

19-5898

No. _____

Supreme Court, U.S.
FILED

AUG 19 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Danny Howell III — PETITIONER
(Your Name)

vs.

Duane Southerland — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Tennessee Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Danny Howell III
(Your Name)

2439 Laurelburg Rd.
(Address)

Rock Island TN. 38581
(City, State, Zip Code)

NO PHONE
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- ① Have the low inferior courts of Tennessee wrongfully granted "adverse possession" of my 1.329 acre section of land [the southern dispute area]?
- ② Have they wrongfully ignored my written defense, thus violating Amendment XIV, Sec. 1 of the Constitution of the United States of America?
- ③ Have they ignored or failed to correctly interpret case precedent?
- ④ Have they failed to govern impartially, thus violating my Fifth Amendment Right of "Due Process"?
- ⑤ By simply allowing me to enter the court room, yet not considering my written defense [that the courts accepted and filed], have they been discriminatory towards me, in violation of Civil Rights Act 1964, Title VII?
- ⑥ Have they Degraded me and the quality of my life, thus rendering me invisible by disregarding the Wisdom and Intent of The Declaration of Independence, P2.?
- ⑦ Have they failed, on every level, to provide good true and correct Justice?
- ⑧ Have they abused and hurt me?

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:

RELATED CASES

*Southerland v. Howell NO. 1371
Chancery Court, Van Buren County, Tennessee
Judgment entered July 18, 2018.*

*Southerland v. Howell NO. M2018-1427-COA-R3-CV
Tennessee Court of Appeals, Middle Division at Nashville.
Judgment entered April 30, 2019.*

*Southerland v. Howell NO. M2018-1427-SC-R11-CV
Tennessee Supreme Court
DENIED July 17, 2019.*

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the APPEALS court appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was July 17, 2019.
A copy of that decision appears at Appendix C.

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Declaration of Independence #2

The inferior low courts of Tennessee have violated the Wisdom, Intent and Guarantee of each citizen created equal to have unalienable Rights of Life, Liberty, and the Pursuit of Happiness. In this, they have Degraded my life, by wrongfully taking from me a 1.329 acer section of my land, and giving it to another man, even though adverse Possession requirements were not met. My land my home, is my life dream, my life work. They have wrongfully taken from me, all the Happiness of my life, because they did not protect and uphold my Citizen Rights.

The Constitution of the United States of America.
Amendment XIV, Sec. 1

which states in part "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"

The inferior low courts of Tennessee have violated my Right to "Equal Protection" because they did not give equal consideration to my Defense, as they did for my opposition. Additionally, with no requirements of adverse possession having been met or satisfied, they have wrongfully taken from me 1.329 acres of my land. My privilege to be protected by our Written Law, Case Precedent, and Federal Doctrine has been violated.

One important objective of our Government is to maintain courts that interpret "written law" "case precedent" and "federal doctrine" correctly, and thus rule fairly.

I have provided a large amount of clear definitive conclusive overwhelming information to the courts, and I submit to the U.S. Court, that it is irrelevant to our legitimate government that my method of providing information is disapproved of by the low courts.

My Right to "Due Process" under the Fifth Amendment has been violated.

Due Process Clause "requires states to govern impartially — not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective."

The Civil Rights Act 1964, Title VII

which states in part "to enforce the constitutional right to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations"

The court is a public accommodation of which I have been denied equal and fair consideration.

Simply accepting my defense papers and allowing me to enter the court room, yet not giving full impartial equal consideration to my defense, is denying me full use and intent [Justice] of public accommodation [the Court] thus in direct violation of Civil Rights Act 1964, Title VII.

Tennessee State Law on Adverse Possession.

For full explanation, see pages 13
of my "Reasons for Granting" section.

Tennessee Code Annotated section 28-2-110
LAND TAX

For full explanation, see page 18
of my "Reasons" section.

