is failing to provide Cassandra with equal protection of the law.

Judge Moore has displayed a pattern of making capricious, yet arbitrary rulings, and orders; all against the Constitution, Federal and state law and Cassandra's due process. Regardless of being remanded by higher court's Judge Moore chose to remain in Error of the Law. Judge Moore fails to remain impartial before the law, continues to Obstruct Justice, and Obstruct Court orders, all in favor to biasly protect the reputation of her friend opposing party Mr. Fischgrund. And not only

did the Second District Court of Appeal continue the pattern to suppress Cassandra's evidence, but so did the Florida Supreme Court. Due to the actions and inactions of the Second District Court of Appeal, and the Florida Supreme Court, Judge Moore of the Sixth Circuit Court in Florida was given a platform to continue her abuse of power, and violations of both the administration of justice and the Constitution. By further depriving Cassandra the opportunity to be heard before a court of law. Judge Moore abused her power to protect Mr. Fischgrund, further, after the higher courts failed to address and correct her violations and Error of Laws. By having a final hearing on March 7, 2018, after holding a pretrial conference on January 31, 2018. And hearings between the dates of February 21, through February 28, 2018, although she was fully aware Cassandra was not available on any of the dates scheduled. Judge Moore had previously given Cassandra new dates on November 29, 2017 for the month of March, year 2018 to choose from. When Cassandra informed Judge Moore of her inability to make it to court on those dates. The new dates were given after Mr. Fischgrund prepared an order for Judge Moore to sign following the November 13, 2017 Ex Parte Emergency hearing. Cassandra properly and timely informed the court she was not available in January or February. **See Appendix U-V.** Further, February 19, 2018, Cassandra objected to the pretrial conference before February, then filed a continuance stating "She informed the court she was not available in November of 2017. Judge Moore contradicted her previous acknowledgement, and still held the hearings on the dates Cassandra timely voiced she was unavailable for, after denying Cassandra's motion for continuance. In the order from this pretrial conference, Judge Moore states "The Court reserves the rulings to enter an order that forbids Cassandra from supporting or opposing designed claims or defenses, prohibits Cassandra from entering certain matters into evidence, strikes Cassandra's pleadings or parts of them, dismisses Cassandra's claims in part or in whole, or renders a judgment by default against Cassandra." Then, Judge Moore ordered that any motions not heard before the commencement, shall be deemed abandoned." **See Appendix W** Judge Moore proceeded to order that the scheduled trial will continue as scheduled. Based off of the order written after the January 31, 2018 pretrial hearing on February 2, 2018. It shows that Judge Moore made up her mind before the order after the final hearing was written. In which, Cassandra was not present, nor had knowledge of. To abandon Cassandra's motion altogether, and prohibit Cassandra from defending herself from certain claims. These actions based off of Judge Moore's ruling are clear and convincingly Violations and Denials of Due Process, Error of Fact, Errors of the Law, as the entire order violates Cassandra's Constitutional and Civil Rights. The order also constitutes to the Obstruction of Justice, as Judge Moore is yet again, refusing Cassandra the liberty to be acknowledged, heard and considered in the court of law. And further, shows Judge Moore continuing to confer rights and impose obligations upon persons who were and are not parties to the adoption contract; as she accepted acknowledged and heard arguments from the prospective adoptive parents attorney, Anthony Marchese. Provided an unleveled advantage, as she gave non parties an evidentiary hearing, instead of Cassandra; and provided Mr. Fischgrund with another

evidentiary hearing. Although his evidence has already been acknowledged, accepted and heard before a court of law, during his independent evidentiary hearing on May 13, 2015. Suppressed Cassandra's evidence, by intentionally holding a hearing during a time she had full knowledge Cassandra was not available to attend. And based her Final Judgement of the Termination of Parental Rights order, solely on the amended arguments of Mr. Fischgrund. As he was giving the opportunity to have a second evidentiary hearing without Cassandra. While refusing to acknowledge Cassandra's evidence in her Motion to Withdraw Consent, as said Judge was remanded to hear. Refusing to hear the Self Authenticating public documented evidence of fraud, determined, signed and certified by the Notary Section of the Executive Office of the Governor of Florida. Which was individually and impartially done to ensure her favored party Mr. Fischgrund's adoption agenda, and to protect the reputation, of said litigant, Judge Moore was character witness of. The refusal to uphold the law, notwithstanding contrary, as evidence shows. Creates, provides, protects, and continues an unjust system of corruption. That threatens the integrity and public trust in every judicial office. Which must be stopped. It further questions the validity in every other adoption Mr. Fischgrund is granted under Judge Moore's authority. See **Appendix X**. Further, by the Second District Court of Appeal, and the Florida Supreme Court denying Cassandra's petition, shows both courts are in violation of The Second District Court of Appeal December 30, 2015 order, remanding Judge Moore to give Cassandra an evidentiary hearing on her timely filed Motion to Revoke Consent. The above stated reasons carries the national importance of having the United States Supreme Court decide the questions involved. Whereas Cassandra files this motion for rehearing requesting that this court finally considers, acknowledges, hears, and accepts Cassandra's evidence and Public Records of the opposing party's violation of the law. And requests that this court invalidates this illegal adoption attempt and the consent taken by illegal measures. Change Baby Boy Bell's name from Micah Andres McNally, the name picked by the illegal adoptive parents, to Croix Andres Bell, the name Cassandra, the biological mother choose; preserve all videotapes, CDS, and photographic files of the Minor child in question, as Cassandra has been deprived of the opportunity to parent her biological child, and can never get the time she lost back. Due the fraudulent and illegal actions of Mr. Fischgrund, and the inactions of Judge Moore's, the Second District Court of Appeal, and the Florida Supreme Court. Cassandra also requests that this court immediately returns Baby Boy Bell, to his biological mother Cassandra. Cassandra can never get back the time she was deprived to mother her child, and the time lost has not only caused imminent danger for the child in question, but also irreparable injury to Cassandra, Cassandra's immediate family, and the Minor Child in question. So Cassandra is asking this court to take in account the laws that were twisted, ignored and broken to make this illegal and non binding attempt at adoption possible, and uphold the Federal laws, the Constitution, the Articles of the Constitution and Treaties, that have been intentionally and blatantly ignored by the above listed courts for the course of four-years; and in turn, invalidate and

revoke the alleged adoption consent, and finally, immediately bring Baby Boy Bell home to his mother.

Conclusion

Petitioner Cassandra Bell. Petition submitted February 8, 2019.

IN THE
SUPREME COURT OF THE UNITED STATES
CASSANDRA BELL
Appellant/Petitioner,
vs.
THOMAS FISCHGRUND,
Appellee/Respondent.

CERTIFICATE OF SERVICE

I, CASSANDRA BELL, HEREBY CERTIFY that a copy of this has been furnished, by electronic mail to THOMAS FISCHGRUND, 5710 4TH Street N., Suite 1, St. Petersburg, FL 33703, via tfischgrund@gmail.com; on this 8th day of February 2019. I certify that this petition for rehearing is presented in good faith and not for delay. I certify that the grounds in the petition are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Respectfully Submitted,

Pro Se Mother Of
Baby Boy Bell

/s/ Cassandra Bell

:Cassandra -Renea :Bell

**Additional material
from this filing is
available in the
Clerk's Office.**