ORIGINAL

No. 18-9229

SUPREME COURT OF THE UNITED STATES

Matthew Conan De Ryan-PETITIONER

Vs.

EAST VALLEY SCHOOL DISTRICT. Spokane, Wa. -RESPONDENT (S)

ON PETITION FOR A WRIT OF CERTIORARI TO:

Washington State Supreme Court

415 12th Ave SW, Olympia, WA 98501-2314
Mailing: PO Box 40929, Olympia, WA 98504-0929

PETITION FOR A WRIT OF CERTIORARI

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May 3rd, 2019

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QUESTIONS PRESENTED

Introduction/Premise to 3 Questions Presented:

Considering the fact that Petitioner/former School Teacher De Ryan's designated date of Social Security Disability Award, granted under Jurisdiction of the U.S. Federal government -for the date of January 16th, 2014 as designated "back-date" of official disability (which was granted in December, 2016)-alongside the Fact that this date of 1-16-14 is also the exact same date of Petitioner De Ryan's *False Arrest and imprisonment* -shows indisputable evidence of a direct corollary and connection---(and a medical link) to his current case against East Valley School District, ongoing homelessness, disability, and ADA rights regarding– the lower courts.

So too, when "connecting the dots" such disability and homelessness as contended-resulting from The School Administrators –(as alleged)- bogus/botched "incompetent School Administrative-led investigation", (without the required police presence to conduct that interview)- igniting a witch hunt of epic proportions with severe false allegations of wild, unbelievable stories by immature, young pranksters in a special Ed. Behavioral Modification Class...(where many of those false accusing students had extensive histories of lying and bad behavior at school-as their records so indicated in court trial)-did so cause Petitioner his job, reputation, and eviction from apartment into homelessness.

With this premise, the following 3 questions require addressing by the supreme Court of the USA:

1 Whether the Lower courts, if in violation of Petitioner's Disability Rights (dis-regarding attempts at asserting Federal ADA Rights; denials of motions for continuation/discretionary review, require review by US Supreme Court & DOJ?

2 Would cameras in our k-12 classrooms be a effective remedy to dispel untruths of false allegations, serve to help Prosecutors, Courts, Cops, Public Defender's, Schools, & accused)-to eliminate burdens caused by false allegations of this nature ?

3 Whether when this Teacher (and other Teachers nationwide), made disabled homeless/unemployable from wrongful actions of a School employer, & denied disability rights by the courts,–equivocate to a dis-advantage & Fraud by the Court?

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:

(Listed Below)

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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 Feb. 6, 2019
A copy of that decision appears at Appendix A.

[ ] 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).

OPINIONS BELOW

The one page order of the Washington State Court of Appeals –Supreme Court Department I in Olympia, Wa -denying Petition for discretionary review and Motion for Continuance -was issued on February, 6th, **2019**, and is attached in **Appendix A.**

On February 9, **2018:** Petitioner filed a notice of appeal with Division III of the Washington Court of Appeals-regarding the Superior Courts dismissal of January 12, **2018, alongside a motion for indigency**.

On February 28, 2018, the Washington state Supreme Court received a finding of Indigency from the trial court regarding Petitioner. Department II of the Supreme Court considered and denied Petitioner's motion for expenditure of public funds on April 4th, **2018**). This is attached in **Appendix B**

On may 30th, **2018,** the Court of Appeals dismissed Petitioner's appeal for failure to pay the filing fee on time. *(See footnote). This is attached in **Appendix C.**

On June 27, **2018** Petitioner filed a motion to modify the courts dismissal alongside a subsequent motion to *review whether that Commissioner had a conflict of interest with Petitioner* (because that Commissioner's husband- a "collections Attorney" sued Petitioner in Small claims court in 2014 after Petitioner was arrested—for an outstanding medical bill that went into collection). Both motions was also denied on august 7th, 2018.—even though there is an apparent conflict of interest, as Petitioner so did object.

On September 17, **2018**, a deputy clerk from this court sent a letter to all the parties stating that Petitioner had until October 17, 2018 to file a petition for review, and that he must pay the 200.00$ filing Fee.

On November 1, **2018**, this court informed the parties that Petitioner's petition and money order covering the filing fee were received. *(Attorneys for the opposing party objected, (falsely) stating that the petition and filing fee were not timely filed. The courts responded by agreeing with Respondent-opposing party, and this case was finally dismissed in December 2018. However, Petitioner once again Objected stating that his petition and Money Order **were sent and received on time-showing proof thereof. The original order of denial was then rescinded, and a new hearing set for February 5th, 2019-resulting in denial**

PETITION FOR WRIT OF CERTIORARI: Statement of Case

A. Federal Americans With Disabilities Act (ADA) of 1990-background

Even though Petitioner posed significant questions of law under the Constitution of the State of Washington and of the United States, and even though the petition involved issues of substantial public interest that should have been determined by the supreme court, his attempts at appeal and to be granted indigent status ultimately came to no fruition for very objectionable reasons-objections noted by Petitioner-in the appeal process —including Petitioner's ADA disability rights certified and asserted, implicates a constitutional question of public concern concerning how so far departed from the course of judicial proceedings as to call for an exercise of this court's supervisory power. ADA provisons are reproduced in the Appendix

*(***Of special Note***): According to Court Administrative Personnel for the Spokane County Superior Courts and the Washington State Appeals Court , Division III, (as so revealed and published in recent Superior Court Records on File *after an interrogatory investigation* was held in Feb. 2018 by Petitioner DeRyan):

"not one person in the past 17 years has been granted designation of indigence in the Appeals Courts of Washington State".

