No. 19-6451

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

LORI A. ZARLENGA,

Petitioner

vs.

Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals,

Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE RHODE ISLAND SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The Rhode Island Supreme Court erred by not allowing Petitioner's appeal to proceed on the merits. The Rhode Island Supreme Court erred by dismissing Petitioner's appeal on the grounds of mootness. Petitioner's appeal involves legal issues of first impression that would be resolved if the merits of the issues were addressed. The Decision Below Warrants This Court's Review.

The RI Supreme Court held that "a determination of mootness may not end our judicial review." In re Court Order Dated October 22.2003, 886 A.2d 342, 348 (R.I.2005) (quoting Foster-Glocester Regional School Committee v. Board of Review, 854 A.2d 1008, 1013 (R.I.2004)). As a limited exception to the mootness doctrine, we will review an otherwise moot case when the issues raised implicate matters of "extreme public importance" and the circumstances that gave rise to the initial controversy are capable of repetition while evading review. Pelland v. State, 919 A.2d 373, 378 (R.I.2007) (citing Sullivan, 703 A.2d at 752). In these types of matters, "resolution of the question is in the public interest, as for guidance in future cases." State v. Cianci, 496 A.2d at 142 (R.I.1985).

This Court has long recognized an exception to the mootness doctrine for a controversy that is "capable of repetition, yet evading review." S. Pac. Terminal Co. v. ICC, 219 U.S. 498, 515 (1911).

This is a case of first impression that presents questions of exceptional importance.

This case presents the following questions:

1. Did the Rhode Island Supreme Court make an error of law, abuse its discretion, prejudice Petitioner's case by dismissing Petitioner's Appeal on the grounds of mootness and not deciding Petitioner's appeal on the merits and not asserting authority to review evidentiary errors in the Rhode Island District Court?

2. Whether RI Supreme Court erred, abused its discretion, prejudiced Petitioner's case by failing to decide or address the arguments presented by Petitioner's counsel as to the capable of repetition yet evading review exception to the mootness doctrine?

3. Did the RI Supreme Court decide that the capable of repetition yet evading review" exception to the mootness doctrine was not applicable to Petitioner's appeal? If so, then did RI Supreme Court make an error of law, abuse its discretion, prejudice Petitioner's case in concluding that the "capable of repetition yet evading review" exception to the mootness doctrine was not applicable to Petitioner's appeal?

Questions Presented-continued

4. Whether the exceptions to the mootness doctrine, "capable of repetition yet evading review" "public interest or public importance exception" and "collateral consequences Exception" are applicable to Petitioner's appeal. Thus warrants review of decisions below.

5. Whether the Rhode Island Supreme Court's decision dismissing Petitioner's appeal as moot is motivated by Political Psychiatry Abuse.

6. Did the Rhode Island Supreme Court violate Petitioner's, liberty protected rights due process of law, and equal protection under the Fourteenth Amendment of the United States Constitution and the Rhode Island Constitution cited herein or any other applicable law for reasons set forth herein?

7. Did the Rhode Island District Court and the Rhode Island Supreme Court intentionally delay and obstruct Petitioner's appeal and thereby causing Petitioner's appeal to be dismissed as moot?

8. Did Rhode Island Supreme Court violate due process of law, equal protection, and liberty protected interests under the Fourteenth Amendment to the United States Constitution and Rhode Island Constitution by failing to give precedence of Petitioner's appeal on the RI Supreme Court dockets and failing to insure the expeditious transmission of the record and transcript pursuant to Rhode Island General Laws Mental Health Statute 40.1-5-8 (k) (2) so that Petitioner's appeal would not be rendered meaningless by dismissing Petitioner's appeal as moot?

9. Whether the Rhode Island Supreme Court deprived Petitioner of her right to due process of law and equal protection by denying her the right to access or attend oral argument hearing on May 1,2019.

10. Whether the Rhode Island District Court's February 23, 2018 decision granting Petition for Civil Court Certification and Petition for Instructions including re-certification Commitment Orders set forth herein, and the Rhode Island Supreme Court June 3, 2019 decision dismissing Petitioner's appeal as moot, was corrupt and tainted that petitioner could never have received a fair trial.

11. Whether Rhode Island Supreme Court Appellate Procedure Rule 33 violates Petitioner's due process right to record Appellate proceeding which prejudiced Petitioner to a meaningful review of Petitioner's appeal.

