

NO. 18-9702

IN THE SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUN 17 2019

OFFICE OF THE CLERK

CATHRIN FUNK-VAUGHN AKA REBECCA A. MCNIEL, JOHN W. VAUGHN, RONALD M. KOEHLER AND KEVIN L. JOHNSON

PETITIONER(S)

VS.

TENNESSEE DEPARTMENT OF CHILDRENS SERVICES, MURFREESBORO POLICE DEPARTMENT OF RUTHERFORD COUNTY, RUTHERFORD COUNTY TENNESSEE, THE CITY OF MURFREESBORO TENNESSEE AND RUTHERFORD COUNTY JUVENILE COURT OF MURFREESBORO TENNESSEE

RESPONDENT(S)

LAST COURT THAT RULED ON MERITS OF THE CASE
THE SUPREME COURT OF TENNESSEE LOCATED IN NASHVILLE, TENNESSEE
CASE#M2019-00717-SC-UKY-CV

PETITION FOR WRIT OF CERTIORARI

- (I) (COUNSEL OF RECORD) CATHRIN FUNK-VAUGHN AKA REBECCA A. MCNIEL
2650 KRISTEN DRIVE INDIANAPOLIS, INDIANA 46218 PHONE (317) 514-4172
- (II) JOHN W. VAUGHN 2650 KRISTEN DRIVE INDIANAPOLIS, INDIANA 46218
PHONE (317) 793-8473
- (III) RONALS M. KOEHLER 671 Old Greenville Rd SPARTANBURG, SC 29301
PHONE (864) 754-5672
- (VI) KEVIN L. JOHNSON 2650 KRISTEN DRIVE INDIANAPOLIS, INDIANA 46218
PHONE (503) 878-0640

LIST OF PARTIES (X) All parties appear in the caption of the cover page.

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QUESTION(S) PRESENTED

- (III) Does the Department of Children Services "AGENCY" have any legal right to remove a child from the parent / legal guardian while the parent / legal guardian was on vacation from another state and hold the minor child/ren in said state and refuse to return them to their "Home State"?
- (IV) Do Law enforcement officers and the Department of Children Services "AGENCY" have the legal right to hold back evidence from the courts that would have proven an individual's innocence?
- (V) Do Law enforcement officers have a legal right to remove child/ren from the parent / legal guardian while the parent / legal guardian are on vacation from another state and refuse to return them to their "Home State"?
- (VI) Is the Department of Children Services "AGENCY" and Law enforcement officers allowed to violate 8 U.S. CODE 1324C § 1324c. Penalties for document fraud?
- (VII) Is the Department of Children Services "AGENCY" and the Juvenile courts allowed to violate the UNIFORM LAW COMMISSION CHILD JURISDICTION AND ENFORCEMENT ACT. (UCCJCA)?
- (VIII) Does The Department of Children Services "AGENCY" have the legal right to use the minor's visitations against a parent / legal guardian to obtain a guilty plea against an individual for their own purposes of removing the minor child/ren for federal funding?
- (IX) Do Law enforcement officers have any legal Jurisdiction or legal rights to arrest an individual not in their Home state on child abuse and neglect?

- (X) Does The District Attorney's Office have any legal right to Charge a parent / legal garden with the charge of child neglect and child abuse of a child/ren without having Jurisdiction over the Children in question?
- (XI) Do attorneys have a legal obligation to tell their client/s that the courts look at a diversion charge as a Guilty plea?
- (XII) Did the Law enforcement officers, Department of Children Services "AGENCY "and the District attorney's office violate 28 U.S. Code § 3308, § 3-202. NEGOTIATION SUBJECT TO RESCISSION, § 8.52 Disreputable conduct and Duress as defined by law?
- (XIII) Should an individual be held responsible for not having knowledge that the (FDA) FOOD AND DRUG ADMINISTRATION was in the presses of doing a recall on any type of food or drinks products that could led to Illness, injury or Death?
- (XIV) Should the charges and / or arrest be upheld agents an individual after the (FDA) FOOD AND DRUG ADMINISTRATION recall the product that could have led to another's Illness, injury or Death?
- (XV) After a (FDA) FOOD AND DRUG ADMINISTRATION recall, Should the Department of Children Services "AGENCY " and the Juvenile courts be allowed to keep any miner child/ren from the original parents / legal garden?
- (XVI) Does the Department of Children Services "AGENCY "and the Juvenile courts. Have any legal right to violate another states court order over a miner child/ren?
- (XVII) Does Law enforcement officers, Department of Children Services "AGENCY "and the Juvenile courts Have any legal right to violate 28 US CODE 1738A FULL FATH AND CREDIT OF CHILD CUSTODY DETERMINATION?

