

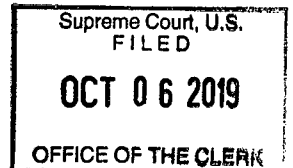
19-6395

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Vincent Alonzo Corson — PETITIONER
(Your Name)

VS.

Jankea Lashawn Corson — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third district court of appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Vincent Alonzo Corson

(Your Name)

Connally unit, 899 FM 632

(Address)

Kenedy, Tx 78119

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- 1) If it can be proven, leaving absolutely 'No-Doubt', that the relied upon convictions, in regard to a Termination of Parental Rights action, is unconstitutional, thus, unreliable, does deference & finality mandate the Trial court still rely upon said convictions.
- 2) Define what it means: Technical rules of civil procedure, as to practice & pleading, are not controlling factor, Best Interests of child is controlling factor.
- 3) Was the manner in which the instruction addition was denied in compliance with the law, or an abuse of discretion.
- 4) Was said instruction denial harmful to the petitioner.
- 5) Is there a 6th Amendment confrontational clause right in a termination or parental rights action.
- 6) Do the children have a constitutional right to the effective assistance of counsel.
- 7) If said effectiveness is raised at trial, does the trial court have a duty to inquire about said effectiveness.
- 8) Was the pretrial hearing to decide whether the children will attend to testify a meaningful opportunity for the petitioner to be heard.
- 9) As parties to the action, do the children have a constitutional right to have the effectiveness of their counsel raised on direct appeal.
- 10) With no evidence of a continuing course of conduct, nor of current danger to the children presented, were the crimes committed 4 yrs ago sufficient to terminate the petitioners parental rights.
- 11) Like the sight of shackles, is the sight of, unprovoked, yet, constantly moving sheriffs deputies, in front of the jury to block the petitioners path, prejudicial.
- 12) If the state fails to provide adequate methods for the effectiveness of the childrens counsel to be raised, should the petitioner be allowed to raise this issue on direct appeal.

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:

Petitioner- Vincent Alonzo Corson -- VAC

Respondent- Jankea Lashawn Corson (Wiggins) - JLW

Parties) --XAC

-- ITC

Courts

> 689 Judicial District, cause: 265,705-C

>Third District Court of Appeals, cause 03-18-00202-CV

>Texas Supreme Court, cause:No.18-1203

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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 A 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 _____ 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.

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 2/15/2019.
A copy of that decision appears at Appendix D.

☒ A timely petition for rehearing was thereafter denied on the following date: 5/10/2019, and a copy of the order denying rehearing appears at Appendix C.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including 10/7/2019 (date) on 8/13/2019 (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

>U.S.Const.VI.pt 2"The constitutiona , the laws of the United States...

shall be the supreme law of the land; the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary not withstanding."

>5th Amendment"No person shall be deprived...of life, liberty, or property without due process of law."

>6th Amendment"The accused shall enjoy the right...to have the assistance of counsel"

>14th Amendment"All persons born or naturalized in the United States, & subject to the jurisdiction thereof, are citizens...No state shall...deprive any person of life,liberty,or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws."

>VTCA,Family,107.002"Powers < Duties of...ad Litem for child."

>VTCA,Family,107.0045"Discipline of attorney ad litem"

>VTCA,Family,151.001(a)(2)""the duty of care,control,protection,and reasonable discipline of the child"

STATEMENT OF THE CASE

Question 1

...No Doubt...

Raised during 2/9/2018 hearing. (RR2/18-20:1-5,23-25;1-6)

Raised in motion for Retrial at grounds: 5(Denial of Right to present excuses for Acts or Omissions);8(Denial of Right to argue knowingly stipulation)

Raised on Direct Appeal & addressed in courts opin at pg. 20, lines 4-10.

Raised in Petition for review at ground: 3(The Trial Courts unrelenting reliance upon unconstitutional convictions...) Pet denied. Rehear denied.

Question 2

...Define...Technical...Best Interest...

Not directly argued, though stated in direct appeals Preamble of Appellants brief, & cited multiple times throughout said brief (App.Brf/pg 1,22,33)

Raised in Petition for review at ground: 4 (Focused on JLW not the children)

Question 3

...Instruction addition...

Raised during 11/27/2017 hearing.(RR1/37:13-17)

Raised at 2/19/2018 hearing.(RR2/12:13-17;16-17:25,1-17;18:3-4,10-14,18-21;19:2-3;23:20-25;24:7-9)

Raised in motion for retrial at ground:13(Denial of Best interest criteria...)

