

No.

IN THE

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Supreme Court of the United States

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ROBERT LEE RHOE, II, PRO SE  
*PETITIONER*

v.

THE MONTGOMERY COUNTY OFFICE OF CHILD SUPPORT  
ENFORCEMENT (MCOCSE)

EX REL ENMA QUISPE PEREZ  
*RESPONDENT*

On Petition For Writ Of Certiorari  
To The Court of Appeals of Maryland

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**PETITION FOR WRIT OF CERTIORARI**

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*Petitioner*  
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i  
**QUESTIONS PRESENTED**

Enma Quispe Perez (hereinafter Custodial Parent) pointed Montgomery County Maryland Office of Child Support Enforcement (hereinafter referred to as MCOCSE) to Robert L. Rhoe, II, (hereinafter referred to as Petitioner) alleging him to be the father of a child as a condition for financial assistance. Both MCOCSE and the Custodial Parent have significant vested interests of child support and U. S. citizenship over the Life, Liberty, Property, and extended-life potential earnings from Petitioner's deoxyribonucleic acid (hereinafter referred to as DNA) as a result of economically enslaving him, Amendment XIII, U.S. Constitution (Page v, Table of Authorities).

1. Does MCOCSE and the Maryland Courts have jurisdiction and legal authority to intervene on behalf of a foreign person illegally present in the United States; to join, and to litigate Petitioner, who is a natural born citizen, in violation of the U.S. Constitution, Petitioner's constitutional rights, and established law?
2. Is the state's exceptional taking of DNA in the criminal law (Table of Authorities, Page iv, Maryland v. King, 569 U. S. 435 (2013)) expanding and becoming routine in the practice of civil law?

## **PARTIES TO THE PROCEEDING**

Petitioner is Robert L. Rhoe, II. He was Defendant in the Circuit Court for Montgomery County, Maryland and Appellant in the Maryland Court of Appeals and the Maryland Court of Special Appeals.

Respondent is Montgomery County (Maryland) Office of Child Support Enforcement (MCOCSE). MCOCSE was Plaintiff in the Circuit Court for Montgomery County, Maryland and Appellee in the Maryland Court of Appeals and the Maryland Court of Special Appeals.

## TABLE OF AUTHORITIES

### CASES

#### *Adams v. Mallory, 308 Md. 453 (1987)*

"One who is under the strain of actual or potential accusation, although innocent, may be unduly prejudiced by his own testimony for reasons unrelated to its accuracy. For example, he may have physical traits or mannerisms that would cause an adverse reaction from the trier of fact. Or, he might, under the strain of interrogation, become confused and thereby give an erroneous impression of guilt."

#### *Maryland v. King, 569 U.S. 435 (2013)*

The majority opinion, written by Justice Anthony Kennedy, described Maryland's law as follows:

The Act authorizes Maryland law enforcement authorities to collect DNA samples from "an individual who is charged with... a crime of violence or an attempt to commit a crime of violence; or... burglary or an attempt to commit burglary." Maryland law defines a crime of violence to include murder, rape, first-degree assault, kidnaping, arson, sexual assault, and a variety of other serious crimes. Once taken, a DNA sample may not be processed or placed in a database before the individual is arraigned (unless the individual consents). It is then that a judicial officer ensures that there is probable cause to detain the arrestee on a qualifying serious offense.

If "all qualifying criminal charges are determined to be unsupported by probable cause... the DNA sample shall be immediately destroyed." DNA samples are also destroyed if "a criminal action begun against the individual... does not result in a

**TABLE OF AUTHORITIES**  
(continued)

conviction,... the conviction is finally reversed or vacated and no new trial is permitted "or "the individual is granted an unconditional pardon."

- *Wikipedia*

**U.S. CONSTITUTION***Amendment IV*

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

*Amendment V*

"No person shall be deprived of life, liberty, or property, without due process of law....."