(XVIII) Do Law enforcement officers, Department of Children Services "AGENCY" and the Juvenile courts Have any legal right to hold an individual and/ or their minor child/ren agents there free will not allowing them to return to their "Home State"?

(XIX) Should there be a time frame to respond in the courts if you can prove kidnapping by the Department of Children Services "AGENCY " and the Law enforcement officers on the child/ren they removed from a parents / legal garden?

FIRST AMENDMENT RIGHTS UNDER THE CONSTTITUTION OF THE UNITED STATES OF AMERICA: (Reads as follows: CONGRESS SHALL MAKE LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING FREE EXERISE THEREOF; OR ABRIDGING THE FREEDOMS OF SPEECH, OR OF THE PRESS; OF THE RIGHTS OF THE PEOPLE PEACEABLE TO ASSEMBLE, AND TO PETITION THE GOVERMENT FOR A REDRESS OF ANCES.)

(XX) Is Law enforcement, Department of Children Services "AGENCY "and the Juvenile courts violating the first amendment by telling parents / legal gardens not to speak on their cases or mention another individual to the minor child/ren?

FORTH AMENDMENT RIGHTS UNDER THE CONSTTITUTION OF THE UNITED STATES OF AMERICA: (Reads as follows: THE RIGHT OF THE PEOPLE TO BE SECURE IN THERE PERSON, HOUSES, PAPERS, AND EFFECTS, AGAINST UNREASONABLE SERCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZED)

(XXI) Is the Department of Children Services "AGENCY ", District Attorney's Office and the Juvenile courts violating parents / legal guardians and minor child/rens Constitutional Rights by Removing minor child/ren from their homes, papers and effects without due process of law?

SIXTH AMENDMENT RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES OF AMERICA (Reads as follows: IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEED AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE UNITED STATES AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW, TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENSE.)

(XXII) Is the Juvenile courts, The District Attorney's Offices and the Department of Children Services "AGENCY " violating the sixth amendment by not allowing a Jury to hear the parents / legal guardians case against them?

(XXIII) Is the Juvenile courts, The District Attorney's Offices and the Department of Children Services "AGENCY " violating the sixth amendment by not allowing witnesses in the parents / legal guardians favor and to have counsel for their defense?

FOURTEENTH AMENDMENT RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES OF AMERICA (Reads as Follows: SECTION 1. ALL PERSONS BORN 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 WITH OUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAW.)

(XXIV) Is the Juvenile courts, The District Attorney's Offices and the Department of Children Services "AGENCY" violating the Fourteenth amendment by not allowing parents / legal guardians and the minor child/ren to return to their "HOME STATE" and keeping them hostage in a state that they are not residents?

(XXV) Does a forced adoption incentives violate the 4th and 14th amendment by incentivizing the states to take children?

(XXVI) Did the Attorney General Violate 18 U.S. CODE 3524 CHILD CUSTODY ARRANGEMENTS by earring in Judgment over the Child /rens custody arrangements over court order the minor child/ren from home state of "Oregon"?

(XXVII) Did the Department of Children Services "AGENCY" Violate 18 U.S. CODE 3524 CHILD CUSTODY ARRANGEMENTS over the Child/rens custody arrangements over court order from the minor child/ren home state of "Oregon"?

(XXVIII) Did the Courts error in Judgment over the Child/rens custody arrangements that was court ordered from the minor child/ren home state of "Oregon"?

(XXIX) Should it be a required for the Department of Children Services "AGENCY" to shows the courts (Juvenile or any other) that the children are residents of the state in which they were removed?

(XXX) Did the Violate 18 U.S. CODE 1201 KIDNAPPING?

(XXXI) Did the Department of Children Services "AGENCY Violate 18 U.S. CODE 1201 KIDNAPPING?

- (XXXII) Did the District Attorney's Office Violate 18 U.S. CODE 1201 KIDNAPPING?
- (XXXIII) Did the court Violate 18 U.S. CODE 1201 KIDNAPPING do to the Fraud that was presented to the courts?
- (XXXIV) Did the Courts Remove "ALL" parental rights with in accordance with both federal and state laws?
- (XXXV) Did Law enforcement officers have any Legal Jurisdiction over the minor child/ren?
- (XXXVI) Do Law enforcement officers have any Legal rights to falsify document to obtain a warrant for on parents / legal gardens to remove a minor child/ren?
- (XXXVII) Is the Law enforcement officers in violation of 25 CFR 11.404- FALSE IMPRESONMENT?
- (XXXVIII) Douse the District Attorney's Office have any legal rights to charge a parents / legal gardens if the warrant was falsified and led to the arrest and removal of minor child/ren?
- (XXXIX) Does the District Attorney's Office have any legal rights to hold the parents / legal gardens and the minor child/ren for years outside of their home state?
- (XL) Can the District Attorney's Office still hold the charges agents the parents / legal gardens with the courts having the knowledge of the fraud and duress in any case under 25 CFR 11.404- FALSE IMPRESONMENT?
- (XLI) Why doesn't grandchild/ren go to grandparents in other states when parental rights are terminated if they pass all Department of Children Services "AGENCY" requirements?

