

No. \_\_\_\_\_

\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
STEPHAN SCHUERMANN

\_\_\_\_\_  
(Your Name) — PETITIONER

vs.

JUBILIE C. ANQUI  
\_\_\_\_\_  
— RESPONDENT(S)

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

\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STEPHAN SCHUERMANN

\_\_\_\_\_  
(Your Name)

2637 E. Atlantic Blvd. # 41066

\_\_\_\_\_  
(Address)

Pompano Beach, FL 33062

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[ x ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

The Honorable Judge Michael Flowers, In the Circuit Court of the First Judicial Circuit In And For Okaloosa

County, Florida, Domestic Relations Division

Okaloosa County Courthouse

101 James Lee Blvd. East

Crestview, FL 32536

## QUESTIONS PRESENTED

The Hague Convention on the Civil Aspects of International Child Abduction requires a State to return a child who has been "wrongfully removed" "wrongfully retained" from his state of habitual residence. Art.12. The removal is wrongful where it is in breach of the left behind parent's rights of custody. Id.Art.3.

The Questions Presented are:

1. Whether the Supreme Court Of Florida erred in not vacating Judge Michael Flowers Orders Granting the Respondent 's Verified Petition to "wrongfully remove" the minor child from Florida and Relocate to the State Utah in breach of Petitioner's rights Of Custody, as being meritless and time barred.
2. Whether the Supreme Court of Florida erred when it Denied Petitioner's motions relating to his due process and equal protection rights guaranteed under the Fourteenth Amendment to the United States Constitution.

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the The Circuit Court for the First Judicial Circuit court Okaloosa appears at Appendix B to the petition and is County, Florida

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

## JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a)

☒ For cases from state courts:

The date on which the highest state court decided my case was 4/11/2018 \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**U.S. Const. art. V**

**The Due Process Clause of the United States Constitution.**

**U.S. Const. art. VI § 2.**

**This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.**

**U.S. Const. amend. XIV, § 1**

**All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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.**

**28 U.S.C. § 1257 (a)**

**42 U.S.C. § 11061 esq.**

**Hague Convention on the Civil Aspects of International Child Abduction, Oct, 25, 1980**

**T. I.A.S. No 11670**

**FLA. CONST. art. V, § 3(b) (8); Florida Rule of Civil Procedure 9.030 (a)(3)**

**The Supreme Court of Florida has original jurisdiction and may issue writs of mandamus and quo warranto to state officers and state agencies.**



## **STATEMENT OF THE CASE**

This case presents an important question of United States law and international law under the Hague Convention on the Civil Aspects of International Child Abduction, 25 October, 1980, T.I.A.S. No. 11670 which came into force in the United States on July 1, 1988, see U.S. DEP'T of STATE, MULTILATERAL TREATIES IN FORCE FOR THE UNITED STATES as of JAN. 1.2007, at 98 (2007) – in the International Child Abduction Remedies Act. (ICARA"), 42 U.S.C. § 11061, et seq, (referred to as ("the Hague Convention"). The United States is a party to the Hague Convention and pursuant to U.S. Const. art. VI. §2, it is the Supreme law of the United States.

The questions presented recur frequently and in practice determine parental rights of children who have been "wrongfully removed" from their "habitual place of residence" or from their home countries and are "wrongfully retained" and concealed from the left behind parent who has been denied the right to exercise his custodial rights to parent and care for his child and in some cases may have not had visitation with the minor child for many years notwithstanding that there is an outstanding Court Order for him to parent his child. The "wrongful removal" is a violation of the constitutional rights of the left behind parent. The Contracting States of the Hague Convention, the United States and other Hague Convention States agreed that a child who has been "wrongfully removed" from his place of "habitual residence" and is being "wrongfully retained" in another Contracting State to the Hague Convention. The United States, Spain and Germany are Contracting States to the Hague Convention. The Petitioner, a German citizen was denied his rights of custody and to parent and care for his child. He was also denied the right to determine the "habitual place of residence" of his minor child, D.S.S., and to have D.S.S., a German citizen return to Germany or to his country of habitual residence is Spain. The Respondent mother is a citizen of the Philippines and D.S.S., are illegal in the United States.

**The Supreme Court of Florida Case No.: SC18-339**

In the month of March 2018, Petitioner filed Five (5) Motions before the Supreme Court of Florida against the Hon. Judge Michael A. Flowers of the Circuit Court of the First Judicial Circuit In And For Okaloosa County, Florida.

