

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

**18-8559**

IN THE

SUPREME COURT OF THE UNITED STATES

Betty Caitlin Nicole Smith

(Your Name)

— PETITIONER

vs.

Zachary Taylor Daniel

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Florida First District Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Betty Caitlin Nicole Smith

(Your Name)

4973 SE County Road 255

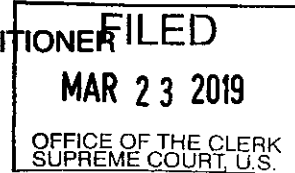
(Address)

Lee, FL, 32059

(City, State, Zip Code)

850-274-1038

(Phone Number)



### **QUESTION(S) PRESENTED**

The Legality of the Florida First District Court of Appeals refusing to uphold their own opinion and affirming an order that goes against their own opinion and mandate. Also, when said Opinion is published , and is being listed on at least three documents hosted on the Florida Courts website.

The Legality of allowing a fraudulent Court Order filled with False Information to stand. The Legality of violating State Laws, Federal Laws, and the United States Constitution. Finally, the legality of a post-trial ambush.

## **LIST OF PARTIES**

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ 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:

## **TABLE OF CONTENTS**

|  |   |
|--|---|
| OPINIONS BELOW.....                                    | 1 |
| JURISDICTION.....                                      | 2 |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED ..... | 3 |
| STATEMENT OF THE CASE .....                            | 4 |
| REASONS FOR GRANTING THE WRIT .....                    | 5 |
| CONCLUSION.....  | 7 |

## **INDEX TO APPENDICES**

APPENDIX A Order Affirming without Opinion

APPENDIX B Order on Appeal

APPENDIX C Order Denying Rehearing

APPENDIX D Order from Florida Supreme Court denying review and rehearing

APPENDIX E Opinion First District Court of Appeal

APPENDIX F Mandate From First District Court of Appeals

APPENDIX G Order for hearing

APPENDIX H Florida Supreme Court Order transferring

APPENDIX I Certified Copy of 2015 Domestic Violence Order

APPENDIX J Stay by First District Court of Appeals

APPENDIX K 18 U.S.C 2261A

APPENDIX L 18 U.S.C 2262

APPENDIX M 18 U.S.C 2265

APPENDIX N 28 U.S.C 1738A

APPENDIX O 28 U.S.C 1738

APPENDIX P Florida Statutes chapter 61.13(3)

**APPENDIX Q Florida Statutes Chapter 61.526**

**APPENDIX R Article VI, Paragraph 2 of the U.S. Constitution**

**APPENDIX S The First Amendment of the U.S Constitution**

**APPENDIX T The 14th Amendment of the U.S. Constitution**

**APPENDIX U Rules of The Supreme Court of The United States Rule 10**

**APPENDIX V Federal Rules of Civil Procedure Rule 60**

**APPENDIX W PALMORE v. SIDOTI (1984) No. 82-1734 Decided: April 25, 1984**

## TABLE OF AUTHORITIES CITED

| CASES  | PAGE NUMBER |
|--|-------------|
| PALMORE v. SIDOTI (1984) No. 82-1734 Decided: April 25, 1984 | 5           |
|  |             |
| STATUTES AND RULES   |             |
| 18 U.S.C 2261A   | 5           |
| 18 U.S.C 2262  | 5           |
| 18 U.S.C 2265  | 5           |
| 28 U.S.C 1738A   | 5           |
| 28 U.S.C 1738  | 5           |
| Florida Statutes chapter 61.13(3)                            | 6           |
| Florida Statutes Chapter 61.526                              | 6           |
| Article VI, Paragraph 2 of the U.S. Constitution             | 6           |
| The First Amendment of the U.S Constitution                  | 6           |
| The 14th Amendment of the U.S. Constitution                  | 6           |
| Rules of The Supreme Court of The United States Rule 10      | 5           |
| Federal Rules of Civil Procedure Rule 60                     | 6           |
| OTHER  |             |

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 \_\_\_\_\_ 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 Florida First District Court of Appeals \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

- ☒ reported at Smith V. Daniel 246 So. 3d 1279 \_\_\_\_\_; or, (Fla. 1DCA 2018)  
☐ 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. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 2-28-19.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☒ A timely petition for rehearing was thereafter denied on the following date: 3-18-19, 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**

Florida Statutes chapter 61.13(3) and Florida Statutes Chapter 61.526.

18 U.S.C 2261A, 18 U.S.C 2262, 18 U.S.C 2265, 28 U.S.C 1738A, 28 U.S.C 1738.

Article VI, Paragraph 2 of the U.S. Constitution, The First Amendment of the U.S Constitution, and the 14th Amendment of the U.S. Constitution.