12. Whether Rhode Island Supreme Court made other significant errors of law or constitutional violations.

Questions Presented-continued

13. Whether the United States Supreme Court should remand Petitioner's appeal to the Rhode Island Supreme Court to make a determination as to whether Petitioner's appeal falls within the exception to the mootness doctrine, capable of repetition yet evading review, public interest or public importance exception, and collateral consequences exception.

14. Did the Rhode Island District Court Judge Madeline Quirk make an error of law, abuse her discretion, exceed her authority, prejudice Petitioner's case by admitting and then considering hearsay evidence when ruling on Petition for Civil Court Certification and Petition for Instructions under the Rhode Island Rules of Evidence, Rhode Island General Laws and Mental Health Statute cited herein or any other applicable law?

15. Did the Rhode Island District Court Judge Madeline Quirk make an error of law, abuse her discretion, exceed her authority, prejudice Petitioner's case by granting Petition for Civil Court Certification and Petition for Instructions under the Rhode Island Rules of Evidence, Rhode Island General Laws, Mental Health Statute, Rhode Island Constitution, and the United States Constitution or any other applicable law?

16. Did RI District Court Judge Madeline Quirk make an error of law, abuse her discretion, exceed her authority, prejudice, and deprive Petitioner of a fair due process hearing when she denied Petitioner's request to admit Quantum reports into evidence concerning Petitioner's mistreatment of Butler Hospital doctors and staff that were relevant in support of Petitioner's request to deny Petition for Civil Court Certification and Petition for Instructions?

17. Did RI District Court Judge Madeline Quirk make an error of law, abuse her discretion, exceed her authority, prejudiced, and deprive Petitioner of a fair due process hearing when she based her decision to grant Petition for Civil Court Certification and Petition for instructions on false information that she intentionally and knowingly made up herself that did not exist on the record and was not submitted into evidence by both parties in violation of the RI Rules of Evidence or any other applicable law? The facts of Judge Madeline Quirks conduct and fraudulent statement are set forth herein.

18. Did the Rhode Island District Court Judge Madeline Quirk intentionally obstruct and prejudice Petitioner's February 23, 2018 Civil Commitment case to rule in favor of Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals Petition for Civil Court Certification and Petition for Instructions?

Questions Presented-continued

19. Did Rhode Island District Court Judge Madeline Quirk give full consideration to the alternatives to in-patient care and the least restraint upon Petitioner's liberty in her February 23, 2018 decision granting Petition for Civil Court Certification and Petition for Instructions?

20. Did the Rhode Island District Court Judge Madeline Quirk and other District Court Judges referenced in this petition violate Petitioner's liberty protected rights, due process of law, and equal protection under the Fourteenth Amendment of the United States Constitution and the Rhode Island Constitution or any other applicable law for reasons set forth herein?

21. Did the Rhode Island District Court Judge Madeline Quirk deprive Petitioner of a fair due process hearing at the February 23, 2018 Civil Commitment hearing for reasons set forth herein?

22. Whether Petitioner's involuntary commitment and forced anti psychotic medications are motivated by Political Psychiatry abuse.

23. Whether the Rhode Island District Court Judge Madeline Quirk decision granting Petition for Civil Court Certification and Petition for Instructions were motivated by Political Psychiatry abuse.

24. Whether the unlawful conduct of law enforcement, including but not limited to Petitioner's lawyers, doctors, were motivated by Political Psychiatry abuse.

25. Whether the Rhode Island District Court Judge Madeline Quirk impartiality might reasonably be questioned, thereby requiring recusal under the Rhode Island Code of Judicial Conduct for reasons set forth herein.

26. Whether the Rhode Island District Court Judge Madeline Quirk may consider fraudulent physicians certificates and testimony in the Court's decision to grant Petition for Civil Court Certification and Petition for Instructions.

27. Whether Rhode Island District Court Judge Madeline Quirk made other significant errors of law or constitutional violations.

Questions Presented-continued

28. Whether forced medication and involuntary commitment deprived Petitioner of liberty protected rights without due process of law and equal protection secured by the Rhode Island Constitution and the Fourteenth Amendment of United States Constitution.

29. Did Law Enforcement, Rhode Island District Court, Rhode Island Supreme Court including but not limited to Kent County Hospital, Butler Hospital, individually and through a conspiracy, violate Petitioner's liberty protected rights, due process of law, and equal protection under the Rhode Island Constitution and the Fourteenth Amendment of the United States Constitution or any other applicable law for reasons set forth herein?