STATEMENT OF THE CASE

This is a case about Adverse Possession [Land]. In 2015 I noticed a man had nailed some fencing to my trees. My land had been surveyed and marked in 2012, so I knew exactly where my boundary line was. This fencing nailed to my trees was clearly well into and on my land, so I removed the fencing. The man who had wrongfully nailed fencing to my trees, then sued me, as if I had done something wrong. — This man [Southerland] got a lawyer [Austin] and together, with many lies, they convinced the trial court to wrongfully take my 1.329 acres of land from me. This even though no requirement of adverse possession had been met. They abused and hurt me. They violated: The U.S. Constitution, Amendment XIV, Sec. 1. Amendment V. The Declaration of Independence P2. Civil Rights Law, Title VII. Adverse Possession Written Law requirements. Adverse Possession Case Precedent.

STATEMENT OF THE CASE

I was given three days notice, before the June 25, 2018 trial [case 1371] for my 1.329 acre section of land [sadden dispute area]. Proceedings were non-jury. Having already handed in many pages [about 100] of my written response and defense, all of which were accepted, filed and viewed by Judge Stanley; For my opening [and only] statement, I stood up, addressing Judge Stanley, and cited reliance on all of my submitted information. My written defense information disputed refuted and rendered meritless all claims of my opposition.

The Stanley court ignored the fact that I, [because I have no money for a lawyer] as a pro se representative of myself, have the Constitutional Right of Equal Protection, and thus my defense information must be considered by the court, just as information from my opposition was considered.

Otherwise, consideration is unfair, unequal,
thus Amendment XIV, Sec. 1 violated.
Furthermore, Amendment V provides for me
the Right to not speak, if I so choose.

Additionally, Amendment V Due Process
Clause provides that the court must
demonstrate impartiality. The Stanley court
was in violation of both Amendment XIV
and V.

Also, simply accepting my defense
papers and allowing me to enter the
court room, yet not giving full impartial
equal consideration to my defense infor-
mation, is denying me full use and
intent [Justice] of public accommodation,
[the court] thus in direct violation of
Civil Rights Law 1964, Title VII.

REASONS FOR GRANTING THE PETITION

The overriding and primary issue of importance is this:

The inferior low courts of Tennessee have not abided by Written Law, Case Precedent, nor Federal Doctrine. These factors by which America claims to be the most advanced. Our court system, with its consideration and fairness to each citizen is the Creed and Honor our founding fathers set forth.

And this is the question:

Are courts required to abide by our Written Law, Case Precedent + Federal Doctrine? Unless these factors have become meaningless, discretionary authority of The Federal Supreme Court is needed to repair and restore; thus Reverse and Overrule this failure of Justice from the low courts.

Reasons for Granting the Petition

The inferior low courts of Tennessee have ignored Written Law, Case Precedent, The Declaration of Independence, The Constitution of the United States of America, Civil Rights Act 1964 Title VII Law.

They have failed, on every level, to provide good true and correct Justice. They have abused and hurt me, when I looked to them for protection of Citizen Rights.

They have allowed flagrant lies and Obstruction of Justice by Thomas K. Austin [lawyer for Appellee] into the court, and further allowed corruption to destroy the very purpose of the court; then allowing all this to be written into decision judgment order and mandate, they have encouraged and promoted the malicious disinvestment all guaranteed Rights of this citizen.

It is important that the Federal Supreme Court exercise discretionary jurisdiction to reverse and overrule the low courts of Tennessee. Because what these courts have put forth is the opposite of Justice.

Written Law of Adverse Possession [Tennessee]

1. actual and exclusive holding of the land in question
2. open, visible and notorious holding of the land in question
3. continuous use of the land in question
4. hostile and adverse holding of the land in question
5. well defined borders
6. Paying of Taxes or having "Color of Title"
7. Twenty year time requirement of having held without "Hiatus", the land in question

No requirement of Adverse Possession has been met by Appellee nor Predecessor, and they have no definitive conclusive proof otherwise.

All requirements of Adverse Possession must be met, in order for granting of such. Neither Appellee nor Predecessor ever had any type of residence on the land. There was no "continuous use". There was no farming of any kind [cattle or otherwise]. There were no well defined borders or fencing in good condition. There was no upright fencing at all, only random strands of wire here and there. Predecessor was rarely on the land at all, sometimes going years without even setting foot on the land [Hiatus]. Predecessor owned the land [east of my land] for only 19 years; Appellee only since 2013. Therefore because of "Hiatus", no continuing of ownership between Predecessor + Appellee can be used to get the necessary 20 years of time.