## **STATEMENT OF THE CASE**

In 2016 at the Florida Madison County Court House. In June of 2017 a hearing was held and the Judge said without looking at the case record, he was giving Zachary Daniel fifty-fifty parenting time with the minor child. A Petition was started to get the court to do the right thing. In October 2017 an order was entered giving Zachary Daniel visitation and fifty fifty parental responsibility. The Next day Betty Smith appealed the order and requested a stay. On the First District Court of Appeals own motion they granted a stay due to the issues (App J). On June 4th 2018 the First District Court of Appeals gave their opinion, stating due to the Domestic Violence Order, and the violence towards Betty and the minor child, Zachary should not enjoy shared parental responsibility and visitation (App E). On June 7th 2018 a hearing was set for July 2nd 2018 by Judge Decker because of the Opinion (App G). The Order for the hearing states it is over if Zachary will get any type of visitation. On June 25th 2018 The Florida First district Court of Appeals issued their mandate(App F). On July 2nd 2018, the hearing was held, where Judge Decker states multiple times the hearing is over if Zachary will get visitation and that Betty has custody of the minor child. Zachary at the hearing admitted to lying on his court papers, lying to the court, and lying about the events from 2013-2015, which is proven by the transcript of the hearing in the case record. On July 30th 2018 Judge Decker entered an order filled with false information, and going against the First District Court of Appeals opinion that Zachary should not have visitation, gave him full custody of the minor child(App B). Betty again appealed the order, and requested a stay. the stay was denied and on August 3rd 2018 the minor child was taken from the State of Florida to Tennessee. Betty did not have a date the minor child would be taken by Zachary. Betty brought up to the First District Court of Appeals their own opinion multiple times, including in her brief. Betty brought it up to the Florida State Supreme Court who transferred it back to the First District Court of Appeals, ordering them to expedite and treat it as time sensitive due to the allegations (App H). The First District Court of Appeals ignored it, and Betty went back to the Florida State Supreme Court to enforce their order transferring, which they refused to do. On February 8th 2019 the First District Court of Appeals ignored their own Opinion, the proven false information in the order, and the law, and entered an order affirming without an Opinion (App A). After affirming the order, on the same day they denied the request to enforce their own opinion. On February 11th 2019 Betty filed a motion for rehearing en banc and for written opinion, Betty also went to the Florida State Supreme Court to request they review the PCA from the First District Court of Appeals. On February 27th 2019 the Florida State Supreme Court denied to review the order and stated Betty could not have a rehearing by them(App D). On March 18th 2019, the First District Court of Appeals denied Betty's Motion for rehearing and for opinion(App C).

## **REASONS FOR GRANTING THE PETITION**

**PALMORE v. SIDOTI (1984) No. 82-1734 Decided: April 25, 1984, this Honorable court stated, "The Second District Court of Appeal affirmed without opinion, 426 So.2d 34 (1982), thus denying the Florida Supreme Court jurisdiction to review the case. See Fla. Const., Art. V, 3(b) (3); Jenkins v. State, 385 So.2d 1356 (Fla. 1980). We granted certiorari, 464 U.S. 913 (1983), and we reverse."** Showing this court has jurisdiction over this matter. Rules of The Supreme Court of The United States Rule 10, (a) and (b). Under United States Supreme Court are also reasons for this Honorable Court to review this case.

In Case 1D17-4240 When the first order granting Zachary visitation was revised, it was because of the fact the case record was ignored, showing the history of Domestic Violence by Zachary, including the Domestic Violence Order, and the history of the Domestic Violence Orders, Zachary's mental health history. The impact this had on the minor child and the need for the court to take into consideration the minor child's medical status, as was noted in the Opinion from the First District Court of Appeal. At the July 2nd hearing, even Judge Decker made a point of how hard change is on a child with Autism, as is evidenced by the transcript in the case record.

Zachary violated 18 U.S. Code §2262, 18 U.S. Code §2261A. Judge Decker violated 18 U.S. Code §2265 multiple times and 28 U.S. Code § 1738A when it came to the Domestic Violence Order, which is his order he states he dissolved, which was proven untrue and even the issuing court sent a certified copy of the Domestic Violence order to show there were no changes and was also verified by badge #211 at the Madison County Sheriff's dispatch at 850-973-4151 who also stated that Kentucky still had jurisdiction over the Domestic Violence Order. Also in his order Judge Decker decides to make rulings on the Court in Kentucky's findings and rulings, which violated 28 U.S. Code §1738. The Order is also filled with false information, such as Zachary was not on Betty's parent's insurance, that Zachary and Betty lived together away from Betty's parents, that in 2013 no Domestic Violence Order was issued, which the case record will show all of this is false. Decker attacks Betty for starting a petition, when under the first Amendment Betty had the right to do so. The whole order is filled with false information and wrong information. Which Betty had pointed out all the false information to the First District Court of Appeals.

The whole of Decker's Order was a post- trial ambush has is evidenced by his order setting the hearing, and the transcript of the hearing in the case record, where Decker states many times that Betty has and will be keeping full custody of the minor child, and the hearing is only over Zachary maybe getting visitation. Zachary also on the transcript admits to lying about the events from 2013-2015 and lying on his legal papers.

The First District Court of Appeal gave its opinion and Zachary did not request a rehearing. The Opinion and mandate revised Zachary having visitation, but they have gone against that in case 1D18-3222 and allowed him to have Custody of the minor child. Both Betty and the minor child have also been denied the protection of the law. The Best interests of the minor child were not placed 5

as priority in this order being appealed.

The First District Court of Appeals has allowed an order filled with false information to stand.

Federal Rules of Civil Procedure Rule 60, applies since it is fraud in the order, relief can be granted from it. Florida Statutes chapter 61.13(3) was violated by the order on appeal

Florida Statutes Chapter 61.526 was also violated by the order on appeal.

Neither Betty nor the minor child were given the protect of the under The 14th Amendment of the U.S. Constitution and Federal Laws were not followed as required by Article VI, Paragraph 2 of the U.S. Constitution.

### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Betty Caitlin Nicole Smith

Date: March 22nd 2019