*Amendment VII*

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

*Amendment XIII, Section 1*

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

*Amendment XIV, Section 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."

### **MARYLAND CONSTITUTION**

#### *Article 2*

"The Constitution of the United States, and the Laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State; and the Judges of this State, and all the People of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding."

#### *Article 44*

"That the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism."

### **MARYLAND STATUTES**

#### *Maryland Rules of General Provisions 1-311. Signing of Pleadings and Other Papers*

(a) "Requirement. Every pleading and paper of a party represented by an attorney shall be signed by at least one attorney who has been admitted to practice law in this State and who complies with Rule 1-312. Every pleading and paper of a party who is not represented by an attorney shall be signed by the party. Every pleading or paper filed shall contain (1) the signer's address, telephone number, facsimile

**TABLE OF AUTHORITIES**  
(continued)

- (b) number, if any, and e-mail address, if any, and (2) if the pleading or paper is signed by an attorney pursuant to Rule 20-107, the attorney's Client Protection Fund ID number.”
- (c) “Effect of Signature. The signature of an attorney on a pleading or paper constitutes a certification that the attorney has read the pleading or paper; that to the best of the attorney's knowledge, information, and belief there is good ground to support it; and that it is not interposed for improper purpose or delay.”
- (d) “Sanctions. If a pleading or paper is not signed as required (except inadvertent omission to sign, if promptly corrected) or is signed with intent to defeat the purpose of this Rule, it may be stricken and the action may proceed as though the pleading or paper had not been filed. For a willful violation of this Rule, an attorney is subject to appropriate disciplinary action.”

*Maryland Rules of Evidence §5-901 - Requirement of Authentication or Identification*

- (a) “General Provision. The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.”

*Maryland Rules of Civil Procedure §2-214 - Intervention*

- (c) “Procedure. A person desiring to intervene shall file and serve a motion to intervene. The motion shall state the grounds therefor and shall be accompanied by a copy of the proposed pleading,

**TABLE OF AUTHORITIES**  
(continued)

motion, or response setting forth the claim or defense for which intervention is sought. An order granting intervention shall designate the intervenor as a plaintiff or a defendant. Thereupon, the intervenor shall promptly file the pleading, motion, or response and serve it upon all parties."

*Maryland Rules of Civil Procedure §2-403 - Protective Orders*

- (a) "Motion. On motion of a party, a person from whom discovery is sought, or a person named or depicted in an item sought to be discovered, and for good cause shown, the court may enter any order that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:
  - (1) that the discovery not be had,
  - (2) that the discovery not be had until other designated discovery has been completed, a pretrial conference has taken place, or some other event or proceeding has occurred,
  - (3) that the discovery may be had only on specified terms and conditions, including an allocation of the expenses or a designation of the time or place,
  - (4) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery,
  - (5) that certain matters not be inquired into or that the scope of the discovery be limited to certain matters,
  - (6) that discovery be conducted with no one present except persons designated by the court,
  - (7) that a deposition, after being sealed, be opened only by order of the court,
  - (8) that a trade secret or other confidential research, development, or commercial information not be

**TABLE OF AUTHORITIES**  
(continued)

- disclosed or be disclosed only in a designated way,
- (9) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.”
- (b) “Order. If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery.”

*Maryland Rules of Civil Procedure §2-422 - Discovery Of Documents, Electronically Stored Information, And Property--From Party*

- (a) “Scope. Any party may serve one or more requests to any other party (1) as to items that are in the possession, custody, or control of the party upon whom the request is served, to produce and permit the party making the request, or someone acting on the party's behalf, to inspect, copy, test or sample designated documents or electronically stored information (including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form) or to inspect and copy, test, or sample any designated tangible things which constitute or contain matters within the scope of Rule 2-402 (a); or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying, photographing, testing, or sampling the property or any designated object or operation on the property, within the scope of Rule 2-402 (a).