Petitioner's "Motion to Dismiss All Child Issues for Lack of Jurisdiction and Fraud on the Court by an Officer of the court," against Judge Flowers was docketed by the Court on March 1, 2018, as A Motion for Mandamus against Respondent's Petitioner's ex-wife, Jubilie Anqui and not against Judge Flowers.

Petitioner filed a "Motion to Establish Equal Protection Rights at Issue and Motion for Declaratory Relief" which was docketed by the Court on March 14, 2018.

Petitioner also filed a "Motion to Establish Substantive Rights at Issue and Motion for Declaratory Relief," this Motion was docketed in Florida Supreme Court on March 14, 2018. In addition, Petitioner filed a Motion to Answer Federal Question of "What Process is Due and Motion for Declaratory Relief." This Motion was also docketed in the Supreme Court of Florida on March 14, 2018.

Petitioner's "Motion to Dismiss All Child Issues for Lack of Jurisdiction and Fraud on the Court by an Officer of the Court," against Judge Flowers was docketed by the Court on March 1, 2018, as A Motion for Mandamus against Respondent's Petitioner's ex-wife, Jubilie Anqui and not against Judge Flowers. This caused

Petitioner to file another Motion entitled" Motion for Correction of the Records Case Number-SC18-Schurmann vs. Michael A. Flowers." "Motion/Objection Against Manipulation of Court Records for the Motion I Submitted against Judge Michael A. Flowers." Underneath the Motion he re-stated "Motion to Dismiss All Child Issues for Lack of Jurisdiction and Fraud on the Court by an Officer of the court."

This Motion which the Court deemed was a Petition for Mandamus was filed by the Petitioner against the Hon. Judge Michael Flowers. Judge Flowers who presided over several contested hearings in the case including the Respondent's Petition for Divorce to Dissolve the parties' marriage, to Bifurcate Proceedings and Respondent's Verified Notarized Petition under Oath to Relocate with the minor child D.S.S., from the State of Florida to the State of Utah and with her boyfriend Jonathan Link Tedrick who had an extensive criminal record.

On April 6, 2016, Judge Flowers Issued an Order entitled, "Final Judgment Granting Wife's Motion to Bifurcate Proceeding Dissolving the Parties' Marriage and Reserving Jurisdiction to Award Further Relief," and Dissolved the marriage between the parties and restored the parties to their status of being single. Judge Flowers also Granted the Respondent Wife's Motion to Relocate to the State of Utah. Judge Flowers also Reserved Jurisdiction in the case: "to address the remaining issues of

parental responsibility, timesharing with the minor child, child support, equitable distribution and attorney's fees and costs and reserved jurisdiction to modify and to enter further orders to interpret and enforce this Final Judgment."

In Respondent's Verified Petition which she notarized and stated that she was moving to the State of Utah with the parties' minor son, D.S.S., and with her boyfriend Jonathan Link Tedrick, who had been promoted through his employment for a job in Utah she stated that she did not have an address but would provide her address to Petitioner as soon as she moved to Utah. The Respondent also stated under Oath that she would not change her telephone number so that Petitioner father and their minor son could communicate with each other.

Petitioner filed Oppositions to Respondent's Petition to Relocate to Utah because he was in Florida and his two (2) year E-2 Investor's Visa which he obtained to move with the Respondent and his minor son to the United States had expired and the Respondent, their minor son and Petitioner became illegal immigrants in the United States and are subject to deportation at any time. Judge Flowers denied all Petitioner's motions. Petitioner requested that Judge Flowers recuse himself from Petitioner's case but Judge Flowers Denied Petitioner's Motions.

On March 20, 2018, the Supreme Court of Florida, Denied Petitioner's Motion for Correction of the Record, to reflect Judge Flowers name as the Respondent.

On April 11, 2018, the Supreme Court of Florida dismissed Petitioner's Petition for a Writ of Mandamus against the Respondent in two (2) Cases: Case No. 462014DR004691FXXXXX against Respondent and Judge Flowers' Case No 462016DR004471FXXXXXX.

The Supreme Court stated the following in its dismissal Order:

"The petition for a writ of mandamus is hereby dismissed. *See Matthews v. Crews*, 132 So. 3d 776 (Fla.2014). Any motions or other requests for relief are hereby denied. No motion for rehearing or reinstatement will be entertained by this court."

The case of *Matthews v. Crews* cited by the Court involved an inmate who had filed a petition for a writ of mandamus against the state prosecutor which was ruled as being meritless and time-barred.

**In the Circuit Court of the First Judicial Circuit In And For  
the First Okaloosa County Florida, Case No. 2014 DR 4691**

On January 23, 2017, Judge Michael Flowers Denied Petitioner's Motion for a Hearing to recuse himself from the case of Petitioner and Respondent.

