

No. 18-8559

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In The  
Supreme Court of the United States

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Betty Caitlin Nicole Smith

- *Petitioner*

v.

Zachary Taylor Daniel

- *Respondent*

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On Petition For A Writ Of Certiorari

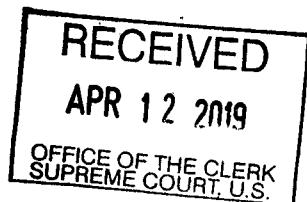
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OPPOSITION TO A PETITION  
FOR A WRIT OF CENTIORARI

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Betty Caitlin Nicole Smith  
(Pro Se Petitioner)  
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Lee, FL 32059

Zachary Taylor Daniel  
(Pro Se Respondent)  
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Columbia, TN 38401



## **QUESTION 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.

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## INTRODUCTION

The Petitioner, Ms. Smith, seeks review of several questions that this case does not present. She filed an appeal with the First District Court of Appeal in Florida after our divorce was granted in 2017. The Appeals Court reversed a part of the order about my visitation, and remanded the case back to the Madison County, Florida Court so the judge could review evidence and make a decision about my visitation.

I wanted the case to be turned back to the Madison Court, since I had gathered a lot of evidence that disproved the Petitioner's lies about me. Judge Andrew Decker went over my new evidence and made the correct decision to give me custody of my son.

The Petitioner then filed another appeal with the First District Court of Appeal. The Appeals Court reviewed my evidence and came to the same conclusion as Judge Decker. They affirmed his order.

The Petitioner also filed writs with the Florida Supreme Court several times. They dismissed her writs or turned them back over to the Appeals Court each time.

Judge Decker's custody order is not fraudulent. A few dates are mixed up but that does not affect the intent or the truth of the order.

No state or federal laws, or the Constitution, were violated by me or the Florida courts. I always followed whatever instructions my attorney or the courts gave me.

The judge did not commit what the Petitioner calls a “post-trial ambush”. He examined the evidence and decided that my son was in a harmful situation, living with the Petitioner, Betty Caitlin Nicole Smith, who is mentally unstable, and the Petitioner’s mother, Penny Elliott, who was arrested in 2005 for starving her own mother to death; she pled “guilty from mental illness” and received a plea bargain of second degree manslaughter. The Petitioner herself was arrested on December 7<sup>th</sup>, 2018, for trying to strangle her mother, though Mrs. Elliott refused to prosecute so the charges had to be dropped. These women are dangerous to themselves and others. They neglected my autistic son, had him drinking from a bottle at the age of five years, and his upper baby teeth were all so rotten they had to be surgically removed once I got him on insurance.

This petition is just another frivolous attempt by the Petitioner to boost her ego. Certiorari should be denied.

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#### STATEMENT OF THE CASE

##### I. Factual background

The Petitioner and I began a relationship in 2011 and I moved in with her, her mother and her stepfather in 2012. We moved from Tennessee to Kentucky soon after. At the time she and her mother would talk about how Mrs. Elliott's family had accused her of killing her mother but I thought they were just being weird. We had a son in July of 2013. By then the Petitioner and her mother had talked me into getting over \$3000 in debt with paycheck into cash loans. When I couldn't pay them off on my less than minimum wage salary the women lied to get a restraining order against me and kicked me out. I was devastated but moved back to Tennessee and as soon as I was emotionally and financially able, I sued for custody.

The judge worked out a custody plan where I would have visitation with my son on holidays, school breaks and weekends. While I was visiting a friend at Thanksgiving my son accidentally got a burn from the friend's cigarette. The Petitioner tried to have me charged with child abuse, which failed, but she still refused to allow my son to visit me at Christmas. She had a hearing in January 2015 to see if she should be held in contempt. The protection order had expired by then so she texted me and said she still loved me. The day of the hearing she talked me into marrying her, hoping I would ask my attorney to have the hearing cancelled, which I did. I was foolish, I know.

All during 2015 things went from bad to worse. The Petitioner and her mother racked up over \$4000 of debt in my name, some of which I didn't find out about until much later. I quit a good job in Tennessee to live with them again in Kentucky, and it was hard finding a good job there. The women emotionally abused me, with lies and gaslighting, until I had a nervous breakdown. I wound up in a mental hospital, where I started to heal. When I returned to the Petitioner's house she and her mother again made up lies to get a restraining order. They said I had held them hostage with a knife, which was not true. I was never violent or mean to anyone. A State Trooper took me to a behavioral health center for the night and my dad came to take me home the next day. In his report, the Trooper stated that I was calm, had no weapon and no force was involved at all. And I was not arrested. I have NEVER been arrested for anything in my life. But the Petitioner used these lies to keep me away from my son.

It took me until the summer of 2016 to raise the money so I could file for divorce. But when the paper server went to the Petitioner's house in Kentucky they found it had been burned down and the Petitioner and the Elliotts had disappeared with my son. My mom hired a Private Detective. He found them living in Florida.