- (XLII) Why are children taken so fast by the Department of Children Services "AGENCY " and placed up for adoption instead of being placed with family member first?
- (XLIII) Should minor child/ren be placed within their Blood lines and family DNA structure to prevent inbreeding between the blood lines that can lead to multiple defects in the future generations?
- (XLIV) Should IV funding be held back away from the Department of Children Services "AGENCY " for the first fifteen months that a child is in states custody to prevent adoption outside of the biological family stricter?
- (XLV) Should parental rights be terminated based on an un quantified risk of neglect or abuse?
- (XLVI) Over 85% of children in the Department of Children Services "AGENCY "care are there because of allegations of neglect and abuse, currently it is based off subjective opinions of various social workers. Can this court define neglect and abuse for the parents / legal gardens over the minor child/ren and the social workers involved?
- (XLVII) Are the courts abusing child/rens human, constitutional, civil, due process, and fundamental rights and equal protection of law under the United States constitution?
- (XLVIII) Does the Department of Children Services "AGENCY " have the right to keep a child protection reports from the parents / legal gardens when the report was on their child/ren?
- (XLIX) Should the Department of Children Services "AGENCY " be able to take a child from decent people that do not drink or do drugs but has a handicap?
- (L) Can a judge establish "statement of fact" about issues he is not fully informed on?

- (LI) How can the Department of Children can Services "AGENCY "take all the children out of a home but one or remove one child and leave the rest?
- (LII) Why is access to Federal funding being allowed to hurts children for life and tears apart families?
- (LIII) How will IV Federal Funding be helpful to parents / legal gardens other than to inflict pain and suffering on the parents / legal gardens and the minor child/ren?
- (LIV) Why is the Department of Children Services "AGENCY " receives Federal Funding but is not being officially monitored by independent evaluators this being the direct cause of administrative misconduct and manipulation of Constitutional & Parental Rights?
- (LV) Why is there no training for Law enforcement to dill with child abuse situations but Law enforcement agencies continues to remove children from their homes?
- (LVI) Does the Department of Children Services "AGENCY "think it is constitutional for child/ren to be taken without due process of law?
- (LVII) Why does criminal court have strict due process and civil court does not?
- (LVIII) How it is okay for the Department of Children Services "AGENCY " to violate parents / legal gardens constitutional rights, knowingly falsify statements given under oath?
- (LIX) Why does the Department of Children Services "AGENCY " take calls and reports from people and run with them when there is no supporting evidence?
- (LX) Why is the Department of Children Services "AGENCY "even open with all the missing and abused kids in the system?

- (LXI) If we are to believe that those in a civil proceeding charged with Child Abuse deserves a lawyer, do they not also deserve the other constitutional protections of Due Process including protections against double jeopardy, the presumption of innocence, and the right to a jury?
- (LXII) Why are parents / legal guardians not afforded their rights by the juvenile courts and upholding the laws of this United States and the Constitution of America?
- (LXIII) Should All State agencies comply with our Constitutional and the laws of the United States of America?
- (LXIV) Are Law enforcement officers, The Department of Children Services "AGENCY" and the Juvenile Courts allowed to violate 42 U.S. Code 1983 civil action for deprivation of rights?
- (LXV) Is the lower court not entitled to uphold Title 18, U.S.C. Section 242?
- (LXVI) Is Law enforcement officers, The Department of Children Services "AGENCY" and the Juvenile Courts allowed to violate Tennessee law 39-13-302?
- (LXVII) Is Law enforcement officers, The Department of Children Services "AGENCY" and the Juvenile Courts above the laws of America and the United States Constitution?

TABLER OF AUTHORITY CITED /

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATUTES OF LAW

(I) 28 U.S. Code § 1738A. Full faith and credit given to child custody determinations

(a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsections (f), (g), and (h) of this section, any custody determination or visitation determination made consistently with the provisions of this section by a court of another State.