Raised on Direct Appeal & addressed in courts opinion at pg. 18-19 (We conclude taht the Trial Court did not abuse it's discretion.)

Raised in Petition for Review at ground:2A (Trial Court abused his discretion... instruction) Pet denied. Rehear denied.

Question 4

...nstructions...Denial...Harmful

See question # 3. Same references apply.

Question 5

...Confrontation Clause...

Raised during 2/28/2019 hearing. (RR3/52-54;194;21-25;1-2,6-14,24-25;1-7;2-16)

Raised in motion for retrial at ground:29 (Demial...children...testify)

Raised on Direct Appeal & addressed in courts opinion at pg.17 (VAC cites confrontation clause, but it's protections do not apply)

Raised in Petition for Review at ground: 5B (Confrontation Clause) Pet denied. Rehear denied.

Question 6,7,9,12

...Effective Counsel...

Raised during 11/27/2017 hearing. (RR1/30-32:6-5)

Raised on Direct Appeal & addressed in courts opinion at pg. 21 (VAC does not have standing to complain about alleged deficiencies...)

Question 8

...Meaningful opportunity to be heard...

Raised during 2/28/2018 hearing. (RR/52-54;194;21-25;1-2,6-14,24-25;1-7;2-16)

Raised in motion for retrial at ground:2 (No...valid finding that their safety...)

Raised on Direct Appeal & addressed in courts opinion at pg. 17 (VAC, however, has cited no authority...we overrule his...)

Raised in Petition for Review at ground:5A (Due Course of Law) Pet denied. Rehear denied.

Question 10

...No Evidence of continuing course of conduct...

Raised in motion for retrial at grounds:8&9 (No evidence...Insufficient evidence)

Raised on Direct Appeal & addressed in courts opinion at pgs. 5-10 (...Evidence was legally & factually sufficient)

Raised in Petition for Review at ground:1 (Evidence was...insufficient) Pet denied. Rehear denied.

Question 11

...Unprovoked...Sheriffs Deputies moving...

Raised in motion for retrial at ground:30 (Sheriffs unprofessional...conduct)

Raised on Direct Appeal & addressed in the courts opinion at pg. 19 (the record does not reflect improper conduct by sheriff...)

Raised in Petition for Review at ground: 6 (Sheriffs... conduct) Pet denied. Rehear denied.

Statement

VAC was an honorably served Army veteran of 3 tours to Iraq. He attended college at Temple college, &, until 10/25/2013, maintained a criminal history free criminal record. He alleges to have been a victim of an abusive- Mentally,Emotionally,& Physically -relationship at the hands of JLW for over 5 years, until their separation on 10/25/2013, & subsequent divorce on 7/25/2014.On 4/3/2013, VAC was charged with Child Endangerment/Abandonment,with intent to return, for leaving his children-XAC & ITC -home alone while he attended his classes at Temple college, which he alleges he was forced to do by JLW, though VAC claimed to have been at Wal-Mart at the time.On 6/20/2013, after JLW's 4th failed attempt to kidnap the children, VAC broke down & attempted suicide, wherein he crashed his vehicle into a guardrail & was ejected from his vehicle, through the front windshield, thereby sustaining a Traumatic Brain Injury (TBI), wherein, he was hospitalized in the mental health & rehabilitation section of the Temple, Tx Dept of VA, hospital. While in said hospital, VAC was diagnosed with:Neurocognitive disorder,Persecutory Delusional disorder, Bi-Polar disorder, Adjustment disorder, &Schizophrenia. Added to the list of diseases, VAC also suffered several substantial psychiatric/psychotic episodes, to include: hallucinations, hearing voices, & so-on. See(Pet.RR3.Exh 1-23) On 3/15/2014, after being compelled to purchase a gun by forces outside of VAC's control , he went to JLW's apartment to kiill the person he'd been convinced had kidnapped his children. After shooting JLW, & being arrested, VAC was assigned counsel who had no intention

on putting up any form of defense. The record before the court shows VAC's counsel never requested, nor reviewed VAC's medical records, though insanity was VAC's only possible defense. The record shows that counsel interviewed only one person, Jason Corson. The record shows that no expert assistance was requested on the issue of insanity. The record shows VAC's medical records weren't requested until after he'd already pled guilty, though counsel alleged to have reviewed said records before advising VAC to pled guilty. The record shows that none of the findings of fact & conclusions of law comport with the law, the evidence, the facts, VAC's allegations, or the constitution. All of this the record shows. However, the record does not show any other negative activities from VAC, other than his crimes. The record does not show any disciplinary issues. The record does not show any continued mental health related problems. No expert assistance on the affects of reintergrating VAC with the children was obtained, thus no evidence on any ground was presented. Finally JLW failed to Justify that the termination of VAC's rights would be in the best interests of the children.