## II. Procedural history

I first filed for divorce in Murray, Kentucky in July of 2016 but had to drop the case since the Petitioner and her family had disappeared with my son. Once the detective found them in Florida and we got the jurisdiction straightened out, I filed for divorce in Madison County, Florida in November of 2016. After three hearings, one which I attended by phone, the other two in person, Judge Bailey Browning put out an order in October of 2017, granting the divorce. He did not give us 50/50 parenting as the Petitioner wrongly stated but gave the Petitioner custody with me getting supervised visitation on the understanding that I could ask for unsupervised visitation without any change in circumstances. I had not yet received the evidence I had requested from law officials at that time to disprove the Petitioner's lies.

The Petitioner immediately filed an appeal with the First District Court of Appeal in Tallahassee and was granted a stay so I could not see my son. At this point I had only seen him once in two years. My money had run out so I had to start doing things without an attorney. The Petitioner has been filing her papers Pro Se during this whole case. In June of 2018 the Appeals Court handed down a decision; the case was reversed in some part and remanded back to the Madison Court:

"to reconsider, and if necessary, to take additional evidence on and make findings considering the Kentucky Domestic Violence Protection Order and the best interests of the child, as those factors directly affect the issues of shared parental responsibility and parenting time. **AFFIRMED** in part, **REVERSED**, in part, and **REMANDED** for further proceedings."

Judge Andrew Decker held an evidentiary hearing on July 2<sup>nd</sup>, 2018. I brought with me a stack of evidence, from law officials and other sources, to prove that the Petitioner and her mother are mentally unstable and make up lies about everybody, not just me, to gain whatever advantage they want. They have doctored photographs and documents and have lied numerous times under oath. They tried to destroy me, and to ruin my former attorney's reputation, and the reputations of both judges involved in this case and even that of the Madison County Sheriff's Office. It is like a game to them. They seem to tell the most outrageous stories just to see if they can get away with it. And I did not lie in court. I have NEVER lied in court. I did get a little confused because the Petitioner was gaslighting me there in front of the judge. A lot of men can't understand how a guy could be emotionally abused by a woman. But Judge Decker saw the truth.

On July 30<sup>th</sup>, 2018, Judge Decker released the Amended Final Judgment of Dissolution of Marriage Upon Remand from First District Court of Appeal, which can be read in Appendix B of the Petitioner's Writ. In the order, I was given primary custody of my son, with the Petitioner getting visitation on holidays and school breaks. There are a few dates mixed up in the order, but nothing that would change the intent or the truth of the judgment.

Once again, the Petitioner filed an appeal immediately with the First District Court of Appeal in Tallahassee. She requested a stay, which was denied. I received custody of my son on August 3<sup>rd</sup>, 2018. He was five at the time, still drinking from a baby bottle, wearing Pull Ups, had all kinds of behavioral issues and his upper baby teeth were rotten to the core (we had them removed). He is autistic and non-verbal but he does not have any signs of PTSD when he's with me. It was like we'd never been apart. He laughed with me, hugged me; was very friendly with my family and friends. I love him more than life, and I can tell he loves me just by the way he acts. He goes to school now, where they are helping him learn to communicate and use social skills. He loves going there, and to the park, and to visit friends. He has a good life here with me and my family.

On December 7<sup>th</sup>, 2018, the Petitioner was arrested for Felony Domestic Strangulation after trying to choke her mother, Mrs. Elliott. Her visitations were suspended. Judge Decker ordered there to be a hearing in February to see if the Petitioner needed supervised visitation and a mental evaluation. Mrs. Elliott refused to prosecute so the charges had to be dropped.

On February 8<sup>th</sup>, 2019, the Appeals Court AFFIRMED Judge Decker's custody order. The Petitioner immediately filed a motion for a rehearing. She also filed writs with the Florida Supreme Court several times, all of which

were denied, dismissed or transferred back to the Appeals Court. The First District Court of Appeal DENIED her request for a rehearing and a written opinion on March 18<sup>th</sup>, 2019.

There was a hearing on February 18<sup>th</sup>, 2019, with a newly elected judge. The new judge decided on February 28<sup>th</sup>, 2019, against my and my family's wishes, to reinstate the Petitioner's visitation schedule and to not require the Petitioner to have a mental evaluation, even though I requested that she should.

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### **REASONS FOR DENYING THIS WRIT**

There are three good reasons for denying this writ. First, the First District Court of Appeal did not go against their own opinion. The Petitioner does not seem to understand the idea of remanding a case back to the lower court so they can take evidence and make findings. Second, the Florida Supreme Court saw no merit in taking up this case. And third, and most importantly, the Petitioner is mentally unstable, and is using the courts to boost her ego instead of doing what is in the best interests of my son.

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### **CONCLUSION**

The petition for certiorari should be DENIED.

Respectfully submitted this April 8<sup>th</sup>, 2019,



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