## TABLE OF AUTHORITIES

(continued)

(c) Response. The party to whom a request is directed shall serve a written response within 30 days after service of the request or within 15 days after the date on which that party's initial pleading or motion is required, whichever is later. The response shall state, with respect to each item or category, that (1) inspection and related activities will be permitted as requested, (2) the request is refused, or (3) the request for production in a particular form is refused. The grounds for each refusal shall be fully stated. If the refusal relates to part of an item or category, the part shall be specified. If a refusal relates to the form in which electronically stored information is requested to be produced (or if no form was specified in the request) the responding party shall state the form in which it would produce the information."

### *Maryland Rules of Civil Procedure §2-432 - Motions Upon Failure To Provide Discovery*

"(a) Immediate Sanctions for Certain Failures of Discovery. A discovering party may move for sanctions under Rule 2-433 (a), without first obtaining an order compelling discovery under section (b) of this Rule, if a party or any officer, director, or managing agent of a party or a person designated under Rule 2-412 (d) to testify on behalf of a party, fails to appear before the officer who is to take that person's deposition, after proper notice, or if a party fails to serve a response to interrogatories under Rule 2-421 or to a request for production or inspection under Rule 2-422, after proper service. Any such failure may not be excused on the ground that the discovery sought is objectionable unless a protective order has been obtained under Rule 2-403.

## TABLE OF AUTHORITIES (continued)

*Annotated Code of Maryland Family Law §5-1026(c)*

“In a trial under this subtitle, no comment on or reference to an alleged father's failure to testify may be made or permitted.”

*Annotated Code of Maryland Family Law §5-1027(d)*

“The alleged father may not be compelled to give evidence at the trial.”

*Annotated Code of Maryland Family Law §5-1037*

“The court may not enter an order under this subtitle against a party unless the party is given reasonable notice and an opportunity to be heard.”

*Maryland Estates and Trusts, Ann. Code, §1-208 - Children of Unmarried Parents*

“In general”

(a) “A child born to parents who have not participated in a marriage ceremony with each other shall be considered to be the child of his mother.”

*Annotated Maryland Public Safety Code §2-501(i)*

“DNA sample means a body fluid or tissue sample that is:

- (1) provided by an individual who is convicted of a felony or a violation of § 6-205 or § 6-206 of the Criminal Law Article;
- (2) provided by an individual who is charged with:
  - (i) a crime of violence or an attempt to commit a crime of violence; or
  - (ii) burglary or an attempt to commit burglary; or
- (3) submitted to the statewide DNA data base system for testing as part of a criminal investigation.”

*Annotated Maryland Public Safety Code §2-505(a)*

“To the extent fiscal resources are available, DNA samples shall be collected and tested:

**TABLE OF AUTHORITIES**  
(continued)

- (1) to analyze and type the genetic markers contained in or derived from the DNA samples;
  - (2) as part of an official investigation into a crime;
  - (3) to help identify human remains;
  - (4) to help identify missing individuals; and
  - (5) for research and administrative purposes, including:
    - (i) development of a population data base after personal identifying information is removed;
    - (ii) support of identification research and protocol development of forensic DNA analysis methods; and
    - (iii) quality control.
- (b)(1) Only DNA records that directly relate to the identification of individuals shall be collected and stored.
- (2) DNA records may not be used for any purposes other than those specified in this subtitle.”

*Annotated Maryland Public Safety Code §2-512(a)-(e)*

- (a) “A person who, by virtue of employment or official position, has possession of or access to individually identifiable DNA information contained in the statewide DNA data base system or statewide DNA repository may not willfully disclose the information in any manner to a person or agency not entitled to receive the information.
- (b) A person may not, without authorization, willfully obtain individually identifiable DNA information from the statewide DNA data base system or statewide DNA repository.
- (c) A person may not willfully test a DNA sample for information that does not relate to the identification of individuals as specified in this subtitle.