REASONS FOR GRANTING THE PETITION

Preamble

Before VAC begins, see U.S. v. Cronin, 104 S.Ct 2039, 44, 466 U.S. 648, 54 (1984) "Truth" Lord Eldon said, "is best discovered by [Powerful] statements...", though, it is known that 'Cronin' dealt directly with the effective assistance of counsel, surely, the court could not conclude that counsel could use [Weak] statements & obtain the same results, thus, VAC, prays for this court's forgiveness, in advance, for, he must make several [Powerful], though appropriate, statements & requests this court not to feel attacked, or that VAC is maliciously attacking the integrity of the American Justice system (One he swore to protect from enemies, both domestic & abroad) as a means to an end.

Reasons

VAC, contends, though this court's "decisions often alluded to the imperative of judicial integrity; Peltier v. U.S. (95 S.Ct 2313, 422 U.S. 531 (1975))" Stone v. Powell, 96 S.Ct 3037, 428 U.S. 465, 85 (1976), it, subsequently, shot that imperativeness of that Judicial integrity, in the foot, when it further concluded "while courts of course, must ever be concerned with preserving the integrity of the judicial process, this concern has [Limited] force." idib.

Vac, contends, as the laws have, generally, have been interpreted, thus, enforced by this court, that, in the face of its conclusions & mandates in reference to 'Deference, Finality & Jurisdiction', all weighed equally, even in the face of clear & undisputable injustices (Corruption; manipulation & disregard of the law & constitutions), neither the United States, nor the many state constitutions, mean anything, for, as it is written, these "Judges in every state (that were) bound thereby" U.S. Const. Art. VI, are, in affect, powerless to uphold said mandates. The instant fact would be of no relevance, if not for the fact that this court dared to allow the rules & procedures that regulate a judge's duties, not to require (NON-

Discretionary) the compliance with the law. (Code of Judicial conduct, Canon 3(8) (2)" A judge [should] be faithful to the [Law]") though the U.S. constitution left no room for discretion. "The constitution, & the [Laws] of the United States... & the Judges in every state [Shall] be bound thereby."Supra, Const.id.

With the foregoing, VAC, alleges, it is only through an intentional indifference & disregard to the U.S. Conctitution & the substantial protections that it is supposed to provide, that the instant cause has made it to the highest court in the land ,thereby, VAC, contends, one of the most vital reasons for this court to grant a full, undiluted, review of the instant petition, is for said court to answer to the challenge of whether, or not, the U.S., Justice system is still in compliance with the United States Constitution, or has it completely folded.

Further, as it stands, how the Texas Law is written (A.E v. TDFPS(2014 Tex. App.Lexis 13726(Tex.App -Austin Dec.23.2014)))" A parent in a parental-termination case does not have standing to complain about alleged deficiencies in hhis children's... representation."), leaves failures to comply with the requirements of V.T.C.A,family 107.003 (Powers & Duties of Attorney Ad-Litem), unable to be addressed (V.T.C.A,family 107.0045 (Discipline of Attorney Ad-Litem) is meaningless since no-one can, by law, raise these issues), thus, violating the constitutional right to equal protections of the law (14 Amendment), of the children Ciolla v. State, 434 S.W.2d 948(Tex.Civ.App. -Hous[1 Dist]1968)"The 14the Amendment & the Bill of Rights, protects [minors] as well as adults.", thus, as provided by Evitts v. Lucey, 105 S.ct 830,469 U.S. 392(1985) The first appeal granted by the state is" a first appeal as of right", thus, as VAC had an entitlement to appeal the instant cause, so did the children, thus, the failure of the state to provide such a vehicle, mandates (AS the Protector of the children) Vac should be entitled to ensure his children, too, have an opportunity to excercise their Constitutionally guaranteed Rights.