This High Profile, National case of much significance, highlights several inter-related themes, and holds as central to Petitioner's lawsuit and request for US Supreme Court consideration and DOJ—the over-reaching background of:

1. the epidemic of false allegations within the past 3 decades- against Public School Teachers; and the void in leadership within the Legislative and Judicial Branch of our government system to address the reality of the many obstacles put in place (including in many cases-by School Administrators themselves) regarding the Rights of Teachers Falsely Accused;

2. roadblocks and barricades placed in front of disabled, Pro Se litigant who seeks damages after acquittal via lawsuit, and the subsequent "fear factor" prevalent in many (current and future) Teacher's lives-of the (reality of the statistics) considering that it is especially egregious when a teacher is treated wrongfully by his/her Administrators-as alleged in the case of DeRyan Vs. East Valley School District, and this pattern is repeated nationwide on many other teachers-so that it creates a reality that few would want to teach in such environments in many of our troubled schools. Good and dedicated future Teachers are "opting out". As clear statistics nationally indicate-false allegations in our classrooms are at epidemic proportions in the past 3 decades since new legislation

was made to protect children, but no legislation made to protect Teachers from false allegations

According to Matt Lawler, author of the book "*Guilty Until Proven Innocent, Teachers and Accusations of Abuse*":

(Page IX of book): "during my 15 years with the CEA, I have defended about two thousand teachers accused of abuse against students. Of those cases, I'd estimate that almost ninety percent were false allegations. The accusations were usually made by students with an axe to grind. Usually the student had been disciplined by the accused teacher or had been given a failing grade. The accusation was the students way of lashing out."

Page XIII of book): "Once a student makes an allegation against a teacher, the presumption of innocence—central to American Jurisprudence-vanishes. The impetus of proof falls on the accused. Proof of innocence is held to a higher standard than the evidence needed to file criminal charges."

Page XXII of book): "During investigation, the teacher is a forgotten source of information. If the teacher was allowed to talk with investigators, with their counsel present, fabricated charges could be screened out. The investigation process needs to be a collaboration between the schools. Law enforcement, and the teacher. In most cases, the teacher isn't even granted a chance to give his own testimony."

Petitioner's lawsuit, (*that was –as alleged in court filings as being fraudulently dismissed on October 18, 2017 after Petitioner deryan was barred from the court hearing and denied continuances*)- gets at the heart of the matter of how false allegations against Teachers is a very real form of abuse that destroys people's lives, and yet furthermore--how the judicial and court System in Washington State (and other states?) often categorically and systematically deny/disregard/violate the rights and realities of disabled Pro Se litigants like Petitioner DeRyan--who was made indigent and placed into homelessness and poverty by the very wrongful actions of the party he is attempting to bring to justice. Petitioner thus challenges their jurisdiction to disregard disability rights, as we see in *Owens v. The City of Independence*: "Mere good faith assertions of power and authority (jurisdiction) have been abolished." As well: "Once jurisdiction is challenged, it must be proven." --*Hagens v. Lavine, 415 U.S. 533.*

Footnote: Greg Lawler was instrumental in the creation of the Criminal Defense Program of the Legal Services Department of the CEA in 1986. Currently, the CEA is one of only three state teachers' unions with such a program. Lawler has defended over two thousand teachers accused of abuse, of which 90% of all cases nationwide prove to have been based on false allegations. To date, he has never lost a case of a school employer accused of child abuse at trial. He currently resides in Denver, Colorado

In reality, such conditions post-acquittal (when considering the necessity to be granted a continuance and Discretionary Review but otherwise denied "at each turn" by the courts), made it virtually impossible for Petitioner to proceed with his case since he first made objections known in Court filings dating originally from July, 2017-as repeatedly so throughout court motions. This explains why Petitioner at some junctions---experienced complications in some procedures of this case-especially in that he had to do all of his work at public libraries—which posed myriad complications....things the opposing party deems as failure to abide by some procedures. (*Petitioner was not able to afford an attorney nor secure a pro bono attorney while homeless and struggling just to stay alive, and his only option was Pro Se—even though he tried to find an attorney by visiting the few in this City of Spokane who could take on such a high profile and costly case—just months before the SOL was to run out-due to 2 and a half years of waiting for trial*).

According to his Citing of the ADA and his disability award complete with clear and concise Medical/doctors reports and studies as filed in the lower courts in 2017-the repeated denials of Petitioner's motions and pleas, and finally-denial of indigency-without the proper consideration-allegedly **Constitutes Fraud** on the part of the Washington State Courts involved in this case.

All along Petitioner complained his ADA rights were consistently being violated. *Owen V. Independence, 100S.. C.T. 1938, 445 US 622):* "Officers of the court have no immunity when violating a constitutional right, from liability, for they are deemed to know the law".