(b) As used in this section, the term—

(1) "Child" means a person under the age of eighteen;

(2) "Contestant" means a person, including a parent or grandparent, who claims a right to custody or visitation of a child;

(3) "Custody determination" means a judgment, decree, or other order of a court providing for the custody of a child, and includes permanent and temporary orders, and initial orders and modifications;

(4) "Home State" means the State in which, immediately preceding the time involved, the child lived with his parents, a parent, or a person acting as parent, for at least six consecutive months, and in the case of a child less than six months old, the State in which the child lived from birth with any of such persons. Periods of temporary absence of any of such persons are counted as part of the six-month or other period;

(5) "modification" and "modify" refer to a custody or determination which modifies, replaces, supersedes, or otherwise is made subsequent to, a prior custody or visitation determination concerning the same child, whether made by the same court or not;

(6) "Person acting as a parent" means a person, other than a parent, who has physical of a child and who has either been awarded custody by a court or claims a right to custody;

(7) "Physical custody" means actual possession and control of a child;

(8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States; and (9) "visitation

determination" means a judgment, decree, or other order of a court providing for the visitation of a child and includes permanent and temporary orders and initial orders and modifications. (c) A child custody or visitation determination made by a court of a State is consistent with the provisions of this section only if—

(1) Such court has jurisdiction under the law of such State; and (2) one of the following conditions is met:

(A) such State (i) is the home State of the child on the date of the commencement of the proceeding; or (ii) had been the child's home State within six months before the date of the commencement of the proceeding and the child is absent from such State because of his removal or retention by a contestant or for other reasons, and a contestant continues to live in such State; (B) (i) it appears that no other State would have jurisdiction under subparagraph (A), and (ii) it is in the best interest of the child that a court of such State assume jurisdiction because (I) the child and his parents, or the child and at least one contestant, have a significant connection with such State other than mere physical presence in such State, and (II) there is available in such State substantial evidence

concerning the child's present or future care, protection, training, and personal relationships; (C) the child is physically present in such State and (i) the child has been abandoned, or (ii) it is necessary in an emergency to protect the child because the child, a sibling, or parent of the child has been subjected to or threatened with mistreatment or abuse; (D)(i) it appears that no other State would have jurisdiction under subparagraph (A), (B), (C), or (E), or another State has declined to exercise jurisdiction on the ground that the State whose jurisdiction is in issue is the more appropriate forum to determine the custody or visitation of the child, and (ii) it is in the best interest of the child that such court assume jurisdiction; or (E) the court has continuing jurisdiction pursuant to subsection (d) of this section.

(d) The jurisdiction of a court of a State which has made a child custody or visitation determination consistently with the provisions of this section continues as long as the requirement of subsection (c)(1) of this section continues to be met and such State remains the residence of the child or of any contestant. (e) Before a child custody or visitation determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated and any person who has physical custody of a child.

(f) A court of a State may modify a determination of the custody of the same child made by a court of another State, if— (1) it has jurisdiction to make such a child custody determination; and

(2) The court of the other State no longer has jurisdiction, or it has declined to exercise such jurisdiction to modify such determination. (g) A court of a State shall not exercise jurisdiction in any proceeding for a custody or visitation determination commenced during

the pendency of a proceeding in a court of another State where such court of that other State is exercising jurisdiction consistently with the provisions of this section to make a custody or visitation determination. (h) A court of a State may not modify a visitation determination made by a court of another State unless the court of the other State no longer has jurisdiction to modify such determination or has declined to exercise jurisdiction to modify such determination.

(II) §3308. Supplementary provision Except as provided in this subchapter, the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppels, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause shall apply to actions and proceedings under this subchapter.

(III) Tennessee Kidnapping/Abduction Laws Kidnapping is the crime of taking a person against their will to an undisclosed location. This may be done for ransom or in furtherance of another crime, or in connection with a child custody dispute. According to the laws of Tennessee, kidnapping is false imprisonment as defined in § 39-13-302, under circumstances exposing the other person to substantial risk of bodily injury[i]. § 39-13-302 defines that a person commits the offense of false imprisonment when knowingly removes or confines another unlawfully, so as to interfere substantially with the other's liberty. Kidnapping is a Class C felony and false imprisonment is a Class A misdemeanor [ii].

Aggravated kidnapping is also false imprisonment, as defined in § 39-13-302, but committed:

To facilitate the commission of any felony or flight thereafter; To interfere with the performance of any governmental or political function; With the intent to inflict serious bodily injury on or to terrorize the victim or another;

Where the victim suffers bodily injury; or While the defendant is in possession of a deadly weapon or threatens the use of a deadly weapon.