**TABLE OF AUTHORITIES**  
(continued)

- (d) A person may not willfully fail to destroy a DNA sample for which, under this subtitle:
  - (1) notification has been sent stating that the DNA sample has been destroyed; or
  - (2) destruction has been ordered.
- (e) A person who violates subsection (a), (b), or (c) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both."

*Annotated Code of Maryland Transportation, §16-122*

- (a)(1) "Notwithstanding any other provision of this article, the Administration shall, subject to the provisions of this section, issue or renew an identification card, a moped operator's permit, or a license to drive that is not acceptable by federal agencies for official purposes determined by the Secretary of the United States Department of Homeland Security if an applicant:
  - (ii) 1. Does not provide satisfactory documentary evidence that the applicant has lawful status or a valid Social Security number;
- (d) Each identification card, moped operator's permit, and license to drive issued or renewed in accordance with this section shall:
  - (1) Clearly state on its face and in its machine-readable zone that it is not acceptable by federal agencies for official purposes;"

**OTHER AUTHORITIES**

*Opinion Letter of J. Joseph Curran, Jr., Attorney General (MD 2006)*

“. . . Residency means a place of fixed present domicile. . . Domicile has been defined as the place with which [one] has a settled connection for legal

**TABLE OF AUTHORITIES**  
(continued)

purposes.” Id. At 367. A lawfully admitted alien who has the legal capacity to establish domicile in Maryland may be classified as a resident for tuition purposes. However, an individual who is neither a citizen of the United States nor lawfully admitted to this country does not have the legal capacity to be domiciled in Maryland.”

*Fader's Maryland Family Law, 6th Ed.*

Cynthia Callahan, Associate Circuit Court Judge,  
Montgomery County, MD and  
Thomas C. Ries, Esq.

**§9-7 Burden of Proof, Evidence and Presumptions**

- (a) “The Burden of Proof: “ The burden of proof at trial is on the complainant to establish by a preponderance of the evidence that the alleged parent is the parent of the child”
- (c) “Testimony by the Mother, Her Husband and the Alleged Father (2) When the punitive parent does not testify, no comment on or reference to the alleged father's failure to testify may be made or permitted by the court. The alleged father may not be compelled to give evidence at the trial. Despite the fact that paternity proceedings are no longer criminal in nature, the legislature has retained the defendants privilege against self-incrimination Area the Court of Appeals has commented on this:”

“The paternity statute embodies the principle that an alleged father may not be officially co-worst to give evidence. This statutory privilege serves the function of protecting those who are under the strain of accusation.”

**TABLE OF AUTHORITIES**  
(continued)

“One who is under the strain of actual or potential accusation, although innocent, maybe unduly prejudiced by his own testimony for reasons unrelated to its accuracy. For example, email have physical traits or mannerisms that would cause an adverse reaction from the trier of fact. Four, he might, under the strain of interrogation, become confused and thereby give an erroneous impression of guilt.” [Citation omitted]. “The privilege also tends to equalize the position of the alleged father who is confronted with the state attorney pretrial inquiry apparatus.”

*LegalMatch Law Library Article Paternity Test Laws, Oct. 3, 2016, by Peter Clarke, J.D.*

“.....a court will not automatically issue a court-ordered paternity test simply because a paternity claim has been filed. The court must first review the petition to determine if there is sufficient information to issue a required test.”

**TABLE OF CONTENTS**

QUESTION PRESENTED.....	Page i
PARTIES TO THE PROCEEDING.....	Page ii
TABLE OF AUTHORITIES.....	Pages iii-xiv
TABLE OF CONTENTS.....	Page xv
PETITION FOR WRIT OF CERTIORARI.....	Page 1
OPINIONS BELOW.....	Page 1
JURISDICTION.....	Page 1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	Page 1
STATEMENT OF THE CASE.....	Page 2
A. Factual Background.....	Page 2
B. Maryland Special Court of Appeals Proceedings.....	Page 6
C. Maryland Court of Appeals Proceedings.....	Page 6
REASONS FOR GRANTING THE PETITION.....	Page 7
CONCLUSION.....	Page 8
INDEX TO APPENDICES.....	Pages 9-16
APPENDICES.....	Pages 17-147

## **PETITION FOR WRIT OF CERTIORARI**

Comes now Robert L. Rhoe, II, Appellant below, and Petitions this honorable and highest Court for Certiorari with the prayer that this extraordinary, factual situation will be read, recognized as Constitutionally worthy, and his Petition granted.