When the State Courts continuously "denied" his motions for continuance because of his very physical disability and enjoined homelessness, as Petitioner claims being on the receiving end of a total disregard that violated this disabled person's rights, and the disabled person then objects in court and invokes his ADA rights For The Record,)—then he has no other recourse then but to respectfully require the highest Court of our land, and the DOJ- to address the issues—and make precedence. Furthermore accordingly: Thompson v. Tolmie, 2 Pet.157, 7 L.Ed. 381; Griffith v. Frazier, 8 Cr. 9, 3L. Ed. : "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct collateral attack." According to Main v. Thiboutot , The American System and Rule of law provides that: "once State and Federal jurisdiction has been challenged, it must be proven."--Main v. Thiboutot, 100 S. Ct. 2502 (1980).

***Footnote; This is especially relevant here in Eastern Washington as the Public at large has seen other examples and continuous patterns of gross neglect and violations in our courts. For instance, all one has to do is Google "*the Otto Zehm Case*", and the "*Wenatchee Witch hunt case*" (amongst many other notorious abuse cases here)-to see the patterns of corrupted and compromised judges ruling wrongly and in violation of the Constitution-as so prevalent! (Otto Zehm & "Wenatchee Witch Hunt" cases are reproduced in appendix of this petition).

B **Factual Background of the case:**

On January 16, 2014, Matt Deryan (DOB 8/9/67) was a substitute teacher in the Spokane area. Previously, he had taught as a full-time. Contracted Teacher-elsewhere for ten years. He had worked at Trent School in the East Valley School District (EVSD) on approximately 25 previous occasions and at several other schools in the Spokane area-all without incident as to conduct or behavior.

Petitioner Deryan reported for work on 1/16/14 at Trent School on Pines Road in Spokane Valley. He was assigned to teach a Special Ed/Resource class of 6th/7th/8th graders whom had been segregated from other students because of behavioral problems-and put into an outdoor portable. The class included approximately 22 students as classified under Title 1 (Federal) Special Ed. guidelines-as also-so funded. Unknown to Matt, (and as divulged in the trial 2 years later)-- *earlier that morning the entire class had been so rowdy before DeRyan took the helms- that the entire class-as indicated in court investigations and transcripts- had collectively been given a detention from the substitute teacher from the previous hour-causing uproar with the students-as they entered DeRyan's class*.

As the day wore on, some of the students began to get unruly and disobedient again, including getting out of their seats and leaving the classroom without permission. Petitioner threatened them with detention if they did not straighten up. Unknown to Petitioner, (of which came ou later in trial)--*some of the students who falsely accused him were one detention away from facing total suspension.* After Petitioner's announcement regarding possible detention. Several of the students asked to be excused to go to the restroom. Instead, they went to the principal's office where they falsely accused Petitioner of: *slapping students, drinking beer in the class, and locking the students inside the class, preventing any from coming or going-as they pleased.* Petitioner was then unceremoniously hauled out of the class by the Vice-Principal- and ordered to the office of the principal, Frank Brou, who advised him of the students accusations. Petitioner was incredulous. Mr. Brou asked to smell Petitioner's breath and coffee cup and admitted there was no smell of alcohol. *(This was confirmed by Principal Brou both on the day of the false allegations and in his testimony at trial). Petitioner denied all of the allegations, and made sure he explained to the principal that "*the door could not lock from the inside, but only from the outside and that it was to prevent other students from other classes from sneaking into his class—which was a problem" (on that day).*

While Petitioner was in the principal's office, the Vice Principal/Counselor--- gathered all the students together in one class to "interview them" without any police being present--something which the police would never have done **(a proper interview separates each student-to avoid cross-pollination and contamination of stories that were changing by the minute).**

Then the Principal followed by the Superintendent both sent out letters to all of the parents which made it look like Petitioner was guilty, and in those letters---the Principal nor Superintendent never used the word "*alleged incidences*". Incredible! *This set Petitioner up for a huge witch hunt, and the media took it from there.* Petitioner was featured during the Super bowl of 2014 during commercial time as the substitute that flipped out, had a meltdown, and roughed up an entire class while drunk. Petitioner was never given any UA or drug test on the day of, nor thereafter--but was arrested & placed into Solitary confinement, awaiting the sum total of charges yet determined-while stories abounded in the media of supposed alcohol use while on duty..

After sending Petitioner "home" before the school day had even ended, Principal Brou hurriedly composed a letter to parents that he copied and sent home that same day-before the police began their investigation. This letter, copied verbatim below, issued the following warning:

*"**Emergency Situation** this afternoon: **It appears that** this afternoon a substitute teacher in one of our classrooms **put his hands on students and did other inappropriate things**. The Spokane Valley Sheriff is continuing the investigation on Friday morning. If your sixth-grader **was treated inappropriately** or he or she **saw the teacher's actions** please help him or her write their recollections down and bring them to school on Friday morning." (end of letter).*

Even worse, The day after Matt's arrest, with the investigation still in its very early stages, EVSD Superintendent John Glenewinkel issued the following letter on January 17 ,2014:

"Dear East Valley community members,

*"As you may know, **an incident occurred** in a sixth grade class at Trent School Thursday, January 16th. A substitute teacher, Matthew Deryan, is suspected of assaulting at least three students in class and illegally detaining them in the room. At least one student **was injured in the confrontation**, possibly suffering a concussion. There are allegations that **Deryan smelled of alcohol at the time**. Principal Frank Brou immediately ejected Deryan from the school and the District Office contacted law enforcement. The Spokane County Sherriff's Department later arrested and jailed Deryan on suspicions of assault and unlawful imprisonment.*

Deryan has been barred from all East Valley schools as a result of the investigation, and security personnel remain vigilant.