Aggravated kidnapping is a Class B felony. If the offender voluntarily releases the victim alive or voluntarily provides information leading to the victim's safe release, such actions shall be considered by the court as a mitigating factor at the time of sentencing [iii].

Another type of kidnapping is Especially aggravated kidnapping. It is also false imprisonment, as defined in § 39-13-302 b:

Accomplished with a deadly weapon or by display of any article used or fashioned to lead the victim to reasonably believe it to be a deadly weapon;

Where the victim was under the age of thirteen at the time of the removal or confinement; committed to hold the victim for ransom or reward, or as a shield or hostage; or where the victim suffers serious bodily injury.

Especially aggravated kidnapping is a Class A felony. If the offender voluntarily releases the victim alive or voluntarily provides information leading to the victim's safe release, such actions shall also be considered by the court as a mitigating factor at the time of sentencing [IV].

Tennessee Bureau of Investigation Criminal Intelligence Unit is the missing children clearinghouse of the state. The primary areas of focus for missing-child clearinghouses are networking, information dissemination, training development and delivery, data collection, and provision of technical assistance in cases of missing and sexually exploited children. [I] Tenn. Code Ann. § 39-13-303 [ii] Tenn. Code Ann. § 39-13-302 [iii] Tenn. Code Ann. § 39-13-304 [iv] Tenn. Code Ann. § 39-13-305

(IV) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW Section 242 of Title 18

makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

(V) TITLE 18, U.S.C., SECTION 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. <https://www.justice.gov/crt/deprivation-rights-under-color-law>

(VI) FIRST AMENDMENT RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES OF AMERICA: (Reads as follows: CONGRESS SHALL MAKE LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING FREE EXERISE THEREOF; OR ABRIDGING THE FREEDOMS OF SPEECH, OR OF THE PRESS; OF THE RIGHTS OF THE PEOPLE PEACEABLE TO ASSEMBLE, AND TO PETITION THE GOVERMENT FOR A REDRESS OF ANCES.)

(VII) FORTH AMENDMENT RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES OF AMERICA: (Reads as follows: THE RIGHT OF THE PEOPLE TO BE SECURE IN

THERE PERSON, HOUSES, PAPERS, AND EFFECTS, AGAINST UNREASONABLE SERCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZED.)

(VIII) SIXTH AMENDMENT RIGHTS UNDER THE CONSTTITUTION OF THE UNITED STATES OF AMERICA: (Reads as follows: IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEED AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE UNITED STATES AND DISTRICT WHEREIN THE CRIME SHELL HAVE BEEN PREVIOUSLY ASCRTAINED BY LAW, TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WHITNESSES IN HIS FAVER, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE.)

(IX) 18 USC Sec. 1201 (a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when - (1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense; (2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States; (3) any such act against the person is done within the special aircraft

jurisdiction of the United States as defined in section 46501 of title 49; (4) The person is a foreign official, an internationally Protected person, or an official guest as those terms are defined in section 1116(b) of this title; or (5) The person is among those officers and employees described in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the Performance of official duties, Shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment. (b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce. Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended. (c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life. (d) Whoever attempts to violate subsection (a) shall be punished by imprisonment for not more than twenty years. (e) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section

46501(2) of title 49. For purposes of this subsection, the term "national of the United States" has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)). (f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding. (g) Special Rule for Certain Offenses Involving Children. - (1) To whom applicable. - If - (A) the victim of an offense under this section has not attained the age of eighteen years; and (B) the offender (i) has attained such age; and (ii) is not - (I) a parent; (II) a grandparent; (III) a brother; (IV) a sister; (V) an aunt; (VI) an uncle; or (VII) an individual having legal custody of the victim; the sentence under this section for such offense shall include Imprisonment for not less than 20 years. [(2) Repealed. Pub. L. 108-21, title I, Sec. 104(b), Apr. 30, 2003, 117 Stat. 653.] (h) As used in this section, the term "parent" does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order.

(X) 25 CFR § 11.404 - False imprisonment § 11.404 False imprisonment. A person commits a misdemeanor if he or she knowingly restrains another unlawfully so as to interfere substantially with his or her liberty.

(XI) 18 U.S. Code § 242. Deprivation of rights under color of law Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of

such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(XII) Kidnapping and False Imprisonment 39-13-302 - False imprisonment (A) A person commits the offense of false imprisonment who knowingly removes or confines another unlawfully so as to interfere substantially with the other's liberty. **(b)** False imprisonment is a Class A misdemeanor.

