

No. 19-410

In the
Supreme Court of the United States

IN RE RICHARD J. FIELDS,
Petitioner.

On Petition for an Extraordinary Writ of Mandamus
to the New York Court of Appeals

PETITION FOR REHEARING

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PETITION FOR REHEARING

I am requesting a rehearing for case No 19-410, *Richard J. Fields vs. Diana Palmeri* because the will they probated was made by perjury and forgery. They have no evidence to prove that they deserved Sydney Fields' nine million dollar estate.

I. JUDGE MELLA SERIOUSLY ABUSED DISCRETION

Judge Rita Mella ignored the testator Sydney Fields' statement that he could not read. The statement was recorded by tapes provided by Vanguard and was supported by a doctor's note. Just because the will drafter Edward Curtin and his wife mentioned a magnifying glass Judge Mella assumed that Sydney could read. She considered the Will execution was duly even though Curtin admitted that he never read the will aloud in front of the witnesses. The Due Process under the 14th Amendment was seriously violated.

1. She ignored a forged initial which resulted in switching the page with all the deposition terms. She simply said: "there is no requirement that a testator initial the pages of a will for it to be valid." (App.18a line 1-line 3)
2. She supported the Palmeris because the Fields family did not contact each other for many years. She disregarded the exception our law shows to the mental ill which affected this case and abuses discretion.

II. RESPONSE FROM ATTORNEY GENERAL OF NYS, FROM ALL THE COURTS AND FROM THE RESPONDENTS

Without the testator's explanation the 2014 will cut Sydney's 3.5 million dollar donation to \$1,500. Five relatives of Sydney's third wife (she predeceased him) took over all Sydney's nine million dollar estate and left the Fields family nothing.

A letter from the Attorney General of NYS, signed by Eric T. Schneiderman said that: Sydney H. Fields at the end "was forged and written by Diana Palmeri or by some other person or persons acting independently or in concert or in private with Diana." "A trial by jury of the issues raised by these objections is hereby demanded." (App.22a line 5) Our discovery shows the will was falsified by a forged initial on the page with the deposition terms. They made a forged document to support the terms and committed perjury to support an unduly will execution.

They told this court that the case was over since we did not appeal the Surrogate's Court's Decree of Probate before the deadline. The fact is that they sent the decree to our formal lawyer and we knew it after one month. We did make our appeals in time and had a statement from The New York Court of Appeals "Such (appellate) order does not finally determine the proceeding within the meaning of the Constitution." The New York State Court admitted that their decision "does not finally determine the proceeding within the meaning of the constitution." Now the Supreme Court of the United States simply notified us that our petition is denied.

In the Brief of October 28, 2019 Respondent's lawyers hardly discussed arguments in our brief because they dared not and did not want to support perjury and forgery for a legal fee. Besides announcing the case was already over they talked about "probate exception" (Court's jurisdiction in 1946). We found a case (*Marshall v. Marshall*, 547 U.S. 293) which made this Court state in 2006 that probate exception seemed to have arisen from a "misty understanding of England legal history".

Respondents ignored my mental status and continued using my father's words in 2006 to attack me. They successfully let this court deny my petition on the date of Dec 9 when I receiving psychiatric treatment in Brookdale Hospital.

I feel that I merely talked to the wall all these days. I heard no voice from the law but perjury from the Respondents and the simple rejections from the clerks in the courtrooms. Still I ask for a rehearing here. A nine million dollar probated estate maybe is too insignificant to get your attention but it is big if a case relates to the reputation of our legal system. My brief to this court will be, along with your decision, published as a book by a company from London.

III. PSYCHIATRIC ILLNESS MADE MY FAMILY LOSE CONTACT

Without valid evidences judges believed Palmeri deserved Sydney' money simply because the Fields family did not see each other for twenty years. Understanding Sydney's family background thus is crucial.

Sydney Fields was born in 1918 one day after his father died. Flu then killed 26 million people in the

world at that time. Doctor Groginsky risked his life to help this family and he signed both the death and birth certificates. Growing up with his grandfather Sydney knew how close the relationship between the grandfather and the grandchildren could be. Knowing the sadness of not having a father, Sydney worked very hard to bring his family to the middle class. Unfortunately his first two wives were mentally ill and messed up the family relationship. As a guardian he sold the first wife's house and kept the money. He made the second wife surrender all her salary within an 8 year marriage and paid no alimony when he divorced her. The fund he collected from his ex-wives actually created part of his over 9 million dollars assets which should go back to the children of his ex-wives. The pattern in which Sydney treated his women determined that he wouldn't give all his assets to the relatives of Teresa particularly when his legal obligation to her was ended due to her death.

In 1991 Sydney sent me to a mental hospital when I expected he sent me to law school. Since then I broke up with him. I wrote letters and sent pictures, holding guns, to harass my father and my half-brother, Kenneth. Noticing my mental problem my father refused Kenneth's demand of ending the relationship with me. He did not want to abandon any of his children and end up he lost all of them, the New Jersey court deprived his right to visit Kenneth's children. (App.172a-188a) Palmeri is able to take all Sydney's asset is basing on such a sad situation.