**In the Circuit Court of the First Judicial Circuit In And For the  
First Okaloosa County Florida Case No. 2014 DR 004691F**

On January 17, 2017, Judge Michael Flowers, issued an Order of referral to Family Mediation to the parties, Petitioner, Stephan Schurmann and his ex-wife Jubilie Anqui.

**In the Circuit Court for the First Judicial Circuit In And For the  
First Okaloosa County, Florida Case No. 2016 DR 004471F**

On 1/5/2017, Judge John Jay Gontarek, "having determined that he is disqualified from presiding in this case, does hereby recuse himself from further participation in the deliberation of this matter.

**In the Circuit Court for the First Judicial Circuit In And For the  
First Okaloosa County, Florida Case No. 2016 DR 004471F**

On December 21<sup>st</sup>, 2016, Judge Mary Polson, "having determined that she is

disqualified from consideration of the above styled case, does hereby recuse herself from further participation in this matter and requests this case be reassigned."

**In the Circuit Court of the First Judicial Circuit In And For the  
Okaloosa County Florida, Domestic Relations Division  
Case No. 2014 DR 004691**

On April 7, 2016, Judge Michael Flowers, Granted a Final Judgment in the case Granting the Respondent, the Petitioner's ex-Wife's Motion to Bifurcate Proceeding Dissolving the parties' marriage. Judge Flowers also reserved jurisdiction to Award Further Relief. In addition, Judge Flowers also Granted the Wife's Motion to Relocate to the State of Utah and Reserved Jurisdiction to address issues of

parental responsibility, timesharing with the minor child, and other relief including issuing further orders to interpret and enforce the Final Judgment.

**APPLICATION FILED BY PETITIONER WITH THE CENTRAL  
AUTHORITY UNDER THE HAGUE CONVENTION FOR D.S.S'  
RETURN TO SPAIN HIS HABITUAL PLACE OF RESIDENCE**

Throughout the whole Divorce and Injunctive proceedings, in the Florida State Courts, Judge Flowers and all the Judges, ignored the Petitioner's Application he filed with the Central Authority in Spain on 13, April, 2015 for the Return of the minor child to Spain and which was sent to the Central Authority, of the United States Department of State Children's issues, in Washington, D.C.

On May 5, 2015, the United States Department of State in Washington. D.C., United States of America, wrote to the Honorable Terrance R. Ketchel, of Okaloosa County Courthouse, 101 James Lee Boulevard, Room204, Crestview, FL-32536 informing him that "an application for the Return of the minor child D.S.S., to Spain under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Convention) which serves as the U.S. Central Authority for the Convention has been received. This fact may affect your administration of the custody proceeding before you."

The Letter from the United States Department of State states further: "Article 16 of the Convention provides that, "after receiving notice of a wrongful removal or

retention of a child in the sense of Article 3, the judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained shall not decide on the merits of rights to custody until it has been determined that the child is not to be returned under this Convention or unless an application under this Convention is not lodged within a reasonable time following receipt of the notice.”  
(Emphasis added)

**In the United States Court of Appeals  
for the Eleventh Circuit Case No. 15-1380-G**

On 11/30/2015, the United States Court of Appeals for Eleventh Circuit, pursuant to 11<sup>th</sup> Cir R.42-1(b) dismissed Petitioner's Appeal pursuant to 11<sup>th</sup> Cir. R.42-1(b) for want of prosecution for failure to file a Transcript Order form within the time fixed by the Rules of the Court. Petitioner had appealed the decision of the United States District Court for the Northern District of Florida Pensacola Division in Case No. 3:15-cv-00224-MCR-CJK. 3:15-cv-00224-MCR-CJK but had run out of funds.

**In the United States District Court Northern District of Florida  
Pensacola Division Case No. 3:15-cv-00224-MCR-CJK.**

On August 5th, 2015, Judge M. Casey Rodgers Denied Petitioner's Verified Petition after a Hearing in the case under the Hague Convention, ICARA, for the



return of his son to Spain. Petitioner participated by Video from Spain. Judge Rodgers ruled against Petitioner and concluded that there was no wrongful retention in the United States, and that the parties had settled in the United States although the parties were illegally living in the United States, together with D.S.S., and that they made it their home, and returned the travel papers held by the Court, and ordered the file closed.

**In the Circuit Court In And For the Okaloosa County Florida,  
Family Law Division , Case No. 2014 DR 4691**

On December 21<sup>st</sup>, 2016, Judge Mary Polson, "having determined that she is disqualified from consideration of the above styled case, does hereby recuse herself from further participation in this matter and requests this case be reassigned.