As referenced in the first instance of Reasons Ante at pg 8, VAC, alleges, yet again, he can prove & leave No-Doubt, that the Trial Court disregarded any & all

all proper applications of the law (In re EM, 494 S.w.3d 209,14(Tex.App.Lexis 5490)"To be proper, an instruction must:1) Assist the jury,2) Accurately state the law, & 3)find support in the pleadings & the evidence."), thereby, pursuant to Cir v. Cummings, 134 S.w.3d 835(Tex 2004), the test for an abuse of discretion is "whether the Trial Court acted without reference to any guiding rules & principles", thus, the conclusions reached by said court that he would not "hand tailor" a charge "thats never been tested before" (RR2/24:7-9) & that he had no intention on "reinventing the wheel" (RR1/37:13-17) all confirmed (leaving absolutely No-Doubt!) undisputably, that said court disregarded the law EM Supra.id. However, instead of addressing this undisputable fact, the court of appeals avoided the issue & simply stated "Based on our review of the record, we conclude that the Trial Court did not abuse it's discretion." (Courts opinion at pg 19:5-6), thus, again disregarding their duty to judge what happened in the court, & not what they felt should've happened, an unacceptable practice. See Cir idib,"The test for an abuse of discretion is not whether, in the opinion of the reviewing court, the facts present an appropriate case for the Trial Courts action...", however, with so little oversight, the lower courts are, unfortunately, doing as they please. ("Powerful statements" Cronic Supra.id.)

As not to kick a [Dead] horse when it's down, finally, he broaches the primary topic of debate- the issue the lower courts should've requested this court to resolve, instead of simply ignoring it- in respect to the constitutionality of the United States Justice system.

For reasons VAC, cannot, begin to understand, this court, through it's opinions & mandates (Deference, Finality & Jurisdiction) has intentionally tied the hands of every judge & justice of every court below it, thereby, leaving the many protections of the many constitutions, themselves, left unprotected, thus, inaffected, defenseless, to the few unethical members of the court. (Not only judges, but of the whole court.) The instant cause,& the criminal convictions it relies upon,

are prime examples of the force of these statements, if only allowed to plead them thoroughly.

VAC, alleges, he can show, prove & leave absolutely No-Doubt, that the criminal convictions relied upon by the Trial Court, to terminate VAC's parental rights, was not obtained in accordance with the law, facts or constitution; that the proceedings designed to review the validity of said convictions were but the pretense of judicial review, a mask & a mockery of justice. See (RR3/Pet.Exh:45-57 - Findings of Fact & Conclusions of Law), though, each court (District-265-705; Court of Appeals-03-18-00202-cv; Court of criminal appeals-86-912-01,-07; Western district court; Texas Supreme court-18-1203; & the 5th Cir Court of Appeals) this issues has been brought before has, thus far, turned a blind eye to this injustice, thereby, neglecting their constitutionally mandated duty & obligation, to uphold the Constitution & the laws therein. State v. McPherson, 851 S.w.2d 846,53 (Tex.Cr.App. 1992)"Compliance with the [Supremacy Clause] may [Not] be excused by the omission of the legislature.", thus,"This Constitution & the laws of the United States, [Shall] be the Supreme law of the land; & the judges in every state [Shall] be bound thereby, anything to the contrary not with standing."U.S.Const.Art VI., thus, the failure to comply with this law of the land has, not only violated]the constitutional Rights of VAC by wrongfully imprisoning him, they have now violated the childrens Rights by destroying the bonds of their family, without Due Process of Law.

VAC, alleges, the lower courts need guidance from this court, in respect to whether or not the 6th Amendment Right to Confrontation applies to a Termination of Parental Rights suit. See (Crt.opp.pg 17-18,"VAC cites the Confrontation Clause, but its protections do not apply in the context of this civil suit"), however, in cause In re SP,168 S.w.3d 197(Tex.App.-Dallas 2005) the court concluded that these Confrontation right, in the context of a Parental rights action, did apply. They further concluded that,"Some courts have refused to consider Confrontation

Confrontation clause challenges in suits affecting the parent-child relationship because the proceedings are civil & not criminal. *Ochs v. Martinez*, 789 S.w.2d 949, 51(Tex.App-San Antonio 1990); *In re CW*, 65 S.w.3d 353, 54(Tex.App-Beaumont 2001)... other courts have recognized that the Right of cross-examination is normally part of the meaningful hearing requirement inherent in the principles of Due Process of Law. *Goldberg v. Kelly*, 397 U.S 254, 69, 90 S.ct 1011(1970); *In re MS*, 115 S.w.3d 534, 47-49(Tex.2003)", wherein, the court concluded that, without the guidance from the United States Supreme Court, on this issue, the courts would continue to rule on this topic, differently.