Please be assured that the safety of our community's children is our absolute top priority. ***We are as shocked by this incident as you are.*** *We always conduct law enforcement background checks before hiring any teacher, and Mr. Deryan's record showed nothing that would lead us to believe he posed any kind of threat. Although our administrative staff is small, we will definitely seek cost effective ways to prevent such incidents in the future.*

East Valley School District counselors are onsite at Trent School to answer questions and concerns, as are detectives from the Spokane County Sherriff's Department. We will continue to update this report as details emerge."

Sincerely,
John Glenewinkel, Superintendent (end of letter)

Then, EVSD brought in several non-licensed, non-certified and wholly untrained "volunteer crisis counselors" to work with the (*supposedly*) traumatized classmates. False Accusations quickly began to pile up against Petitioner and other students came forward with outlandish accusations. Within the next few weeks, (including while Petitioner suffered extreme conditions in solitary confinement), Petitioner was tried and convicted in the press.

Eventually 29 criminal counts were compiled against him, including assault and unlawful imprisonment. The case went to trial in Spokane County Superior Court and on June 22, 2016, Petitioner was acquitted by a jury on all counts. Petitioner was represented by public defender Ms. Brooke Hagara. A defense expert by the name of Dr. Esplin from Arizona testified at trial. Dr. Esplin testified that EVSD's handling of the case was improper, and that allegations of this nature and in this setting involving children if not handled properly at the outset can become highly exaggerated and falsified, and can result in full-blown witch hunts. His findings are in the Criminal Trial Court Records, and his credentials are reproduced in the Appendix I.

After his arrest on 1/16/14-lasting until his acquittal of June, 2016, Petitioner was forbidden visitation with his own children unless supervised with a 3rd party trained psychologist-due to the extreme nature of the false allegations published and promulgated by incompetent School Personnel.

Footnote: During ongoing investigations, Principal Brou stated derogatory comments (as found in those investigations) such as: Petitioner likely had "smoked a big, fat one" before class, and that Petitioner was always the "last Substitute to call" on the schools list....(meaning " not a preferred Substitute, when in reality—Petitioner had subbed at this school 25 previous times! These kinds of discriminatory statements to the police had no truth, and may have led to some bias during investigations. It is simply entirely unprofessional for a Principal to do such—and such was done in BAD Faith. ***Best Practices would have at least included a drug test.***

He exercised visitation with his dearly beloved children (with whom he has and had a great relationship with always) when he could (5 times only during the 2 and a half years he waited for trial and was homeless---while his children lived in Seattle, and he in Spokane- without money nor means of support and otherwise homeless).- His visitation with them was sporadic-(as is to this date still)-because of ongoing homelessness and financial difficulties and a reality of being 100% disabled including physically .

The nightmare did not end however after his acquittal in June 2016 regarding homelessness, and to this very day-Petitioner still cannot find affordable housing due to these mitigating factors as originally caused by the wrongful actions of East Valley School District. (The reality is that there is less than a 1% availability for apartments in the Spokane Region, and other larger cities—like Seattle where Petitioner's teenage children live—are too expensive on his less than 1,000$ per month Social Security Disability Income).

A. **Procedural issues of the case**

Due Process and Disability rights are uniquely connected with our Civil Rights . *Canon Law* arises out of Natural Law. *Natural rights* are those that:

"arise out of The laws of nature, and include the right to have official acts be logical, reasonable, and rational. *One may not be required to do the impossible* ***(or, as in the Otto Zehm*** *Court case, regarding those many illegitimate judicial acts of fraudulent dismissals until the Feds –DOJ were finally forced to come in and intervene): "how high can you jump,* ***Deryan"?!)***.

Common Law writs arise out of Natural Rights. **According to Common Law**, which the states must abide by,

-"There must always be an **effective remedy available for any infringement of a right**, one that is not made so time-consuming, expensive & difficult to obtain as to make the right meaningless as a practical matter.

-All fundamental rights must have judicial remedies, not just political remedies, because the political process is often inadequate to protect the rights of individuals or minorities". *(note—more Common Law writs that are relevant to this case are reproduced in the appendix)

The Washington State Supreme Court relies as well—on *Common Law to guide its' constitution*-as noted herein previously in Court Filings in this case by Petitioner:

(as we see in CW 2.04.020-Court of record—"General powers").

The supreme court shall be a court of record, and shall be vested with all power and authority necessary to carry into complete execution all its judgments, decrees and determinations in all matters within its jurisdiction, according to the rules and principles of the common law, and the Constitution and laws of this state. [1890 p 323 § 10; RRS § 2.]

And so we see that *Common Law as well as the Constitution* (SHOULD) hold much sway in the Washington State Courts according to the Washington State Constitution-itself. (Rules of court: Cf. CR 81(b), RAP 1.1(g). RCW 2.06.085

Regarding these assertions and public disclosures by Petitioner Deryan of fraud on several levels (disability rights; indigent status, and School District eradicating Petitioner's Due Process Rights in 2014): such scrutiny on these intertwined issues of alleged fraud also serves a dual purpose in that they question, and put into effect-for the Record---whether or not the lower State courts has the (any) authority (**Jurisdiction question**) to strip away constitutionally guaranteed protections—(ADA Act of 1990-Federal)-especially when documented and backed by medical evidence regarding his denied motion for indigency in appellate court---as was and still is, and will be-a central point-in this ongoing appeal.