30. Questions presented being important to administration of Justice.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.
The Petitioner in this case is Lori A. Zarlenga, an individual.
Petitioner was the respondent and appellant below. The Respondent in this case is Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals, which was petitioner and appellee below.

RELATED CASES

IN RE: LORI ZARLENGA (MH 18-60), Rhode Island District Court, Sixth Division, Judgment entered February 23, 2018.

IN RE: LORI (ZARLENGA) BLAQUIERE (M.H. 18-378), Rhode Island District Court, Sixth Division, Judgment entered August 10, 2018.

IN RE: L.Z.B. (M H-2019-00079), Rhode Island District Court, Sixth Division, Judgment entered February 22, 2019.

Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals v. L.Z. (No. 2018-87-Appeal), Rhode Island Supreme Court, Judgment entered June 3, 2019.
Reported at 208 A.3d 242 (2019).

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IN THE

SUPREME COURT OF THE UNITED STATES

ON PETITION FOR A WRIT OF CERTIORARI TO
THE RHODE ISLAND SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

The opinion of the Rhode Island Supreme Court (No. 2018-87-Appeal) appears at Appendix A to the petition and is reported at 208 A.3d 242 (2019). The Order of the Rhode Island District Court (MH 18-60) appears at Appendix B to the petition and is unpublished.

JURISDICTION

The date on which the Rhode Island Supreme Court decided Petitioner's case was June 3, 2019. A copy of that decision appears at Appendix A. No petition for rehearing was timely filed in Petitioner's case. Petitioner timely filed a Petition for Writ of Certiorari in this Court. The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED Page

STATEMENT OF THE CASE

On February 2, 2018, Petitioner was taken into custody at the Kent County Courthouse following the West Warwick and Warwick Police providing false statements about Petitioner to the Providence Center court clinician Heather Seger who started in the West Warwick PD in early 2017. After the West Warwick Police and the Warwick Police surrounded the Providence Center court clinician and provided false statements to the court clinician about Petitioner, Petitioner was then emergency certified to Kent County Hospital Psychiatric Emergency Department. Petitioner and Petitioner's elderly mother were taken against their will together in the same rescue vehicle to the Kent County Hospital Emergency Department. Petitioner remained in the Kent County Psychiatric lockdown unit for three days and then was taken against her will by rescue vehicle to Butler Hospital on February 5,2018 where she remained confined for four months. Petitioner was never evaluated or examined by a psychiatrist at Kent County Hospital.

On February 5, 2018, Petitioner was admitted to Butler Hospital pursuant to an emergency certification filed by the Providence Center court clinician Heather Seger pursuant to R.I.G.L. 40.1-5-7 where Petitioner remained confined for four months. This emergency certification was filed based on false statements given to the Court Clinician Heather Seger by the West Warwick Police and the Warwick Police. Petitioner was discharged from Butler Hospital on June 11, 2018, and then sent to the Kent Center an outpatient facility where court ordered anti-psychotic injections continued to be forced upon Petitioner. The Court Ordered anti-psychotic injections began from February 23, 2018 to February 22, 2019. Petitioner's mother was admitted to Kent County Hospital for medical evaluation where she remained for over three days, and then given a dangerous injection of anti- psychotic medication Haldol against her will in order to take her against her will by rescue vehicle to Butler Hospital. Petitioner and Petitioner's mother have no history of mental illness. Petitioner and Petitioner's mother have no history of being a danger to themselves or others.

A Petition for Civil Court Certification and a Petition for Instructions (PFI) dated February 13, 2018 was filed in the Mental Health Court by Petitioner's treating psychiatrist at Butler Hospital, Alvaro Olivares, M.D. The second opinion to the Petition for Civil Court Certification was submitted by Matthew Neidzwiecki, M.D. Petitioner was never evaluated or examined by Petitioner's treating psychiatrist Alvaro Olivares, M.D. prior to or on the day of the February 23, 2018 Civil Court Certification hearing. Petitioner was never evaluated or examined by the second opinion of Matthew Neidzwiecki, M.D, prior to the February 23, 2018 Civil Court Certification hearing or thereafter.

The physicians certificates were fraudulently submitted by Alvaro Olivares, M.D and Matthew Neidzwiecki, M.D at the February 23, 2018 Civil Court Certification hearing. The physicians certificates were not based on personal observation of Petitioner. Alvaro Olivares, M.D. was permitted to rely on false statements in his records at the February 23, 2018 Civil Court Certification hearing.