### **OPINIONS BELOW**

The Maryland Court of Appeals filed its Unreported Decision denying review on August 31, 2018 (Appendix 'A', Page 18). To Petitioner's knowledge none of the circuit trial court or appeal courts' decisions are reported. The transcript of the Montgomery County Circuit Court's hearing ordering genetic testing is reproduced at Appendix 'H-H', Pages 111-119, and the order denying Petitioner's Motion to Dismiss is at Appendix 'G', Pages 38-39. A Motion to reconsider was filed in the Court of Special Appeals of Maryland's Order and was denied. The denial is included at Appendix 'D', Pages 32-33.

### **JURISDICTION**

Petitioner has timely filed this Petition for Writ of Certiorari for the Maryland Court of Appeals decision (Appendix 'A', Page 18), the decision of the Court of Special Appeals of Maryland (Appendix 'D', Pages 32-33), and the Montgomery County Circuit Court (Appendix 'F', Pages 36-37 and Appendix 'G', Pages 38-39). This Court has jurisdiction under 28 U. S. C. 1254(1) and the U. S. Constitution Article III.

### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

These provisions are included as full text in the Table of Authorities.

## STATEMENT OF THE CASE

### A. FACTUAL BACKGROUND

1. There came a day in February of 2016, that Petitioner received a letter (Appendix 'M', Pages 51-52) from Montgomery County Office of Child Support Enforcement (hereinafter referred to as MCOCSE) wherein MCOCSE requested he come to its office in Rockville, Maryland. Petitioner next received a Summons (Appendix 'J', Pages 45-46) to appear on April 19, 2016, for a "Settlement Conference" and a "Hearing".
  - a) On February 26, 2016, Petitioner filed a Notice of Intention to Defend (Appendix 'O', Page 54). On March 3, 2016, Petitioner filed a Motion to Dismiss the Complaint (Appendix 'P', Pages 55-60) that had come with the aforementioned summons. Then on March 4, 2016, Petitioner filed an Answer (Appendix 'Q', Pages 61-62) and A Request for Production of Documents. (Appendix 'R', 63-65).
  - b) Petitioner was not represented by an attorney; so on April 19, 2016, he and his mother went to the MCOCSE office as requested in the letter and as summoned. The environment presented as heavily secured with bullet-proof material, security check, security guards, reception area with bullet-proof material shielding the two staff people in that area. Petitioner first signed in then gave his name to a second person in this secured area. Both Petitioner and his mother sat as directed in a room set up auditorium style, but devoid of people. The environment also presented as under surveillance, but there was no notice that we were being videotaped and recorded.
  - c) A person with his identification badge in his pocket entered the room and asked if Petitioner was there for his settlement conference. Then he