"When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason". . US V Will, 449 US 200,216, 101 S Ct, 471, 66 Led 2nd 392, 406 (1980); Cohens V virginia, 19 US (G Wheat) 264, 404, 5Led 257 (1821):

In the 11th Amendment, While the states continue to enjoy broad sovereign immunity from suit, the **Supreme Court** does allow suits against **state officers** *in certain circumstances, thus mitigating the effect of sovereign immunity.* In particular, the Court does not read the Amendment to bar suits against state officers that seek court orders to prevent future violations of federal law. Moreover, according to the 11th Amendment: :

"suits by *other* states, and suits by the **United States to enforce federal laws,** are also permitted. The Eleventh Amendment is thus an important part, but only a part, of a web of constitutional doctrines that shape the nature of judicial remedies against states and their officials for alleged violations of law". *(In this case, Petitioner hands the matter over to the DOJ-instead of lawsuit).

11th amendment cited came from a case: (Ex Parte Young) whose ruling was based upon a state official enforcing an unconstitutional law deemed (as such) to be a private person— while still remaining a state agent when it comes to remedying the unconstitutional law. For example, in the 1993 ruling Martin V. Voinovich, the high court ordered the governor of Ohio to construct housing for handicapped people to comply with the AMERICANS WITH Disabilities Act.

Regarding Petitioner's denial of expenditure of public funds,(*According to RAP 15.2 Wa. State)*:

" this statutory right to review partially or wholly at public expense—is a Constitutional right. Appellate procedure is largely regulated by court rule. However, constitutional and statutory law surround these rules."

Article IV, section 2, of the Washington Constitution created the Washington Supreme Court. The Legislature has further provided for the Supreme Courts framework in RCW Chapter 2.04. Similarly, the Legislature sets the framework for the Court of Appeals in RCW Chapter 2.06.

RCW 2.04.200 Effect of rules upon statutes:

- "When and as the rules of courts herein authorized shall be promulgated all laws in conflict therewith shall be and become of no further force or effect." [1925 ex.s. c 118 § 2; RRS § 13-2.].

Clearly, there is a jurisdiction conflicts that has arisen during the progress of case proceedings in Petitioner's Lawsuit of "DeRyan Vs. East Valley School District regarding Federal Statutes and the State's need to ABIDE BY THEM—especially when a Petitioner asserts and certifies those rights in court proceedings.

And according to: Basso v. Utah Power & Light Co., 495 2nd 906 at 910:

-"**Jurisdiction** can be challenged at any time, even on final determination."

-"No sanctions can be imposed absent proof of jurisdiction. --Standard v. Olsen, 74 S. Ct. 768; Title 5 U.S.C., Sec. 556 and 558 (b). "The proponent of the rule has the burden of proof." --Title 5 U.S.C., Sec. 556 (d).

In this case of "De Ryan Vs. East Valley School District)t, it is understood that this School District (succinctly the very classroom where Petitioner taught on day of arrest) received **FEDERAL Title I Funds** (Federal jurisdiction here cited) for these students, and therefore there are certain obligations and mandates required for *School Administrators to follow regarding allegations of abuse by a Staff*—which in this case meant that The School Principal should have handed the investigation – from the very beginning- over to the **Title I (Federally funded) Resource Police Office assigned already to that school,** or another law enforcement agent *so that a proper investigation* could have been done-(thus avoiding contamination of investigation, cross-pollination of stories told, and unnecessary prosecution of the falsely accused.

When a School Administration does the opposite and violates a Teacher's Due Process and many other rights-----they must be held accountable—especially in some of our more toxic school environments/neighborhoods. *(After all, these issues are important for all American Citizens, *for our Public Schools are funded by "we The (taxpaying) People" who are , in reality-what subsidizes our schools).*

Under Common Law, we are not expected to be able to "do the impossible"—(especially when so designated as disabled 100%-and "left out" by the courts.

In *Fitzpatrick v. Bitzer* (1976), the Court held that Congress could subject states to suit in federal court through laws enacted under its Fourteenth Amendment power *to redress discriminatory state* action. (14th Amendment reproduced in Appendix E).

"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it". Cooper V Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958).

Morrison V Coddington, 662 P.2d. 155, 135 Arizona 480 (1983): "Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth.

(* There is no statute of limitations for Fraud, especially when remaining silent in the face of responsibility, via repeatedly disregarding and ignoring a disabled person's rights).

US V Pruden, 424 F.2d. 1021, U.S. V. Tweel, 550 F. 2d, 297, 299, 300 (1977): Silence can be equated with Fraud when there is a legal and moral duty to speak *or when an inquiry left unanswered would be intentionally misleading*. We cannot condone this shocking conduct. If that is the case, we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected."

Even once a Falsely accused Teacher is acquitted--they still face the reality that their reputation has been destroyed within the community (church, family, friends, memberships, ineternte, etc)----as stigmas stay attached and prejudices remain—much of it regarding salacious media "Fake news" propaganda. Many other Educators nationwide have also been falsely accused—(tens and tens of thousands in number in the past 3 decades).