**In the Circuit Court In And For the Okaloosa County Florida,  
Family Law Division , Case No. 2014 DR 4691**

On January 29, 2015, Judge Mary Polson, Granted an Order on Respondent's Emergency Motion for Temporary Relief and on Petitioner's Motion for Temporary Relief and Motion for Contempt, and Ordered *inter alia* that the parties shall have Time Sharing with the minor child to occur through the minor child's school in accordance with the Standard Shared Parenting schedule attached hereto as Exhibit "A". The Petitioner, minor child's mother shall execute any documents to allow the

father to pick up or drop off the child during his allotted time sharing, and participate in the minor child's school events, including lunches at school. The Court also Ordered that the Mother's boyfriend, Jonathan Tedrick shall not be present at the exchange for the visits.

**In the Circuit Court In And For the Okaloosa County Florida  
Family Law Division, Case No. 2014 DR 4691**

On February 27, 2015, Judge Mary Polson, "having determined that she is disqualified from consideration of the above styled case, does hereby recuse herself from further participation in this matter and requests this case be reassigned.

**In the Circuit Court of the First Judicial Circuit In And  
For Okaloosa County Florida Case No. 2014 DR 004669 FV**

On December, 23, 2014, The Court modified the Ex parte motion for the Protection of the minor child.

**In the Circuit Court of the First Judicial Circuit In And  
For the Okaloosa County, Florida, Case No, 2014 DR 4691**

On December 19, 2014, Judge John Jay Gontarek, Granted an ex parte Order to the Father, and Denied the Mother's Ex Parte Motion for Mother to be Permitted Contact with the Minor child during December Holiday Break. Temporary Injunction to remove child from Jurisdiction and Passport Services.

**In the Circuit Court of the First Judicial Circuit In And  
For the Okaloosa County Florida Case No. 2014 DR 004669 FV**

On December 17, 2014, Petitioner was Granted a Temporary Injunction by Judge Gontarek for the Protection of the minor child Against Domestic Violence against Respondent and the minor child, after the Respondent, Petitioner's ex-wife wrongfully removed the minor child from the State of Florida and traveled to the State of Alabama without the Petitioner's consent and with her boyfriend. When the Sheriff called to ask the Petitioner's ex-wife to return to Florida she refused. In a telephone call with her boyfriend to return the minor child to Florida, her boyfriend told Petitioner that you will never see your son again. Petitioner stayed in Florida with the minor child and her boyfriend from Alabama and filed for the Divorce.

The Petitioner (Stephan Schuermann) was born in Germany. He married Jubilie Anqui on March 18, 2007. Their son, (D.D.S.), was born in Marbella, Spain. D.D.S., is a German citizen and his legal Domicile is Germany. His 'habitual place of residence,' is Benahavis, Spain which continues to the present date. He is almost ten (10) years old.

Petitioner moved to the United States with his son and wife to conduct business with an E-2 Investor Visa which is only valid for two (2) years, unless the United States allows it to be extended. The Petitioner, his wife and child resided in Birmingham, Alabama from November 2010 to November 2011, and resided in Alabaster, Alabama, from 2011 to 2012.

They moved from Alabama in March 2012 and later to Destin, Florida, from April 2012 to July of 2014. Petitioner lost \$841,000 in his business.

Petitioner and his wife decided to return to Spain. Petitioner decided to go on a business trip to Pennsylvania in order to see if he could recoup \$250,00 and move his business back to Spain. He made arrangements with family and friends for his wife and D.D.S., to stay with them during his absence. Petitioner sold his household furnishings and gave his wife, \$5,000.00 to support herself and D.S.S in his absence.

When Petitioner returned from his business trip on December 14, 2014, he learnt of his wife Appellee's adulterous affair and concealment of D.S.S., and did not

know his address or where he was being concealed. His ex wife, the Respondent told the minor child not to tell his father that she and Tedrick were having and sexual relationship and D.S.S., was privy to Tedrick and his mother's sexual interactions.

D.S.S., also suffered mental and emotional abuse in the Petitioner's absence. On December 15, 2014, Petitioner later found out where they were living and had visitation with his son. Petitioner's wife called the Police around 2:00 a.m., to force the Petitioner to hand over D.D.S., to his ex-wife. The police informed Petitioner that this was a civil dispute and did not want to get further involved and that he should seek legal advice.

In the afternoon of December 16, 2014, the Appellee wife and the Appellee boyfriend, Tedrick, absconded and concealed D.S.S., for three (3) days to and unknown location in the State of Alabama. Petitioner filed for an Ex-parte Emergency Child Protection Order which was granted to him on December 17, 2014, and provided him with Temporary Custody of D.S.S. The Respondent, his ex-wife and boyfriend Tedrick refused to even provide law enforcement with their location and refused to return D.S.S., to the Petitioner.