The petition for civil court certification and petition for instructions was filed pursuant to Sec. 40.1-5-8, R.I.G.L., as amended. It falsely alleged, in the opinions of Alvaro Olivares, MD and Matthew Niedzwiecki, MD, that Petitioner "showed up at the court house to file a complaint or motion to prevent [the] government from trying to kill her and her mother". Further, it was falsely alleged that Petitioner had "kidnapped her elderly mother", had been living with her mother in her car and had recently tried to purchase firearms.

The petition for civil court certification falsely alleged that Petitioner sent an email letter to the West Warwick police. The petition for civil court certification alleged that the email contained explicit details stating that she was the target of kidnapping and assassination attempts by Law Enforcement. The petition referred to a positive toxicology screen for opiates. Petitioner was given a drug "Toradol" at Kent County Hospital for severe back pain from laying on a stretcher for three days which was the source of the opiates found in Petitioner's system. Petitioner states that Petitioner never sent an email letter to the West Warwick Police.

On February 23, 2018 the District Court held what had been scheduled as a preliminary hearing under the provisions of Sec. 40.1-5-8(d) (2). The Mental Health Advocate, on behalf of Ms. Zarlenga, advised the Court that she wished to hire private counsel and requested a continuance of to do so because the Mental Health Advocate, Jacqueline Burns, Esq. was not acting in the best interest of Petitioner.

The Department of Behavioral Health, Developmental Disabilities and Hospitals (hereinafter, BHDDH) objected on the basis that Ms. Zarlenga had made no efforts to that point to obtain private counsel and that she had been placed at the Butler Hospital since February 5th without participating in any treatment.

Ms. Zarlenga responded that she had been isolated at the Butler Hospital due to having the flu and that she had been restricted to communicate by telephone. Petitioner states that Petitioner made efforts to contact private counsel to the best of her ability, under difficult circumstances, such as Dr. Olivares issuing an order to restrict Petitioner's phone access and the hospital staff intentional efforts to deny phone access to Petitioner. The Court denied the motion to continue. Ms. Zarlenga then requested to waive the preliminary hearing and proceed on the merits.

Dr. Alvaro Olivares, called as a witness for BHDDH, testified, as an expert in the field of psychiatry, that Ms. Zarlenga had been admitted to the Butler Hospital on February 5th, 2018. Over the objection of the Mental Health Advocate, Dr. Olivares was permitted to rely on his records which falsely stated that Ms. Zarlenga had presented to the Kent County Courthouse attempting to put a restraining order on the West Warwick Police Department.

The Mental Health Advocate objected for lack of foundation and was overruled. Vol. 1 at 19. Petitioner states that the transcript of the February 23, 2018 District Court Civil Court Certification hearing is referenced throughout Petitioner's writ of certiorari. Petitioner's states that said transcript is not submitted to this Court because Petitioner's counsel Susan Iannitelli has refused to provide Petitioner with a copy of said transcript.

The Court ruled on the objection that "a doctor can rely on his review of medical records and other records that are normally considered hearsay, if that type of record forms a basis from which they're going to give a medical opinion. He's therefore allowed to give this type of testimony. It's a history that he's looking at, from which other people made medical conclusions, and now, he is going to give an expert medical opinion." Vol. 1 at 19-20. Dr. Olivares testified that Ms. Zarlenga was evaluated at the Kent County Courthouse by the court clinician Heather Seger who stated that there was a "BOLO" for Ms. Zarlenga's elderly mother who was considered to be in danger having lived in their vehicle . Vol. 1 at 20-21.

Dr. Olivares was also permitted to testify based on false information provided by the court clinician which she received from the West Warwick Police Department, that Ms. Zarlenga had attempted to recently purchase firearms and a bulletproof vest under a different name in multiple jurisdictions. The Mental Health Advocate objected based on hearsay and the lack personal knowledge of these supposed events. Vol. 1 at 21-22. The Court over overruled the objection. Vol. 1 at 22. During Dr. Olivares' testimony he referred to the court clinician's review of an email which was falsely alleged that the email was obtained from the West Warwick Police Department. Over the objection of the Mental Health Advocate, he was permitted to testify that the referenced email, dated November 24,2017, was contained in the hospital records.