Footnote: It is the U.S. Department of Justice (Federal Jurisdiction) responsibility to review and when necessary—enforce complaints and violations of this nature—(regarding the (STATE) Court's denial of Petitioner's right to have a Continuance granted due to his disability-which then ultimately and fraudulently led to dismissal of his case). As well-the same applies to his rights to have his case in appellate Court correctly reviewed and evaluated for public expenditure. Therefore, A Copy of this (May 5th, 2019) court filing is forwarded to the DOJ and Wa. State Attorney Generals Offices for review-and a few other undisclosed federal Agents/Agencies-at that!

Even once a Falsely accused Teacher is acquitted--they still face the reality that their reputation has been destroyed within the community (church, family, friends, memberships, ineternte, etc)----as stigmas stay attached and prejudices remain—much of it regarding salacious media "Fake news" propaganda. Many other Educators nationwide have also been falsely accused—(tens and tens of thousands in number in the past 3 decades).

In reality, Petitioner has been "screened out" from rental possibilities because background checks incorporate this very case-Petitioner has been the bluntly victimized in ongoing discussions that he overhears at many functions-even 5 years after his arrest -because he lives in a small community--as a homeless man--who certainly stands out in his community (not necessarily in a positively "outstanding way")--but rather, "out standing in some vacant field where he camps"--would be more accurate—(to be a bit humorous in an otherwise very sad and morbid reality)!

Constitutional Provisions

14th Amendment: 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.

11th Amendment:--"If the State violates a Federal law, the state itself cannot be sued in federal court--but a federal court can order state officials in their own name to comply with federal law".

OTHER AUTHORITIES

The **Americans with Disabilities Act of 1990** (42 U.S.C. § 12101) is a civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964. Americans with Disabilities Act of 1990: 28 CFR Part 36 (Title III, Department of Justice). Title I, II and Title V are adjoined with provisions of the ADA in the Appendix H.

Furthermore, regarding Petitioner's denial and disregard of indigencyregarding expenditure of public funds: such cannot be trampled upon---and otherwise, one must object and/or explain the demand and "martyr cry "for **equal access to justice**. In this matter-that means-the right to make the courts pay all/part appellate court expenses as necessary-because it was these very (Superior) courts in Washington State, Spokane County) that abrogated the ADA rights of Petitioner—causing petitioner to be at a "Extreme disadvantage" in Petitioner's Lawsuit.

Note: Petitioner is medically diagnosed with a plethora of severe physical disabilities including having had 7 shoulder surgeries, surgeries to the lower extremities, and nerve loss to his right foot/leg and carpal tunnel to his left hand; bulging discs in the lower back and neck—just to mention a few—as all medically diagnosed and filed with the Spokane Superior Courts-to no avail). All of this--alongside ongoing PTSD, depression and Adjustment Disorder from the trauma and ongoing homelessness caused by the wrongful actions of EVSD.

United Nations Convention on Rights of People with Disabilities

Article 13: Access to Justice

The importance of justice and equal opportunity is mentioned through the Convention. However, access to equal justice is specifically covered in Article 13. Article 13 states that:

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including the provision of procedural and age-appropriate accommodations, in

2. order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

3. In order to help ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Although Petitioner is no fan of the UN, he cites it anyway—because at least the UN Convention on Rights of People's Disabilities seems to have it correct!

Constitutional Right to review at public expense:

In further reviewing ADA matters regarding particular Washington State Cases, and why it is that "for the past 17 years (18 actually now)—no one has been granted indigency": we see evidence of very important questions being raised. Example: *Danisha Tetreault, et al. v. Elaine Houghton, et al.*, (no. 07-9710). *(This case is reproduced in appendix)

References: ^ Supreme Court Docket 07-9710

Codes: AUTHORITY FOR PROMULGATION OF RULES TITLE 28, UNITED STATES CODE § 2072. *(this is reproduced and placed in the appendix)

Furthermore, In Boddie v. Connecticut, Boddie and others who were denied divorces under Section 52-259 challenged the fee requirement in the United States District Court for the District of Connecticut. They alleged that the fee requirement violated the Due Process Clause of the Fourteenth Amendment. ...

Boddie appealed to the Supreme Court, and prevailed. Footnote: *(This was also a landmark Washington State case—out of Seattle, Wa).

The following supports this position: -Scheuer V Rhodes, 416 U.S. 232, 1974: (Expounds upon Owen V Rhodes.....

REASONS FOR GRANTING PETITION

1. A plethora of national experts also indicate that there is an epidemic of false allegations against Teachers that is harming the very profession itself to the core, causing many potential excellent career Teachers to "opt out" of this career because of the reality that too often--for diverse reasons—many of our classrooms are out-of-control, chaotic, and dangerous. The statistics alone are alarming. Regarding the amount of false allegations against Teachers, and the subsequent costs associated-all told, (unnecessary investigations, Court, etc) then it makes perfectly good sense for the American public (and our highest court) to start the national debate—via this case of "De Ryan Vs. East Valley School District", regarding the need for: "cameras in the classroom".

2. Many of the "collateral damages/costs" associated with later litigation would likely be eliminated. After all, "had there been a camera in the classroom on the day of Petitioner's false accusation and arrest, Petitioner would not have had to take this case all the way to the Supreme Court-nor would have ever been unjustly prosecuted either".

3. Furthermore, our Public Schools belong to a branch of both the State Government (schools and their Districts, and even more-so in this case of Title I funded Public Schools that are Federally funded)---all public schools are also a Subsidiary of the U.S. Federal Department of Education. --U.S. V Cruikshank, 92,U.S. 542 (1876): "the people of the united States resident within any state are subject to two governments: one State, and the other national, but there need be no conflict between the two".