Okaloosa County Deputy Sheriff Jamie Knox got in contact with the Petitioner's ex-wife and her boyfriend Tedrick and asked them to return to Florida. They refused to return. The Deputy Sheriff informed the Petitioner about statements

his wife, and Appellee's boyfriend Tedrick made to him. Petitioner telephoned the boyfriend Tedrick, and was threatened with the following statement "you will never see your son again."

On December 19, 2014, after three (3) days, the Petitioner's ex-wife and her boyfriend returned voluntarily with D.S.S., to the State of Florida, and Petitioner picked his son up at the Police station. The Respondent, his ex-wife served Petitioner with divorce papers. She had filed a Verified Petition for Dissolution of Marriage on December 17, 2014, based upon the advice of her attorney, James M. Levy.

Prior to going to Pennsylvania to sell and dispose of his business equipment Defendant and his ex-wife had agreed that Defendant would take D.S.S., to Disneyworld in Florida. Petitioner believed that he had full shared custody with his wife. In addition Judge John Jay Gontarek had Granted him an Ex-Parte Order dated December 2019, for his son to live with him, and Denied the Petitioner's ex-wife permission to have contact with D.S.S., and Denied her permission to spend the December Holiday Break with the D.S.S.

On December 22, 2014, while Petitioner was at the Airport in Florida he received a telephone call from his attorney informing him that he was to return D.S.S., to Destin, Florida, and that there were court orders prohibiting him from leaving the United States with D.S.S., and that the police and the FBI were waiting

for him at the airport. Petitioner immediately returned with D.S.S., to Destin, Florida and was forced to hand over D.S.S., to the Respondent, the Petitioner's ex-wife.

On December 18, 2014, Judge Mary Polson, in the Florida Court issued a Temporary Injunction to Prevent the Removal of the Minor Child from the Jurisdiction and Prevent Passport Services filed by Petitioner's ex-wife. In granting the Motion, the Court stated *inter alia* that it ordered as follows: "This Temporary Injunction has been issued without Notice to Respondent/Father." Petitioner and his son, and ex wife became illegal persons in the United States upon the expiration of Petitioner's E-2 Investor's Visa."

When the Petitioner's ex-wife filed for the Temporary Injunction to Prevent Removal of the minor child from the Jurisdiction and for Passport Services on December 18, 2014, she was not forthcoming and committed a fraud on the court by failing to state on the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Notarized Affidavit under Oath, and by deliberately omitting on the form that the minor child had lived and had an address in Spain to complete the five (5) years of the child's residence. She left the form blank, where it requested a Social Security Number.

On January 29, 2015, Judge Mary Polson in Case No. 2014 DR 4691, issued an Order entitled "Order on Respondent's Emergency Motion for Temporary Relief and

Petitioner's Motion for temporary Relief and Motion for Contempt." Temporary order allowing Time Sharing between the parties, and pick up from school, and alternate place if school is closed, which was to commence on January 16, 2015, and Tedrick the boyfriend was not to be present for the pick up and drop off of the minor child by the father.

Judge Polson also Ordered that the Petitioner's ex-wife shall execute any documents to allow the Father to pick up or drop off the child during his allotted time sharing every other Friday. Judge Polson's Order also stated that the Petitioner could participate in D.S.S.'s, school events, including lunches at school. When the Petitioner went to D.S.S.'s school he was promptly arrested and thrown in jail for three (3) days for trespassing at the school notwithstanding that he had a valid Court Order to visit his son at school. His arrest was orchestrated by the Respondent ex-wife who made her Deputy Sheriff friend, Sonya Sheppard, and works at the school who resided in the same apartment complex to have the Petitioner arrested. The Deputy Sheriff continued to threaten Petitioner.

The Petitioner informed Deputy Sheriff that he had a valid Court Order to visit his son at school at least twenty (20) times but she refused. After he was arrested by Deputy Sheriff Sheppard he asked her to let him call his lawyer she refused to let call his lawyer. The Petitioner believes that he was arrested because his Respondent ex-



wife wanted full custodial access to his son so by having him arrested and deported she would not have to share her custodial rights with the Petitioner. Petitioner also informed the police officer who transported from D.S.S.'s school, Destin Elementary School to jail in Fort Walton that it was a wrongful arrest and had a Court Order to prove that he had permission from Judge Polson to be with his son at school for drop off and pickup from school and have school visits and lunches.