[Ferguson] "Successive possessions, or tacking, may be utilized to establish the requisite period of years if there is no hiatus."

On [page 6 Opinion. April 30, 2019.
Judges Eriney Clement Armstrong cite & quote
Cooke v. Smith] "When an adverse possessor
holds the land for a period of twenty years,
even absent any assurance or color of
title, the title vests in that possessor."

Please notice the word "possessor". This word
is singular — thus indicating that
one owner of land must hold that land
for twenty years.

Also, [Ferguson v. Prince] "Where one
has remained in uninterrupted and
continuous possession of land for 20
years, a grant or deed will be presumed".
Please notice the word "one", and it is clear
that one person must satisfy the twenty year
time requirement.

Also, [Thompson] "When all elements of the doctrine are present create an actual ownership interest."

I submit to The Federal Supreme Court, all elements of adverse possession doctrine were never present, from predecessor nor appellee.

Predecessor of Appellee was rarely on the land at all [Hiatus], therefore any claim to my 1.329 acre section of land was certainly not actual and exclusive, open, visible, notorious, continuous, peaceable, hostile or adverse.

It was not "actual" because predecessor of appellee was not physically on the land most of the time. It was not "exclusive" because, not being on the land most of the time makes it impossible that he could have been the only one on the land.

It was not "open & visible" because not being on the land at all for years at a time, makes it impossible that he could have been doing anything on the land openly or visibly. It was not "notorious" because not being on the land for years at a time made it impossible that it was ever generally known by anyone that he was ever indeed actually on the land in question. It was not "continuous" because there were enormous time gaps between predecessor ever setting foot on the land in question. [Hister] It was not "hostile" because I myself never once saw him on the land at all, and I have been here, in my home, since 1997. — Therefore there was no Adverse Possession.
[unclear] 12/25/11

but, the court says it has to be open & visible to the public, not just to the neighbors. Hister's land was not open & visible to the public, so it was not adverse possession.

Obstruction of Justice was introduced to the trial court of Judge Stanley case 1371 by Thomas K. Austin wherein I was given only three days notice before the June 25, 2018 trial.

Before this, many lies were put forth to the Stanley court, by Thomas K. Austin, in written form. I give complete elaboration of these falsifications to the court [Jan 16, 2019 Brief to the court of appeals]. I also fully and completely elaborate on Criminal Acts perpetrated onto and against me, by Duane Southerland and Thomas K. Austin. Because I have only a limited amount of pages to submit, I ask the Federal Supreme Court to read my [Brief and Supplemental Brief to the Tennessee supreme court, May 20 and June 17 of 2019.]

One important objective of our government is to maintain courts that interpret written law correctly, and rule fairly.

I have provided to all courts, a large amount of clear information that is consistent with our written law. And I now submit to the Federal Supreme Court — that it is irrelevant to our legitimate government that my method of providing information is disapproved of by the low courts of Tennessee.

Furthermore, the low courts are in direct violation of Civil Rights Law 1964, Title VII which states in part "to enforce the constitutional right to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations." The low courts of Tennessee are a public accommodation of which I have been denied equal and fair consideration.

Simply allowing me to enter the court room or submit my defense papers, yet not giving consideration to my defense papers, thus minimizing me in every way, is most certainly denying me the full use and intent of the court [Justice].

On page 3, "Opinion", April 30, 2019.
Judges Swiney, Clement, Armstrong of the court of appeals Tennessee say:
"According to Defendants Answer, filed on September 22, 2017, he used a compass and tape to measure and change the property line"

Note to U.S. Court - There was no visible property line what so ever at this area.

I had provided information to the Stanley court [case 1371] in my answer: page 5 filed Sept. 25, 2017, that I could have gotten it wrong [honesty]. But here is my point...

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Danny Howell III

Date: August 19, 2019