This puts the DOJ at the helm to investigate how this whole case evolved originally from the arrest of 1-16-14.4. *Without intervention by the US Supreme Court and DOJ, then the Lower courts of Washington state will harm the ability of Teachers falsely accused to effectively combat false allegations*. I.E..: "do we need to bring the DOJ back to Spokane Washington yet again?" **(it seems like some employees in these Eastern Washington local courts just don't learn-referring to the Otto Zehm and Wenatchee Witch hunt cases of Eastern Washington)!**

5. Calling upon the U. S. Supreme Court to decide if this case ongoing is a matter of very significant public interest, importance and attention is highly relevant--especially regarding that it is about how a innocent Teacher gets falsely accused by a handful of very troubled young students, but then is "thrown under the bus" by very incompetent, unprofessional and misguided school Administrators whom ultimately are connected to why Petitioner ended up homeless and 100% disabled for 5 1/2 years ongoing.

6. This case also encompasses elements of fairness regarding "**access to the courts**" for and by the Poor and Disabled, and calls into question whether or not we need some very significant "court Reform"-regarding the rights of the indigent. Certainly Petition has argued that his indigency was caused by the very people he is still trying to sue. Petitioner remains still under much physical, mental/emotional duress while trying his best- as so disabled and homeless--to carry on with his Court case Lawsuit at the same time while trying to "make due" and survive severely compromised health (especially in the cold winters); depravation, disenfranchisement, and a total disconnect with society—which is not of his desire, but just the cruel realty-when homeless.

7. Court records show that Petitioner objected repeatedly throughout the past 2 years of Court proceedings constantly asserting his ADA disability rights, stating he was being "asked to do the impossible" and put at an "extreme Dis-advantage" – (thus having culminated ultimately with his case being fraudulently dismissed)-to no avail.

-Miranda V Arizona, 384 U.S. 436: "Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them

And so, by having this case finally and justly heard---***whatever the result would be***--it would likely spark a much needed national debate on the epidemic of *Teachers falsely accused*; the state of many of our failing schools around the nation, and the reality that having cameras in many of our classrooms would likely help reform the toxic environment (regarding discipline and classroom behavior issues, and false allegations that destroy lives).

8. The fact and reality is already that: **everywhere** cameras are placed where they help deter crime and bad behavior, and ironically-*cameras are not in our classrooms* where many students in our schools are not only failing, but are entering adulthood without having benefited –as they should-from their schooling much---and the difficult issues in many students lives in our classrooms require more monitoring—and otherwise--teachers are continually going to be leave the profession-shaking their heads-at the oft times uncontrollable chaos in the classrooms prevalent far too often.

9. False allegations against Teachers is a very severe abuse and should be prosecuted, but rarely are. Instead, the teacher is deemed "Guilty until proven

innocent" and stripped of many of their rights while being very aggressively prosecuted!

10. That Petitioner's homelessness-1st time ever being homeless-was caused by and began on the very day of his arrest and outrageous actions taken by EVSD personnel-evidence exists in court filings.

11. **(Regarding allegations of fraud as cited in this petition and in previous court filings)**: In court hearing of November 29, 2017 Judge Fennessey **denied** that all parties were conducting any kind of official communication via mutual agreement for all matters including changes in Hearings—*via e-filing* agreement that all parties agreed to hither. However, the evidence and truth as testified by both the Petitioner, respondent, and Judicial Assistant for the judge—contradicts Judge fennessey's false claim, *(Thus, the court essentially erroneously blamed Petitioner for his lack of ability to receive court notices in a timely way by regular USPS mail, when in fact—all parties already had in place the agreement and functioning of the e-filing mechanism so that Petitioner—a homeless man with no physical address to offer up for reception of mail—could then receive notices via e-filing on account of not having any physical address himself. By the US Supreme Court hearing this case----this kind of fraud by the lower courts –(or as some call it—"bungling of cases")—will never be adequately address and the disabled will continue to be denied access to our courts—and fairness.

12. **(Regarding allegations of fraud)**: Judge Fennessey 's denial of Petitioner's request for Continuation for a Court Hearing in January 12, 2018 due to extreme illness (very bad case of flu and bronchitis and inability to talk because of severe cough)—all compounded by Petitioner's already disabled condition—even though Petitioner did file the necessary Doctors (Physicians notes) declaring the illness and bronchitis and other disabling physical conditions-alongside proof via medical reports. The Judge ruled that Petitioner's illness was "mere artiface"-denying even the Doctors reports. Essentially Judge Fennessey ignored it all in his denial of January 8, 2018 court Decision to not grant Discretionary Review-after-all—which again—begs us to question—isn't this fraud and a complete (federal) violation of Petitioner's ADA rights (Americans with disabilities Act of 1990)? If the courts are allowed to ride rough-shod over our *disability rights*, then what other remedy other than ACCESS the US supreme Court do we have?