Later in his testimony, he summarized the contents of the email as stating that Ms. Zarlenga's sister and brother were informants to the Federal Bureau of Investigation and the FBI and police were carrying out unlawful orders of the President of the United States to kidnap and assassinate Ms. Zarlenga and her mother. The email was not produced at the hearing.

The Doctor's diagnosis of schizophrenia was predicated upon "what you've read, the information you've got, and your observations of Ms. Zarlenga". Vol. 1 at 37-38.

The psychiatrist testified that he had had no contact with the court clinician. Vol. 1 at 43. Petitioner's mother was called as a witness by the Petitioner. As accurately summarized by the Mental Health Advocate in the motion for reconsideration, "The Respondent, her mother, Victoria Zarlenga, and Respondent's son, Michael Zarlenga, all testified generally that Respondent provided not only appropriate, but very good, care for Victoria, and more significantly, that Respondent was not a likelihood of serious harm to Victoria. Further, no witness testified that Respondent had any legal duty or status as Victoria's exclusive caregiver. Respondent and Victoria indicated in their testimony that Victoria was voluntarily in Respondent's company."

The Petitioner BHDDH rested. Vol. 1 at 124.

On February 2nd, 2018, the Kent County Courthouse Chief clerk Nancy Striuli notified the West Warwick police about Petitioner while Petitioner was waiting for a stamped copy of her filing of a motion to quash deposition notice in a pending car accident case. After the Kent County Courthouse clerk notified the West Warwick police, the West Warwick Police arrived at the Kent County Courthouse and then while Petitioner was waiting for a stamped copy of Petitioner's filing in a pending car accident case, the Kent Court Courthouse Sheriff and Courthouse police entrapped Petitioner and threatened to throw her into a cell.

Ms. Zarlenga testified that on February 2nd, 2018, she had been at the Kent County Courthouse to file a document in a pending car accident case. Her mother remained in their vehicle. Ms. Zarlenga testified that while she was waiting for a stamped copy of her filing, she was approached by the sheriff who told her to go to the first floor to speak with a West Warwick Police detective.

Petitioner states that while Petitioner was waiting for a stamped copy of Petitioner's filing in a pending car accident case Petitioner was entrapped by a Kent County Courthouse sheriff and Petitioner being terrified by the Sheriff and Kent County Courthouse police and concern for Petitioner's mother, Petitioner returned to their vehicle where Petitioner entered the mother's vehicle with Petitioner's mother inside the vehicle.

Petitioner's mother's vehicle was surrounded by numerous West Warwick Police officers and Warwick Police officers who blocked their police vehicle behind Petitioner's mother's vehicle to prevent Petitioner and Petitioner's mother from leaving the Kent County Courthouse.

The Providence Center Court Clinician Heather Seger approached Petitioner while Petitioner and Petitioner's mother were inside Petitioner's mother's vehicle and after the police surrounded and blocked Petitioner's mother's vehicle. The police surrounded the court clinician Heather Seger and provided false statements about Petitioner. Vol. 1 at 135.

Petitioner repeatedly asked the Warwick Police Sergeant Nick DiNardo and West Warwick Police officers and Warwick Police Officers why is Petitioner and Petitioner's mother not allowed to leave the Kent County Courthouse parking lot. Petitioner was told by Warwick Police Sergeant Nick DiNardo, West Warwick Police officers, and Warwick Police Officers that Petitioner and Petitioner's mother needed to wait for the West Warwick police detective to arrive at the Kent County Courthouse. The police waited for approximately an hour for all the Kent County Courthouse employees to leave the Kent County Courthouse, so that there were no witnesses around the area of where Petitioner and Petitioner's mother were located. However, after an hour's wait, the detective did not arrive. Vol. 1 at 132.

The Warwick Police Sergeant Nick DiNardo was the same police officers that unlawfully followed and stopped Petitioner and Petitioner's mother in Petitioner's mother's vehicle on August 8, 2012 on Centreville Rd. Warwick R.I.

The Warwick Police Sergeant Nick DiNardo was trying to gather intelligence and asked Petitioner and Petitioner's mother if they were going home.

The Warwick Police Sergeant Nick DiNardo did not leave a paper trail for the illegal stop.

Petitioner states that while Warwick Police Sergeant Nick DiNardo was standing next to the Drivers side of Petitioner's Mother's vehicle, at the Kent County Court House on
February 2, 2018, he looked at Petitioner as though he knew her and had an angry look on his face because he knew Petitioner was exposing him for illegally stopping Petitioner and Petitioner's Mother to unlawfully gather intelligence.