- left. After several minutes a woman entered and sat near the front of the room.
- d) Next, a man came through a doorway and approached us. He was wearing an Identification badge which said, Christopher J. Kunz, Lead Counsel. This man immediately spoke to my mother saying, "This man has an attorney." My mother replied, "No he doesn't." Mr. Kunz then said, "Well, he filed a notice of intention to defend." My mother told Mr. Kunz that the notice was not filed by an attorney. Mr. Kunz next stated that, "We have the DNA test result and he is 99.9% the father of this child." Mr. Kunz then explained that my mother could not be there; that she was not allowed in the building, only clients and their attorneys were allowed, and he escorted her to the secured exit area (Appendix F-F, Pages 99-101).
  - e) This was Petitioner's first encounter with MCOCSE and yet MCOCSE's Lead Counsel had just informed him and his mother that the Genetic Test Report was back and Petitioner is definitely the father of a child.
  - f) Petitioner had not been asked for a DNA tissue sample, Petitioner did not request genetic testing, Petitioner did not give consent for a genetic taking and search, MCOCSE didn't disclose the source of the collection and report Mr. Kunz stated as in its possession.
2. MCOCSE Lead Counsel did not ever state that there had been a mistake or a need for DNA collection from Petitioner. He proceeded as already having his informational genetic evidence and confident in asserting paternity for child support and health insurance.
  3. Enma Quispe Perez's name was in the caption of the complaint presenting as the complaining entity. It was later in the proceedings that Petitioner came to learn that MCOCSE was, indeed, the Plaintiff in the Circuit

## STATEMENT OF THE CASE

(continued)

4. Court Case filed as a paternity complaint as it had intervened on behalf of the custodial parent without following Civil Procedure to obtain a Circuit Court Order. Had a MD Rule 2-214 Motion been filed (Pages vii-viii), Petitioner would have been served with a copy of the motion, given an opportunity to respond, and at least known the role of MCOCSE.
  - a) MCOCSE did not obtain an order to intervene. Thus, it had no jurisdiction, no legal authority to litigate for paternity or to, later, instruct the trial court to order genetic testing.
4. The custodial parent is a person present illegally in the United States thereby being domiciled in a foreign country (Appendix 'N', Page 53 and Table of Authorities, Page xiii, Annotated Code of Maryland Transportation, §16-122). Without established domicile in the United States, the custodial parent cannot be a resident of the state of Maryland as referenced an Opinion Letter of J. Joseph Curran, Jr., Attorney General (MD 2006) which states:

“. . . Residency means a place of fixed present domicile. . . . Domicile has been defined as the place with which [one] has a settled connection for legal purposes.” Id. At 367. “A lawfully admitted alien who has the legal capacity to establish domicile in Maryland may be classified as a resident for tuition purposes. However an individual who is neither a citizen of the United States nor lawfully admitted to this country does not have the legal capacity to be domiciled in Maryland.” (Table of Authorities, Pages xiii-xiv).

  - a) Md. Code §10-332 states that the state is to have personal jurisdiction over both parties. This requirement presents as violated.

**STATEMENT OF THE CASE**  
(continued)

5. At a hearing regarding paternity on April 19, 2016, it was confirmed that MCOCSE had not complied with discovery. The magistrate stated that discovery and paternity would be the first discussion on the next support hearing date scheduled of May 18, 2016. She extended discovery to May 17, 2016, as documented in her Order (Appendix 'A-A', Page 90).
6. On May 18, 2016, there was a different magistrate. Magistrate Polis was replaced (Appendix 'H-H', Pages 107-132).
7. MCOCSE still had not complied with discovery, but it found in this magistrate its support for passing over discovery and Petitioner's motion to dismiss as a sanction. The magistrate generously accepted MCOCSE's verbal motion for genetic testing saying that MCOCSE needed the genetic test report as its evidence (only evidence) supporting its complaint all as documented in the transcribed proceeding of May 18, 2016 (Appendix 'H-H', Pages 107-132).

*\*Note: "E.R." refers to the excerpts of the record Petitioner Rhoe filed with the Special Court of Appeals of Maryland*

8. The custodial parent is claiming birth of a child. If the child was born outside of marriage with no identified father, Maryland Law states that the child is the child of the mother (Table of Authorities, Maryland Estates and Trusts, Ann. Code, §1-208 - Children of Unmarried Parents, Page xi.). So, if the custodial parent is deported or the mother simply wants to go home to live with friends and family, the child would likely accompany her to their country of lawful domicile.
  - a) Discovery in the form of Petitioner's Request for Production of Documents would likely have gathered some facts. As the situation stands no

**STATEMENT OF THE CASE**

(continued)

- b) facts, reasonable suspicion, or probable cause have been revealed or established.
- 9. MCOCSE obtained an Order for Genetic Testing (Appendix 'F' and Appendix 'H-H', Pages 111-113) in this Civil Law case without consent and in violation of statutory and constitutional law.