IV. SYDNEY MADE WILLS IN THREE DIFFERENT TIMES

After losing contact with his family members Sydney made wills in three different times.

In 1997, one year after receiving my harassing pictures, Sydney drafted a will. He let Teresa handle his funds but after Teresa died he left 65% of his assets to his grandchildren and 35% to the charity. He gave me something but nothing to Kenneth who forced my father to end the relationship with me. The fund for Palmeri's family was less than \$70,000.

In 2004 Sydney altered his will but it looked like Teresa was the one who contacted Curtin (Starting from the 2006 will Curtin mentioned the testator is a woman not a man.) As a wife Teresa did not want to eventually give all the funds back to the Fields family and the charity as the 1997 will said. Being unduly influenced and in duress by having his eyes blind day after day, Sydney had no choice and let Teresa actually own 50% of his assets. However that money must only be forwarded to Victor not to any other Palmeris. In the 2006 will he had a harsh statement stopping anybody from touching his money because he noticed the ambitions of someone behind Teresa (App.142a line 4-whole paragraph) He gave nothing to the other Palmeris, only \$5,000 to each of their children. He put Lewis Fields as his direct beneficiary and the donation fund was maintained at 50%.

After Teresa died Sydney did request a will altering. A few days before signing the will Sydney planned to close all the joint accounts he had with Teresa. To prevent Diana from knowing this he insisted Vanguard's broker travel from Philadelphia to help him fill out the forms (App.56a) After the will was signed and a half year before he died Sydney insisted limiting Diana's POA to only one account. (App.61a) He preferred to close all his accounts and finally got an

exemption from Vanguard. Actions he took did not agree with what the probated will said, he gave all his money to the Palmeris.

Curtin told us that the 2006 will and 2014 will had the same pattern and they do not. The 2014 will divided 100% of Sydney's estate with the five Palmeris, left the charity and Lewis Fields nothing. The 2006 will inherit only 50% and that money must be forwarded to only Victor. 50% goes to charity.

V. THE 2014 WILL WAS BACK UP BY CURTIN'S PERJURY

In the whole process all we heard were Edward Curtin attesting. He made three major affirmations to support the 2014 will. Being questioned he later dismissed his affidavit but those affirmations were still quoted in all their motions.

Curtin claimed that "in the previous, superseded will, Sydney had left the bulk of his estate to his wife Teresa Fields, but when she died in Sep of 2014 Mr. Fields . . . provided for his residuary estate to be distributed amongst members of his deceased wife's family, whom he had come to embrace as his own family. (App.160 a line 3-line 10)

Curtin used the word "bulk of" to change Palmeri's share from 50% to 100% of Sydney's estate and had not reference for what he said.

The relationship of Sydney and Palmeri was also perjury. He had no proof about such a close relationship. In his deposition Curtin admitted that the saying was only his opinion. (App.81a line 5-line 10) That

position made Judge Mella release the will because he made it as attesting.

Respondent did not have even a piece of paper or tape to prove their close relationship with Sydney. They found witnesses attesting that Sydney loves the Palmeris more than he loves his family. However, none of them could explain why Sydney loved the Palmeris so much, gave his wife 50% but gave these nieces 100% of his assets.

According to Diana Palmeri's deposition, most of the beneficiaries lived far away from NYC and Sydney hardly saw them in the last two decades. For forty years Sydney never traveled with any of them and never stayed over-night in their NJ home. (App.70a-71a) Sydney's harsh statements in the 2006 will clearly reflected his relationship with those people (App.142a line 5) without a valid proof, Edward Curtin's attesting about Sydney giving all his estate to Palmeri was perjury.

VI. THE WILL EXECUTION WAS UNDULY FOR A BLIND MAN

Curtin's credibility is questionable. It can tell from his beginning affirmation which hid Sydney's vision problem (App.159a 2.) Judge Mella accepted all Curtin's attesting because he acted as the will drafter and a nonbeneficiary. (App.13a line 9-15)

Curtin is a retired lawyer, living in a rental apartment with only two bedrooms. He has no office and no secretary but had a witness, his wife to mentioned a magnifying glass. He also claimed that Sydney used that magnifying glass to read the Will (App.76a-79a) Such a claim was not supported by the other witness,

their neighbor. "Sydney could read" obviously is a perjury because a few days before signing the will Sydney clearly announced that he could not read typed words even with a magnifying glass. His statement was recorded on an audiotape by Vanguard (App.56a) and was backed up by a doctor's note. (App.43a line 2)

Judge Mella assumed Sydney could read just because the magnifying glass was mentioned. (App.16a line 6) She considered the Will executed was duly even though Curtin admitted that he never read the will aloud in front of the witnesses. (App.79a-80a, 85a-86a) The 14th Amendment related to due process was violated and Mella abused discretion obviously.