(XIII) 8 U.S. Code § 1324c. Penalties for document fraud (a) ACTIVITIES PROHIBITED It is unlawful for any person or entity knowingly: (1) to forge, counterfeit, alter, or falsely make any document for the purpose of satisfying a requirement of this chapter or to obtain a benefit under this chapter, (2) to use, attempt to use, possess, obtain, accept, or receive or to provide any forged, counterfeit, altered, or falsely made document in order to satisfy any requirement of this chapter or to obtain a benefit under this chapter, (3) to use or attempt to use or to provide or attempt to provide any document lawfully issued to or with respect to a person other than the possessor (including a deceased individual) for the purpose of satisfying a requirement of this chapter or obtaining a benefit under this chapter, (4) to accept or receive or to provide any document lawfully issued to or with respect to a person

other than the possessor (including a deceased individual) for the purpose of complying with section 1324a(b) of this title or obtaining a benefit under this chapter, or (5) to prepare, file, or assist another in preparing or filing, any application for benefits under this chapter, or any document required under this chapter, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted, or (6)(A) to present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) to fail to present such document to an immigration officer upon arrival at a United States port of entry. (b)EXCEPTION This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of title 18. (c)CONSTRUCTION Nothing in this section shall be construed to diminish or qualify any of the penalties available for activities prohibited by this section but proscribed as well in title 18. (d)ENFORCEMENT (1)AUTHORITY IN INVESTIGATIONS In conducting investigations and hearings under this subsection— (A) immigration officers and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated, (B) administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing, and (C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case

under paragraph (2). In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Attorney General, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as contempt thereof.

(2) HEARING (A) In general Before imposing an order described in paragraph (3) against a person or entity under this subsection for a violation of subsection (a), the General shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation. (B) Conduct of hearing Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5. The hearing shall be held at the nearest practicable place to the place where the person or entity resides or of the place where the alleged violation occurred. If no hearing is so requested, the Attorney General's imposition of the order shall constitute a final and unappeasable order. (C) Issuance of orders If the administrative law judge determines, upon the preponderance of the evidence received, that a person or entity has violated subsection (a), the administrative law judge shall state his findings of fact and issue and cause to be served on such person or entity an order described in paragraph (3). (3) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY With respect to a violation of subsection (a), the order under this subsection shall require the person or entity to cease and desist from such violations and to pay a civil penalty in an amount of— (A) not less than \$250 and not more than \$2,000 for each document that is the subject of a violation under subsection (a), or (B) in the case of a person or entity previously subject to an order under this paragraph, not less than \$2,000 and not more

than \$5,000 for each document that is the subject of a violation under subsection (a). In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity. (4)ADMINISTRATIVE APPELLATE REVIEW The decision and order of an administrative law judge shall become the final agency decision and order of the Attorney General unless either (A) within 30 days, an official delegated by regulation to exercise review authority over the decision and order modifies or vacates the decision and order, or (B) within 30 days of the date of such a modification or vacation (or within 60 days of the date of decision and order of an administrative law judge if not so modified or vacated) the decision and order is referred to the Attorney General pursuant to regulations, in which case the decision and order of the Attorney General shall become the final agency decision and order under this subsection.

(5)JUDICIAL REVIEW A person or entity adversely affected by a final order under this section may, within 45 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order. (6)ENFORCEMENT OF ORDERS If a person or entity fails to comply with a final order issued under this section against the person or entity, the Attorney General shall file a suit to seek compliance with the order in any appropriate district court of the States. In any such suit, the validity and appropriateness of the final order shall not be subject to review. (7)WAIVER BY ATTORNEY GENERAL The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates subsection (a)(6) if the alien is granted asylum

under section 1158 of this title or withholding of removal under section 1231(b)(3) of this title. (e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER (1) Whoever, in any matter within the jurisdiction of the Service, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits, shall be fined in accordance with title 18, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application. (2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this chapter, or the regulations promulgated there under, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service, shall be fined in accordance with title 18, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application. (f) FALSELY MAKE For purposes of this section, the term "falsely make" means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.

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 Court:

The opinion of the United States located at THE 6th DISTRICT FEDERAL COURT MIDDLE
DISTRICT OF TENNESSEE CLUNBIA DIVISION 801 Broadway Nashville, Tennessee 37203
Phone: (615) 736-5498

Case Number(s) 3:18-CV-1286, 3:18-CV-1311, 3:18-CV-1285 & 3:18-CV-1284

Denied to review New Evidence / Rehearing sent back to the Supreme Court on
February, 6th, 2019

For cases from Supreme Court:

The opinion of the United States located at TENNESSEE SUPREME COURT 401 7th Ave N.
Nashville, Tennessee 37210 Phone: (615) 253-1470

CASE# M2009-00411-COA-R3-PT, M2009-01166-CCA-R3-CD, M2019-00717-SC-UNK-CV

Denied to review New Evidence / Rehearing April, 24th 2019

Questions of Jurisdiction have been raised in this case do to none of the parents being
residents of the State of Tennessee at the time.