The Warwick Police Sergeant Nick DiNardo appeared to be in charge and lied to Petitioner that a West Warwick Police Detective was on his way to speak to Petitioner. After waiting for approximately one hour for the West Warwick Police Detective, Warwick Police Sergeant Nick DiNardo told Petitioner that the West Warwick Police Detective was not coming to speak to Petitioner.

After approximately an hour's wait, after the Kent County Courthouse employees left the Kent County Courthouse, the Warwick Police Sergeant Nick DiNardo told Petitioner that the West Warwick police detective was not coming to the Kent County Courthouse. At that point the Warwick Police Sergeant Nick DiNardo told Petitioner and Petitioner's mother to unlock the vehicle doors and get out of the vehicle.

The Warwick Police Sergeant Nick DiNardo, West Warwick Police officers and Warwick Police Officers surrounded Petitioner's mother's vehicle and began to shake the vehicle by force and stated that Petitioner and Petitioner's mother needed to get out of the vehicle or the police were going to break down the doors of Petitioner's mother's vehicle.

Petitioner and Petitioner's mother were freighted by the police. Petitioner asked the police what were they going to do with Petitioner's mother. Petitioner was concerned for her elderly mother's safety from the police. The Warwick Police Sergeant Nick DiNardo refused to tell Petitioner and Petitioner's mother what the police were going to do with them.

After the West Warwick Police and the Warwick Police surrounded the Providence Center court clinician and provided false statements to the court clinician about Petitioner, Petitioner was then emergency certified to Kent County Hospital Psychiatric Emergency Department. Petitioner and Petitioner's elderly mother were taken against their will together in the same rescue vehicle to the Kent Hospital Emergency Department. Petitioner remained in the Kent County Psychiatric lockdown unit for three days and then was taken against her will by rescue vehicle to Butler Hospital on February 5,2018. Petitioner's mother was admitted to Kent County Hospital for medical evaluation where she remained for over three days, and then given an injection of anti- psychotic medication haldol against her will in order to take her against her will by rescue vehicle to Butler Hospital. Petitioner and Petitioner's mother have no history of mental illness. Petitioner and Petitioner's mother have no history of being a danger to themselves or others.

Ms. Zarlenga remained at the Kent Hospital emergency room for three days and complained of severe back pain from laying on the Kent County Hospital stretcher. Petitioner testified that she was given a drug she described as "Toradol" which was the source of the opiates found in her system. Vol. 1 at 137. Petitioner states that a Kent County Hospital nurse suggested Petitioner take one pill of a psychiatric medication. However, the Kent County Hospital nurse did not disclose to Petitioner that there were two pills. One of those two pills was Haldol an anti-psychotic medication with dangerous side effects.

Ms. Zarlenga described her close relationship with her mother who resided in the family home. She testified to the care she gave her mother - cooking, shopping and helping with her recovery from the car accident. Because her mother had been in bed for three years following the car accident, Ms. Zarlenga and her mother spent time away from home by their mutual plan, according to Ms. Zarlenga's testimony Vol. 1 at 142-143 and Petitioner's Mother Victoria Zarlenga's testimony. Ms. Zarlenga denied purchasing a firearm or related items. Vol. 1 at 143.

Ms. Zarlenga's testimony described her experience at the Butler Hospital.

Petitioner testified that Quantum reports were relevant to admit into evidence concerning Petitioner's mistreatment of Butler Hospital doctors and staff in support of Petitioner's request to deny Petition for Civil Court Certification and Petition for Instructions.

Petitioner states that Rhode Island District Court Judge Madeline Quirk denied Petitioner's request to admit into evidence Quantum reports concerning Petitioner's mistreatment of Butler Hospital doctors and staff that were relevant in support of Petitioner's request to deny Petition for Civil Court Certification and Petition for Instructions.

Petitioner states that the Quantum reports would have shown mistreatment of Butler Hospital doctors and staff including but not limited to Dr. Matthew Neidzwiecki's mistreatment, deliberate indifference, and coercive behavior. Petitioner states that Dr. Matthew Neidzwiecki stated that if Petitioner did not agree with a psychiatric examination, then he would deprive Petitioner of a medial doctor examination of Petitioner who had a fever and was ill with the flu.