Deputy Sheppard informed him while he was sitting in her office waiting for the police car to take him to the police station that she had received an email from his ex-wife that the Petitioner would be at D.S.S.'s school on Monday. Deputy Sheppard also threatened him with Deportation because his ex-wife had informed her that his E-2 investor's visa had expired and had become an illegal alien in the United States.

Deputy Sheppard also threatened to deport him for not having a valid driver's license. Being deported from the United States means that he would not be barred from returning to the United States for ten (10) years. Petitioner deported himself voluntarily from the United States and has had no contact with his son either through the telephone, SKYPE, text messages or email. Petitioner continues to seek the return of his son to him either in Spain or in Germany since both are citizens of Germany.

## **REASONS FOR GRANTING THE PETITION**

Petitioner is requesting that the Court apply the Considerations Governing Review of Certiorari pursuant to Rule 10 (c) of the Rules Of The Supreme Court of the United States because the Supreme Court of Florida has decided an important federal question in a way that conflicts with relevant decisions of this Court under the Hague Convention and the United States Constitution.

Further reasons follow below:

**I. THE SUPREME COURT OF FLORIDA ERRED IN NOT  
VACATING JUDGE MICHAEL FLOWERS ORDERS GRANTING  
THE RESPONDENT 'S VERIFIED PETITION TO WRONGFULLY  
REMOVE THE MINOR CHILD FROM FLORIDA AND RELOCATE  
TO THE STATE OF UTAH OVER PETITIONER'S OBJECTIONS  
IN BREACH OF HIS RIGHTS OF CUSTODY AND SHOULD NOT  
HAVE DISMISSED HIS PETITION AS BEING TIME BARRED**

The Supreme Court of Florida erred in not vacating Judge Michael Flowers Order Granting the Respondent's Verified Petition to Wrongfully Remove the Minor Child from Florida and Relocate to the State of Utah over Petitioner's Objections in breach of his "rights of custody" and should not have dismissed Petitioner's Petition on April 11, 2018, as being meritless and time barred in two (2) cases, Nos. 462014DR004691 and 462016DR 004471, entitled "Motion to Dismiss All Child Issues for Lack of Jurisdiction and Fraud on the Court by an Officer of the Court," against Judge Flowers.

The Court docketed the Petition on March 1, 2018, as A Motion for Mandamus against Petitioner's ex-wife, Respondent Jubilie Anqui and not against Judge Flowers. Petitioner's Motion to Correct the Record to reflect Judge Flowers name as the Respondent was Denied on March 20, 2018, by the Supreme Court of Florida,

When the Supreme Court of Florida dismissed Petitioner's Petition which it ordered as being a Petition for Mandamus, the Court cited the Case of *Mathews v.*

*Crews*, 132 So.3d 776. In that case an inmate in Prison filed a Petition for Mandamus arguing that the assistant state attorney who signed the information and indictment in his criminal case was not authorized to sign the "informations" and "indictments" in his criminal case because he did not have an oath on file. The court denied his petition for Mandamus and ruled that the Petitioner was seeking to renew a time-barred and meritless challenge.

Pursuant to FLA. CONST. art. V., and Florida Rule of Civil Procedure 9.030 (a)(3), the Florida Supreme Court has the discretionary authority to grant Mandus to the Petitioner against Judge Flowers but chose not to grant it and instead the Court named Anqui the Petitioner's ex-wife Anqui as the Respondent. See *Cheney v. United States Dist. Court for D.C.* 542 U.S. 367 (2004). Mandamus granted

Petitioner moved for the Florida lower Court Judges to recuse themselves from the two (2) cases because of the delay in the prompt return of his son to him under the Hague Convention. Judge Mary Polson recused herself twice from the cases. She recused herself in Case Number 2014 DR 4691 on February 27, 2015, and was appointed in Case No. DR 4471, and recused herself on 21<sup>st</sup> day of December 2016. Judge Jay Gontarek recused himself from Case No. 2014 DR 4691 on 1/5/2017.

Throughout the Proceedings in the Courts in Florida, Petitioner wrote letters to all 50 Congressmen and Senators, the FBI, the Attorney General, the Justice

Department, the Civil Rights Department of the Justice Department, the Department of Homeland security and all agencies he believed would assist him because Judge Flowers had a big conflict with the case and he dismissed the case himself when Petitioner filed a Motion requesting that he recuse himself from the case.

None of the Judges in the lower courts in Florida took any action for the prompt return of D.S.S., to Spain. Petitioner filed a Verified Petition for the return of D.S.S., in the United States District Court Northern District of Florida Pensacola Division, and an Evidentiary Hearing was held in the Case before The Honorable M Casey Rodgers on June 9, 2015.