STATEMENT OF THE CASE

(I) On November, 07th 2006 Cathrin Funk-Vaughn aka Rebecca A. McNiel, John W. Vaughn and minor children I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006 left their "Home State" of Oregon on vacation to Jacksonville Florida. John W. Vaughn wanted to pick up some personal items from family and friends in Murfreesboro Tennessee, well in Murfreesboro, Tennessee on November, 12th 2006 A.W.V. D.O.B. 09/23/2006 became sick and was brought to Middle Tennessee Medical Center (MTMC) by his mother and legal father (Cathrin Funk-Vaughn aka Rebecca A. McNiel and John W. Vaughn) after four plus hours with No doctor coming in to look at A.W.V. D.O.B. 09/23/2006 John W. Vaughn went out and demanded that some one looks at his son A.W.V. D.O.B. 09/23/2006, Soon after that the Police showed up and arrested John W. Vaughn for discretely conduct. Cathrin Funk-Vaughn aka Rebecca A. McNiel and minor children I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006 were moved to a room upstairs and told that they could not leave the hospital for any reason. Soon after that the Department of Children Services showed up at Middle Tennessee Medical Center (MTMC) and forcefully removed the minor children I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006 from the care of Cathrin Funk-Vaughn aka Rebecca A. McNiel with No Warrant for removal or any court documentations. Soon after the I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006 removed by the Department of Children Services detective Wayne Lawson placed Cathrin Funk-Vaughn aka Rebecca A. McNiel under arrest for aggravated Child abuse and child neglect of a child under six years of age. The allegations stated that Cathrin Funk-Vaughn aka Rebecca A. McNiel was starving her son A.W.V. D.O.B. 09/23/2006. The evidence clearly shows that The Department of Children Services and Detective Wayne Lawson lied to the courts to obtain the

miner children I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006 from Cathrin Funk-Vaughn aka Rebecca A. McNiel and John W. Vaughn care. The Warrant Cathrin Funk-Vaughn aka Rebecca A. McNiel was made up by detective Wayne Lawson on November, 12th 2006 but was not signed off on until November, 21st 2006 long after the time for holding someone for questioning had expired. Once Cathrin Funk-Vaughn aka Rebecca A. McNiel was able to make the five thousand dollar (\$5,000) bond seventy five (75) days later. Cathrin Funk-Vaughn aka Rebecca A. McNiel, John W. Vaughn and miner children I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006 had lost their home and all their positions in their home state of Oregon do to the fact that Cathrin Funk-Vaughn aka Rebecca A. McNiel, John W. Vaughn and miner children I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006 were on a month to month lease and could not get out of jail to make any payments on their home. The Court then ordered that Cathrin Funk-Vaughn aka Rebecca A. McNiel did not leave the state of Tennessee even with the evidence in another state (Oregon) proving her innocence of any wrong doing. On March 13th 2007 Cathrin Funk-Vaughn aka Rebecca A. McNiel was told by John D. Driver that if she did not sign a diversion charge that she would never see her children again. Do to the fact Cathrin Funk-Vaughn aka Rebecca A. McNiel was being forced under Duress to sign the diversion charge she signed it with the name on the paperwork Not her legal signature at the time. The Juvenile court of Murfreesboro Tennessee refused to return I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006 to Cathrin Funk-Vaughn aka Rebecca A. McNiel and John W. Vaughn or transport the miner children back to their Home State of Oregon or transfer there care to any family member. On December, 17th 2008 the Juvenile court of Murfreesboro Tennessee was notified that Jurisdiction did not fall in their court and that Oregon had