**B. MARYLAND COURT OF APPEALS DECISION**

In its discretion, the Maryland's Court of Appeals decided that to review was not in the public interest Appendix 'A', Page 18). Petitioner presents that to review is strongly in the public interest as there are many men fathering children and families are the foundation of our society and our country. How fathers are treated is crucial in raising the next generations.

**C. SPECIAL COURT OF APPEALS OF MARYLAND DECISION**

Petitioner presents that he clearly and successfully presented the violations of statutory and constitutional law in his appeal. While the Special Court of Appeals wasn't convinced with regard to the collateral order doctrine, Petitioner believes that upon review, this Court will see the error of this decision which avoids consideration of the very serious constitutional violations, unrelated to the merits. The Time for discovery is tainted and due process is compromised.

Petitioner also asserts that if this Court deems it necessary to consider the collateral order doctrine, it will find, upon review of briefs together with case law, that the court's misgiving(s) are not well-founded.

## REASONS FOR GRANTING THIS PETITION

Respondent is exceeding and abusing its governmental authority.

Petitioner's constitutional rights have been violated without reasonable suspicion or probable cause or even a basic set of facts or supporting documents. The circuit court's actions are irreversible and predictably very damaging to Petitioner. The courts that are supposed to sit as bodies to which a citizen can appeal have lost their judicial separateness which has a major negative impact on the citizenry.

Lack of transparency and total judicial focus on accomplishing Mr. Kunz's pre-determined outcome is cause for concern and demonstrated behaviors in need of judicial review. Mr. Kunz and I were strangers, but he said he had my DNA! Why are MCOCSE and the court litigating me for a DNA collection?

Errors have occurred in this very serious equity case that invite one to wonder if anyone is reading, thinking, or applying law. Mr. Kunz (in reference to discovery at the April 19, 2016 hearing) said, "We missed it." Then Mr. Kunz certified that he had complied with Petitioner's Request for Production of Documents when, in fact, he hadn't (Appendix 'Z', Page 82). Judge Woodward in the Special Court of Appeals of Maryland Decision of August 31, 2018, states, "a genetic testing order of July 1, 2016", when, in fact, the genetic testing order in this case was stamped by the circuit court as June 1, 2016 (*Appendix 'B', Page 21*). How does Petitioner know whether Judge Woodward gave judicial thought to his briefed appeal or whether Judge Woodward was actually contemplating another order before him of July 1, 2016?

MCOCSE is a party to the case and it is also in charge of genetic testing and the report. Laboratories and

staff can make "mistakes". A genetic test report is *prima facie* evidence. Mr. Kunz will allegedly have two (2) DNA reports, but it is totally possible that he has none, or that one or the other or all are flawed. With the relinquishing of the court's judicial power to MCOCSE, there is no review or accountability.

Petitioner's letter which was sent to the trial court's chief judge went uncommented upon (Appendix 'M-M', Pages 142-143). An e-mail to the office of Maryland's Attorney General requesting that he look at what his office is doing was met with recited withdrawal due to potential conflict of interest.

The only real Court and keeper of the U. S. Constitution is the Supreme Court of the United States. When the state courts, an agency, and legal leadership fall away from our system of law, it is only by appeal to this Court that citizens, the millions in the public and individuals, can seek redress leading in a more thoughtful and positive direction.

## CONCLUSION

In consideration of the foregoing reasons and the documented facts of the case, Petitioner prays this Court will grant his Petition for Certiorari. . . both for himself and for all others.

Respectfully Submitted,

  
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Robert L. Rhoe, II