Petitioner participated by Video from Spain. Judge Rodgers issued an Order on August 8, 2015, in which she Denied Petitioner's Verified Petition, and stated that Petitioner failed to prove a wrongful retention occurred, and that D.S.S., was settled in the United States. Judge Rodgers also Ordered that the travel papers and passport would be returned. The Respondent mother and D.S.S., had no legal status at that time and were illegal immigrants living in the United States. Petitioner filed an appeal In The United States Court of Appeals for the Eleventh Circuit but it was dismissed pursuant to 11<sup>th</sup> Cir.R.42-1(b) for want of prosecution on November 30,

2015, because Petitioner failed to file a Transcript Order. Petitioner had ran out of funds to pursue the appeal.

Petitioner moved for Judge Flowers' recusal from his case but Judge Flowers Denied his Motion on January 23, 2017. On April 6, 2018, Judge Flowers issued a "Final Judgment Granting Wife's Motion to Bifurcate Proceeding Dissolving the Parties' Marriage and Reserving Jurisdiction to Award Further Relief. On page 2 of Judge Flowers' Order he GRANTED the Respondent Wife's Petition to Relocate subject the Court reservation of jurisdiction listed herein."

The Respondent moved to the State of Utah without Petitioner's Consent and it is unclear the date she moved or whether it was before she obtained permission from Judge Flowers or after. She filed her Petition to Relocate on April 30th 2015, and Judge Flowers Granted her Petition to relocate on April 6th 2016.

Petitioner's Application for D.S.S.'s prompt return to Spain was still in effect as evidenced by Director of Children's issues at the State Department in Washington D.C., in his letters dated May 5, 2015, to Judge Ketchel, informing him of the Application he had received under the Hague Convention for the return of D.S.S., to Spain. The Director also wrote to Judge Flowers on September 18, 2015, informing him that the Case for D.S.S.'s return to Spain was still open.

The Hague Convention requires a prompt return of a child under sixteen (16) years of age who has been "wrongfully removed" from his "habitual residence" and is being "wrongfully retained" in breach of the left behind parent "custody rights." Articles 3 and 12. This Court in *Abbott v. Abbott*, 560 U.S. 1, (2010) held that a parent has a right of Custody under the Convention by reason of that parent's *ne exeat* right.

The United Nations Office of the High Commissioner for Human Rights Communication No. 2279/2013 found that the State of Australia had not taken the necessary steps to protect the minor child under Articles 17 and 23 of the International Covenant on Civil and Political Rights (ICCPR). The Human Rights Committee found that there was not a justification for the 19 months delay for the Return of the Child under the Hague Convention.

Petitioner filed his Application on April 13, 2015 for the Return of his Son to Spain within four months of the Respondent's "wrongful retention" and concealment of the minor child in the State of Florida, and his "wrongful removal" "wrongful retention" and concealment in the State of Alabama within the one year period under Article 12 of the Hague Convention.

Even where the proceedings have been commenced after the expiration of the period of one year the Contracting State shall order the return of the child. Articles

12 and 3 of the Hague Convention. See also of *Lozano v. Montoya Alvarez*, 572, U.S.\_\_\_\_(2014).

Therefore, the Supreme Court of Florida should have exercised discretionary review and Granted Mandamus against Judge Flowers, and dismissed his Order issued on April 6, 2016, Granting Respondent the right to Relocate from Florida to the State of Utah and returned D.S.S., to his father in Spain, his "habitual place of residence. Even where there is a re-return of a child, the case is not moot and this Court is not powerless to grant Petitioner's request for Certiorari to the Florida Supreme Court. *Chafin v. Chafin*, 123 Ct. 1077 (2013).

Moreover, throughout the proceedings there was no evidence of grave risk to D.S.S. , or that his return would expose him to physical or psychological harm or otherwise place the child in an intolerable situation, if he was returned to the Petitioner in Spain as enunciated in Article 13, b) of the Hague Convention.

Petitioner filed several motions in the State of Utah for the Return of D.S.S. , to Spain, but they have been denied on appeal to the Utah Court of Appeals. On May 21, 2018, Petitioner filed a Petition for Certiorari before the Utah Supreme Court which is still pending,

Because Respondent's attorney has been receiving negative reviews, in Utah he blames it on Petitioner. Respondent's attorney in the State of Utah has threatened



Petitioner and informed him that: "I will reach out to your ex wife in January and draw up papers free of charge to terminate your parental rights and have her new husband adopt your son. We will do a confidential name change and there will be no way of tracking down your ex the next time she moves. The entire process only takes me about 45 days. . . ."