Dr. Matthew Neidzwiecki's knew there were other patients on the same unit as Petitioner at Butler Hospital that were isolated with the flu. At another time, Dr. Matthew Neidzwiecki's stated to Petitioner that she had no rights because Petitioner was found by the Court on February 23, 2018 to be incompetent and that the Court now has control over Petitioner. Butler Hospital staff intentionally withheld relevant documents in support of the February 23, 2018 Civil Court Certification hearing.

Petitioner's testified that Petitioner was never examined by Dr. Alvaro Olivares and Dr. Matthew Neidzwiecki. The RI District Court Judge Madeline Quirk proceeded to review and reference the Emergency Certification statute in her decision at the February 23, 2018 Civil Court Certification hearing.

Petitioner states that Rhode Island District Court Judge Madeline Quirk intentionally and knowingly made a false statement in rendering her decision at the February 23, 2018 Civil Court Certification hearing, that Petitioner was evaluated and examined by a psychiatrist at Kent County Hospital.

Petitioner states that Judge Quirk falsely stated that the Psychiatrist at Kent County Hospital must have agreed with the Emergency Certification because the Kent County Hospital Psychiatrist transferred Petitioner to Butler Hospital. Judge Quirk went on to say, that because the Kent County Hospital Psychiatrist concurred with the Emergency Certification, that was strong evidence that the Emergency Certification was credible and valid.

Petitioner states that Judge Madeline Quirk disregarded Petitioner's statements at the February 23, 2018 Civil Court Certification hearing, that Petitioner was never evaluated or examined by at Psychiatrist at Kent County Hospital psychiatric unit. Petitioner states that Judge Quirk told Petitioner to be quiet and that Petitioner already had her chance to speak.

Petitioner states that Judge Quirk weighed her decision heavily on her false statements to grant Petition for Civil Court Certification and Petition for instructions that did not exist on the record and was not submitted into evidence by both parties.

The Respondent then rested.

The Mental Health Advocate argued that BHDDH had failed to prove that Ms. Zarlenga was dangerous to herself or to others by clear and convincing evidence.

The hearing Judge gave a decision finding by clear and convincing evidence that Ms. Zarlenga suffered from a mental disability, that she was in need of care and treatment, that if she were to be unsupervised in the community she would create a likelihood of serious harm to herself or others and that there was no less restrictive alternative to her confinement in a mental hospital. That decision relied in part upon the psychiatrist's testimony of the history given by the police to the court clinician other than the doctor himself. See Appendix B Judge Madeline Quirk's Order entered on February 23, 2018.

Petitioner states that Judge Madeline Quirk disregarded the fact that Dr. Alvaro Olivares never investigated what alternatives to certification were available and the least restraint upon Petitioner's liberty or determined why the alternatives were not deemed suitable.

The trial Court then considered the Petition for Instructions which requested a finding that Ms. Zarlenga lacked the capacity to give or to withhold informed consent and that there was no substitute decision maker. The Court ruled that various anti-psychotics with dangerous side effects could be administered to Ms. Zarlenga, contrary to her wishes.

On March 5, 2018, a motion for reconsideration was filed in the RI District Court regarding the February 23, 2018 Civil Court Certification Order granting Petitions for Civil Court Certification and Petition for Instructions.

RI District Court Judge Madeline Quirk should have granted Petitioner's timely motion for reconsideration and vacated her Order regarding the February 23, 2018 Civil Court Certification Order for all of the reasons set forth herein including but not limited to the fraudulent statements, errors of law, and testimony of witnesses in Petitioners favor at the February 23, 2018 Civil Court Certification hearing.

APPELLATE ARGUMENT:

On appeal, Petitioner's counsel on behalf of Petitioner contended that there were evidentiary errors committed at the February 23, 2018 hearing that was the predicate for the Civil Commitment order from which she appealed. The argument presented on Appeal by Petitioner's counsel is stated in part as follows:

> "Dr. Olivares was qualified as an expert in the area of psychiatry. Vol. 1 at 17. As such, he was permitted to testify to and to include as the basis of his opinions that Ms. Zarlenga was both mentally ill and dangerous, facts which were not shown to have been reasonably and customarily relied upon by experts in the particular field in forming opinions upon the subject as required by Rhode Island Rule of Evidence 703. The false testimony that Petitioner obtained a restraining order, the purchase of firearms, the email that was not produced or submitted into evidence at the hearing , among other testimony are facts which should have required testimony from persons with personal knowledge. At a minimum, the existence of such facts should have been proved by a bonafide hearsay exception such as a business record. The attenuated nature of the testimony concerning the supposed purchase of firearms was objected to by the Mental Health Advocate as "totem pole hearsay" of unclear provenance. Vol. 1 at 21-22. The admission of hearsay testimony in these remote areas do not meet the standing of equivalent circumstantial guarantees of trustworthiness, nor did BHDDH comply with the requirements that the name and address of the declarant be provided to Ms. Zarlenga sufficiently in advance of trial as required by Rhode Island Rule of Evidence 803 (24)."