13. **(Regarding allegations of fraud)**: That Judge Fennessey also denied that Petitioner ever filed his evidence of social Security award letter and proof of 100% disability, when evidence in court files shows he erred on this too. Such errors have been noted by Petitioner in court filings between November 2017 and the recent one of October 2018 that have never been addressed, including other incidences , for example in this case—where the court (deliberately or mistakenly) filed many duplicates of Petitioner's filings---essentially filing them twifce and then saying that Petitioner had "gone over the limit". Petitioner objected in March 2018 regarding

this—and received no answer or response back from the courts. This kind of silence in the face of responsibility is fraud...as pointed out in *Morrisson v Coddington and Us v Pruden.*

14.. **(Regarding allegations of fraud)**:The Appellate court Division III in Spokane, Wa. Continued this pattern of de-legitimizing Petitioner's disabled and homeless condition as caused by the Opposing Party's Client—by Piling on more illegitimate and erroneous rulings denying Petitioner's motions and rights—including but not limited to as well—*not abiding by the E-filing agreement and instead sending a hard copy of a court scheduled Hearing date to an old address when Petitioner many months earlier—as certified in previous court filings to only receive hearings and notices via the "e-filing system".* *(See "ADA in a Nut shell" in Appendix J-regarding the requirement to allow the disabled to conduct their affairs—including court affairs—via the internet 9especially when one has no address to receive notices).

The Courts have all of this from Deryan as filed---and it is evidence—but the courts have not reviewed it nor acted upon Petitioner's objections, but rather-just ignored it failing to respond at all...not considered.

-Boyd V U.S. 616 436 "The court is to protect any encroachment on constitutionally secured liberties"

Again—this is Fraud. By the Court not reviewing or considering these objections and complaints regarding receiving court hearing notices, they remain "fraudulently silent", (as so defined in *Morrison V. Coddington,* and in *US V Pruden).*

15. There still remains some big concerns ---why the Wa. State Supreme Court could not have showed some "leniency" and be a bit more "liberal" as they are actually required to do by appellate rules—with such matters brought up in this case that the opposing party has objected to..... (as the opposing party has stated that Petitioner didn't file some things exactly according to required procedures (because of the duress of being disabled and homeless and having to do all of his court work at public libraries—as available)---**and yet the opposing party and the lower courts themselves violate some of the very rules and procedures,—with immunity.** With this kind of "two-tiered" justice system, can there be any justice for the poor?

16. Irregularity in the proceedings of the court: With flagrant violations of ADA disability rights, the lower courts placed themselves into the position of an "Adverse party"-that now must defend their actions and motives-hopefully-to the US Supreme Court and the DOJ. This is especially true, but not limited to the (as contended) fraudulent order of dismissal of the court dated October 18, 2017 and any associated misuse and/or abuse of discretion, by which said Petitioner Matt DeRyan was restricted and barred from having a fair trial, and allowed the

respondent to gain an unfair advantage via the courts disregard of Petitioner"s Rights. *(for more on that, please refer to Appendix L

17. *Petitioner has severe physical limitations that are medically documented with the courts* . Petitioner is still struggling to find housing to date (April 2019)--and is otherwise categorized amongst the homeless--living temporarily with whomever and wherever he can-- until affordable housing can be found—while he continues to await the long "waiting lists" of those already signed up as applicants before him—for the few available single units under Federal "fair Housing" (Act). The reality is that families take precedence over single males—regarding qualifying for housing of 2 or more rooms, and affordable single unit housing is a rare thing these days

A). **He has been diagnosed with severe Depression and Adjustment Disorder.** He was obtaining mental health counseling from Catholic Charities and Frontier Behavioral Health Clinic in Spokane, Wa through 2017, but then stopped because it was not helping with the homelessness, and the memories brought up during counseling only served to exacerbate the trauma. *Petitioner has had to seek out family and friends constantly and consistently to stay with over the past 4 years-not always successfully.* He has many, many people willing to testify to this—even though the Opposing Parties' Attorney (Attorney Sean Harkins) in a November 29, 2017 court Hearing-filed statements on Record that denied that Petitioner was actually homeless, and out of the immediate region—**which is egregious** for that Attorney to falsely state in court- especially not only that it is like "kicking a man when he is down", but Petitioner responded with a court filing that demanded in court files that he produce the actual evidence that contradicts Petitioner's claim of homelessness and deep struggle –therein, and also citing that Petitioner has the evidence via receipts---to counter the lies of Attorney Harkins.

B). His support, (other than under 1,000$ per month of income from SSI after his monthly child support payments)-which does not go very far monthly when considering medical bills and life costs, transportation, etc- and he is limited due to "lack of connections/support"-as a homeless man now-and remains largely discon-nected and disenfranchised from society—not to his desire—which is depressing, and foreboding. Petitioner is anxious and exhausted because of the need to keep struggling to find housing, while the ongoing struggle makes his physical disability worse-too--and knows that shelter are often unavailable. He spends considerable time in a tent in the summer to make his monthly income stretch, and often from month-to-month does not have the security of knowing where he will stay. *He remains otherwise—in a state of ongoing trauma and difficulty adjusting to homelessness –as disabled too.* **The sum total of all of the "collateral damages"** from this very unfair case only exacerbates Petitioner's physical and emotional/mental disability, as does the many needs and requirements in this high-profile, national court case.

a) *According to Local Rule CR59:* "On the motion of the party aggrieved, a verdict may be vacated and a new trial granted to all or any of the parties, and on all issues, or on some of the issues when such issues are clearly and fairly separable and distinct, or any other decision or order may be vacated and reconsideration granted.

CONCLUSION

For the foregoing reasons, petition for a Writ of Certiorari should be granted. Respectfully submitted

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