Petitioner's custody rights are still intact for the return of his son D.S.S. to Spain. The Respondent and his son, D.S.S., are subject to deportation at any time because they are living illegally in the United States. In addition, with the threat from the Respondent's attorney in Utah. Petitioner may not ever see his son again.

**II. THE SUPREME COURT OF FLORIDA ERRED WHEN IT DENIED PETITIONER'S MOTIONS RELATING TO HIS DUE PROCESS AND EQUAL PROTECTION RIGHTS GUARANTEED UNDER THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION**

Petitioner filed three (3) in the Supreme Court of Florida in addition to the "Motion to Dismiss All Child Issues for Lack of Jurisdiction and Fraud on the Court by an Officer of the court which the Supreme named it as a Motion for Mandamus discussed above," They include a "Motion to Establish Equal Protection Rights at Issue and Motion for Declaratory Relief" which was docketed by the Court on March 14, 2018. "Motion to Establish Substantive Rights at Issue and Motion for

Declaratory Relief,” this Motion was docketed in Florida Supreme Court on March 14, 2018. In addition, Petitioner filed a Motion to Answer Federal Question of “What Process is Due and Motion for Declaratory Relief.” This Motion was also docketed in the Supreme Court on March 14, 2018.

The Supreme Court of Florida also barred the Petitioner from filing any more claims for relief and Ordered that: “Any motions or other requests for relief are hereby denied. No motion for rehearing or reinstatement will be entertained by this Court.” Such blanket order resulted in the violation of the Petitioner’s due process rights under the Fourteenth Amendment to the United States Constitution and International law to obtain and effective judicial remedy. The Fifth Amendment Due Process Clause is directly applicable to the State of Florida under the Fourteenth Amendment to the United States Constitution

The denial of Petitioner’s Claims amount to punishment, deprivation and severance of Petitioner’s parental right to his son by the State of Florida which has to support its actions by at least “clear and convincing evidence” and the State has not done so.

The State of Florida has not demonstrated that it has a compelling state interest to protect the judges who violated Petitioner’s rights under the Fourteenth Amendment to the United States Constitution. *Santosky et al. v. Kramer et al.* 455 U.S. 745 (1982). See also *Wisconsin v. Yoder et al.* 406 U.S. 205 (1972); *Moore v. City of East Cleveland, Ohio* 431

U.S. 494 (1977); *Pierce v. Society of Sisters* 268 U.S. 510, 534 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399, 401, (1923); *Troxel v. Granville*, 530 U.S. 57 (2000).

Petitioner exercised his parental and custody rights to his son at Birth in Spain until their separation by the Respondent mother when she abducted him in the State of Florida and "wrongfully retained and concealed him from Petitioner in December of 2014 and "wrongfully removed" and "wrongfully retained" and concealed him in the State of Alabama in December of 2014, and finally in the State of Utah with the complicity of Judge Flowers who was informed by the Central Authority for Children's Issues that an Application had been received for the return of the minor child, D.S.S., to his father in Spain.

However, the Florida Supreme Court did not think it was important enough to ascertain and probe as to what is really going on in the lower courts in Florida. Petitioner worries that his minor son and his mother can be deported at any time because of their illegal status and Petitioner may never see his son again if such deportation should occur and in addition to the Respondent's attorney Bradley Carr's threatening emails that he may never see his son again because he could have his rights to D.S.S., terminated and a Petition could be drawn up for the Respondent's boyfriend Jonathan Link Tedrick to adopt the minor child.

Petitioner's son's mother is making light of this fact and swore in her Verified notarized Petition for removal of Petitioner's son to the State of Utah that her illegal immigration status could be changed if she was to marry a United States Citizen. This demonstrates her willful state of mind. The State of Florida had the opportunity through the Florida Supreme Court to redress the wrongs done to Petitioner and to the minor child but did not provide them with an effective remedy and ignored Petitioner's pleas or help by enforcing United States Treaty laws and its Constitution.

Petitioner and his son also have protected international human rights: Right to liberty and security of the person, right to privacy, right to due process, right to equality before the law, the right to petition, right to have an effective judicial remedy, right to equal protection of the law, right to have a family, right to freedom of movement, right to a nationality; and under the American and Universal Declarations, and International Law Treaties including the United Nations Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the European Convention on the Protection of Human Rights and Fundamental Freedoms.

CONCLUSION: the Hague Convention prohibits, the violation of Petitioner's "custodial rights" of his son and the Fourteenth Amendment mandates the return of his son promptly to Spain. Petitioner's liberty and privacy interest in his son to exercise his custodial rights