Jurisdiction over the minor children in question. On December 18th 2008 The Department of Children Services sent a woman names Angela Brown out to Cathrin Funk-Vaughn aka Rebecca A. McNiel and John W. Vaughn home that they were forced to obtain in the state of Tennessee with papers to try to get Cathrin Funk-Vaughn aka Rebecca A. McNiel to sign over her parental rights after Cathrin Funk-Vaughn aka Rebecca A. McNiel demanded that Angela Brown leave, On January, 1st 2009 Cathrin Funk-Vaughn aka Rebecca A. McNiel had a sealed indictment for Retaliation on past actions taken out on her even though she had never been found in attempt of court by Judge Davenport during this entire time of the ongoing persuading's. Once this took place the Juvenile court of Murfreesboro Tennessee then had a Judge come down from Eastern Tennessee to remove the parents rights. During this time John W. Vaughn was told that he was nothing to A.W.V. D.O.B. 09/23/2006 and was never given an attorney even with John W. Vaughn being the legal father on A.W.V. D.O.B. 09/23/2006 birth certificate. John W. Vaughn has asked for the return on his son A.W.V. D.O.B. 09/23/2006 since his parental right were NOT removed and the Department of Children Services refuse to return A.W.V. D.O.B. 09/23/2006 to him. The Department of Children Services and the Juvenile court of Murfreesboro Tennessee knew how to contact John W. Vaughn from day one. A (DNA) test was performed on A.W.V. D.O.B. 09/23/2006 and Ronald Koehler and it came back Ronald Koehler was the biological father of A.W.V. D.O.B. 09/23/2006. Ronald Koehler asked for a change of venue to Jacksonville Florida, Visitation and a permanency plan be put in place by the Department of Children Services and the Juvenile court of Murfreesboro Tennessee. Judge Davenport told Ronald Koehler he had no say in the matter A.W.V. D.O.B. 09/23/2006 belonged to the Juvenile court of Murfreesboro Tennessee. (Ronald Koehler was not notified until almost one year in to the

court proceedings) Kevin L. Johnson had court ordered visitations on I.R.J. D.O.B. 11/16/2001 and was also a resident of the state of Oregon. Kevin L. Johnson Requested a change of venue back to Oregon and full custody of I.R.J. D.O.B. 11/16/2001. The Department of Children Services and the Juvenile court of Murfreesboro Tennessee refused to transport or I.R.J. D.O.B. 11/16/2001 transported across state lines back to Oregon. (Kevin L. Johnson was not notified until one year in to the court proceedings and had no idea his son was in CPS care)

On November, 18th 2009 The Department of Children Services admitted to Judge David R. Farmer in the Supreme Court of Appeals located at 401 7th Ave North Nashville, Tennessee 37219 under case number N2009-00411-COA-R3-PT that they knew and were given evidence that proved that Cathrin Funk-Vaughn aka Rebecca A. McNiel was not starving her son A.W.V. D.O.B. 09/23/2006 as stated on removal of her children I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006. This evidence also proved that Cathrin Funk-Vaughn aka Rebecca A. McNiel is in contempt of the charges placed against her by the Tennessee Courts in Murfreesboro Tennessee and therefore the minor children I.R.J. D.O.B. 11/16/2001 and A.W.V. D.O.B. 09/23/2006 should have never left Cathrin Funk-Vaughn aka Rebecca A. McNiel and John W. Vaughn care.

REASONS FOR GRANTING THE PETITION

- (I) This case will not only impact the parties at hand but the entire nation.
- (II) The laws that are in effect do not clarify if a State other than the parents / legal guardians "Home State" can hold a child/ren outside of the Home State. This makes it where the Department of Children Services can seize any child/ren from another state at any time without any recourse for the parents / legal guardians and the child/ren in question.
- (III) Parents / legal guardians should not fill or be threatened for seeking medical help for their child/ren. There is no law in effect that gives parents / legal guardians a safe haven from harassment or removal of the child/ren by the Department of Children Services when seeking medical treatment for a minor child/ren or the parents / legal guardians.
- (IV) The laws and the United States Constitution speak for themselves but the lower courts do not want to rehear this case due to jurisdictional questions on if they can hear the case or not. So, after almost 13 years it has made its way to your honors court for a request of review.

- (V) This is happening nationwide to Parents / legal gardens and there minor child/ren and we are in desperate need of clarification from the higher courts on this matter.
- (VI) From what we have learned there is no time frame for the Department of Children Services to take your child/ren and not give them back if you have your parental rights. If an individual did this it would be considered kidnapping. Their needs to be a time frame placed on the Department of Children Services to return children back to their Parents / legal gardens.
- (VII) We as a nation are in desperate need for clarification from the higher courts to hear this case to find out if the Department of Children Services and the Juvenile Court fall under the (UCCJEA).
- (VIII) We as a nation are in desperate need of clarification from the higher courts to find out if the Department of Children Services has a right to harass Parents / legal gardens seeking medical treatment for their child/ren.
- (IX) We as a nation are in desperate need from clarification from the higher courts to find out if we can obtain a jury trial in the Juvenile Courts.

It is for these reasons that we honorably request your assistance in this matter.

CONCLUSION

The petition for writ of writ of certiorari should be granted.

Respectfully submitted,

Catherine Fink-Vogel aka Rebecca A. Vogel

Date: June 17th 2019