VAC, contends, the relevance of all of the foregoing is, during JLW's testimony she referred to the children not knowing who VAC was (RR3/113:12), that the children had no memory of him (RR3/113:13) that the children were happy with out VAC (RR3/115:9-10), that the children simply don't care to know about VAC (RR3/115:13-16), thereby, relaying information that could've only been obtained through the direct questioning of the children, thus, VAC alleges this testimony showing that the children didn't care about their father & would rather not know him, was unquestionably prejudicial, where VAC could not cross examine the children on these facts, thus VAC contends his 6th Amendment right to confrontation was violated, & this court must finally decide whether or not there is a right to confrontation in a parental rights case.

VAC, contends, he has shown that the lower courts have:1) decided an question of federal law, that should be decided by this court (No Doubt, Confrontation, Parent raising effectiveness of counsel), as well as shown this court that the current state of the court structure, mandates this court invoke it's authority as to adress the lack of Judicial Integrity, as to bring the American Justice system back into compliance with the United States Constitution.

Preliminary Conclusion

VAC, contends, this court must reassert it's authority, thereby, the authority of the many judges of the many states, & institute a provision of the law, titled 'The "No-Doubt" exception', that overrides every legislative enactment, every provision of law, every opinion of the many courts; a provision of law that draws it's absolute power directly from the United States Bill of Rights, U.S Constitution, wherein, if a cause is brought before any court that relies upon a criminal conviction, wherein, the defendant/respondent alleges, as with the instant cause, to be able to prove & leave absolutely "No-Doubt" that he was wrongfully convicted by the violation of his/her constitutional rights, & that he can prove the results of that conviction are unreliable, & that the proceedings designed to review such a conviction were, too, faulty, thus,unreliable & not considered to have obtained a Just result, that Trial Court, must, in the interest of justice & the integrity of the court, put all further proceedings, on hold, & hear this alleged evidence, whereby, if said Court has been convinced to such a level as to leave them with 'No-Doubt' that said convictions cannot be relied upon, said Court, at a minimal, should be obligated to order that the instant cause, can no longer rely upon the facts of those convictions, & that the issues maybe relitigated, or that the convictions simply cannot be used in respect to the cause. Further, by the power of the Writ of Habeas Corpus, that Trial Court should request this court to answer the question as to the validity of teh conviction, & order the defendant be brought before the court to plead to the truthfullness of his allegations, thus allowing this court to resolve the issues presented. The instant is possible since this court has the ultimate final jurisdiction over all criminal matters, at law.

VAC. further, contends, this court cannot begin to suggest that such an exception could be potentially abused, since, the defendant/respondent of such an action must present so much evidence as to raise such a level of belief as to be truly considered, unconstitutional in any other application. Nor, would such a allegation

be misconstrued as to allow the Respondent the power of the court so he can investigate said claims, since the facts must already be before the court.

VAC, hereby, alleges, if given the opportunity, with only what's in the courts record, that he can prove, & leave absolutely No-Doubt, that his convictions were obtained in violation of his constitutional rights, & that the proceedings designed to review such a conviction, were but a mockery of justice. It is so alleged. See Stanley v. Illinois, 92 S.Ct 1208, 405 U.S. 645(9172) "What procedures Due Process may require under any given set of circumstances must begin with a determination of the precise nature of the Government function involved, as well as of the private interest that has been affected by the government." (If not for a false conviction, no termination of parental rights suit could be had. Without the power fo the government, no termination of parental rights could be had, period.) "The integrity of the family unit has found protection in the due process clause of the 14th Amendment." id at 559.

Conclusion

where, instructions "Incarceration alone is not sufficient to support termination of parental Rights; Termination cannot be utilized as another punishment for any crimes committed; & The factors to be considered to determine the Best Interest of the child...", each stated the law correctly; drew from the testimony & the evidence in the record (Only evidence admitted was proof of VAC's crimes. No more, no less), & the circumstances of VAC's crimes dictated that more criteria was needed to make a sufficient best interest determination, said instructions clearly would've assisted the jury, thus, they were proper, thus the Trial Court abused his discretion, thus confirming, again, that tyhis court, must, reexert it's authority, & bring the lower courtys back into compliance with the laws.

VAC, prays, this court does not take this cause lightly, fore, with the authority of this court to sufficiently brief the instant cause, all can be shown, & proven, he only requests this court to look far deeper than the cover, the mask.

0-5

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Vincent Alonzo Corson

Date: 10/4/2019