VII. THE 2014 WILL RELIES ON FORGED DOCUMENTS

No one knew what was in the will except Curtin. All the deposition terms were put on the same page and switching that page can falsify the whole will. Our handwriting expert has confirmed that the initial in that page was forged. However, the respondent's lawyers convinced the judge to ignore the forger because "There is no requirement that a testator initial the pages of a will for it to be valid." (App.18a line 1-line 3)

The only reference document they presented is a piece of paper. Judge Mella recognized it simply by mentioning it: "Here, the attorney-drafter testified that the dispositive terms of a proposed instrument were provided to him by decedent himself and confirmed those dispositive provisions of the will orally to decedent shortly before execution." (App.16a line 17-line 22).

That paper had only numbers and names. It had no date, no stamp, no signature and mentioned nothing

about will altering. Moreover, that note was written with a strong stroke in a straight line identically. It did not look like it was written by a 96 years old blind man who can hardly control his pen. It looked like it was printed and pasted with a computer. (App. 122a)

The most of all such a "backup material" needed to be supported by three Curtin's affirmations: 1. That instrument was handed it to him by Sydney orally and only by Sydney. 2. The number meant the distributions of Sydney's assets. (App.87a) 3. Those numbers are off from the distributions in the will because Sydney told him to update them on the phone. Again Curtin had no video or audiotape to support what he said. (App.83a) A will all relying on Curtin's attesting were accepted by Judges in our courtrooms.

VIII. WHO TOLD CURTIN ANA'S ADDRESS IN THE WILL IN ECUADOR

Another perjury Curtin committed about an aide. He attested that it was an aide who took Sydney to the law office. However, he and his witnesses could not describe anything about the aide (age, skin color and so). Actually as a beneficiary, Diana admitted that the first time she met Curtin was in the Will signing. She then changed it to Will reading and Curtin said there was no Will reading at all.

Curtin make the Judge believe that "The beneficiaries had no direct involvement in the preparation of the execution of the will". (App.15a line 1-line3, 16a line11-14)

A question then raising up here: The note that Sydney handed in to Curtin with only names and

numbers on it. Who told Curtin about beneficiary Ana Garzon Yepez's address in Ecuador: Francisco Oliva Oe3-73 y Cap. Edmundo Chiriboga Case # 46, Quito Ecuador. How could Sydney remember such a complicated address and repeat that accurately to Curtin on the phone?

IX. NO REFERENCE ABOUT SYDNEY'S WORDS IN 2014

All the crucial things related to this will were based on Curtin's affirmations. However, Curtin was not trusted by Sydney. Vanguard's telephone conversation showing Sydney looked panicky when the broker asked him to get help from his lawyer to fill out the form related to the fund transfers. (App.59a) He never let Curtin know how much assets were involved in his will.

In their briefs of October 28, 2019 they did not discuss arguments we present and simply attacked me with words my father said in 2006. In Curtin's deposition he admitted that there was "no provision referenced" He just said those are "at Sydney's express direction." (App.89a) and he did not make a tape recording of what my father said in 2014.



CONCLUSION

The 2014 will solely relied on Curtin's attesting and Curtin's reputation is questionable. He hid Sydney's vision problem in the very beginning and he still refused to admit that I harassed my father due to my being mentally ill.

- They committed perjury by saying that Sydney could read with a magnifying glass and insisted that the will execution was duly even though Curtin did not read the will aloud in front of the witnesses.
- They used a forged initial to switch the page with the deposition terms and falsify the whole will. They said a will does not need the testator's initials to make it valid.
- They made up an instrument to support the will. That instrument looks like written by a 96 year old blind man. The instrument itself needs Curtin's attesting to back it up.
- It is impossible that Curtin knew Ana's address without her involvement and he told us no beneficiary was involved in the 2014 will altering.
- They dismissed Sydney's autobiography and audiotape provided by Vanguard with the testator's voice, New Jersey court papers, and doctor's note. They even dismissed the affidavit and deposition they made. (Their App.1a-5a) Dismissing the original evidence means they

are criminals who tell lies to steal nine million dollars.

Blood is thicker than water particularly for the background that my father had. I was in and out of psychiatric hospitals all these years and lost shelter three times. I didn't contact my father because I did not want to bother him.

If you don't think our law should exempt psychotic behaviors related to probate you should at least make the respondent prove how Sydney loves the Palmeris and how he hated his children due to things that happened 20 years ago. We need to what Sydney actually said in 2014 just like the tape Vanguard provided to us. We don't want Curtin's affirmations that might bring him a few millions dollar bribe.

I am living on SSI now and the Government will at least spend two millions dollars on me in the next 30 years. It makes no sense that you let criminals step on a disabled person in the courtrooms, steal his father's money, steal the college money, and steal the government's money just because Edward Curtin said so and Judge Rita Mella believed so.

Respectfully submitted,

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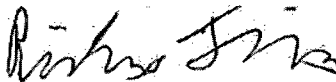
JANUARY 2, 2020

RULE 44 CERTIFICATE

I, Richard Fields, petitioner pro se, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. This petition for rehearing is presented in good faith and not for delay.

2. The grounds of this petition are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

A handwritten signature in black ink, appearing to read "Richard J. Fields", is written above the printed name.

Richard J. Fields

Executed on December 27, 2019