On May 1, 2019, Petitioners counsel argued before the RI Supreme Court that the issues on appeal are capable of repetition, yet would evade review. Therefore, Petitioner's appeal should not be dismissed as moot and should be decided on the merits. However, the Rhode Island Supreme Court omitted Petitioner's attorney's argument in their June 3, 2019 Order dismissing Petitioner's appeal as moot. See Appendix E Attorney Susan Iannitelli's correspondence to Petitioner dated June 4, 2019 re: Argument on appeal capable of repetition but evading review.

APPELLATE DECISION:

Petitioner's appeal was dismissed on the grounds of mootness, See Appendix A. RI Supreme Court Order entered on June 3, 2019. The Rhode Island Supreme Court noted in the June 3, 2019 decision the following:

> "While we agree with the majority that this case is moot, we write separately to note that we share the concern of appellant's counsel, expressed at oral argument before this Court, that because orders such as the one at issue in this case are in effect for a mere six months, it is inherently difficult, if not impossible, for an appeal from such an order to be heard and decided by this Court before the order expires and the case becomes moot. See G.L. 1956 § 40.1-5-8(j). In cases such as the one at bar, § 40.1-5-8(k)(2) requires that "[a]ppeals under this section shall be given precedence, insofar as practicable, on the [S]upreme [C]ourt dockets." Thus, we believe that it is incumbent upon this Court to give precedence to such cases in the future so that any appeal therefrom is not rendered meaningless."

Petitioner states that the RI Supreme Court has jurisdiction to hear Petitioners appeal because this case falls within the recognized exceptions to the mootness doctrine: the public interest" or "extreme public importance" exception, the "capable of repetition yet evading review" exception, and "collateral consequences" exception.

Petitioner states that in the RI Supreme Court's June 3, 2019 Order, it was noted by the Court that an issue was raised regarding if Petitioner's appeal of the February 23, 2018 Civil Commitment Order was timely filed with the RI Supreme Court. However, Petitioner's lawyer has not been forthcoming regarding the issue being raised on appeal regarding whether or not Petitioner's appeal was timely filed.

The RI Supreme Court stated as follows in their June 3, 2019 Order,
"The timeliness of L.Z.'s appeal has been raised as an issue before this Court, but we need not address that issue given our conclusion that, even if the appeal was timely filed, it is nonetheless moot."

Petitioner states that Petitioner communicated via email with Petitioner's attorney Susan Iannitelli for over thirty days regarding questions about intentional delays of Petitioner's appeal, Petitioner's attorney Susan Iannitelli and RI Supreme Court Chief Clerk Debra A. Saunders misleading Petitioner into believing that Petitioner was not allowed to attend oral argument, and if Petitioner's appeal was timely filed, among other questions. However, Petitioner's attorney Susan Iannitelli's answers to Petitioner's questions were misleading, vague, and evasive. The Disciplinary Counsel stated to Petitioner that Attorney Iannitelli was avoiding communicating via email because she did not want to document in writing any wrongdoing in Petitioner's case/appeal.

Petitioner states that on March 23, 2018, Petitioner's attorney Susan Iannitelli told Petitioner on the Butler Hospital Campus where the District Court is held that she filed a notice of appeal regarding the February 23, 2018 District Court Civil Certification Order.

Petitioner states that Petitioner contacted RI District Court Clerk Vincent Chantharangsy while Petitioner was in Butler Hospital.

Petitioner asked RI District Court Clerk Vincent Chantharangsy if Petitioner's notice of appeal was filed with the RI District Court. Petitioner states that the RI District Court Clerk Vincent Chantharangsy was very difficult and evasive and misleading.

The RI District Court Clerk Vincent Chantharangsy stated at first that Petitioner's notice of appeal was filed, then the clerk Vincent Chantharangsy changed his answer and stated that he did not know if Petitioner's notice of appeal was filed. The RI District Court Clerk Vincent Chantharangsy refused to inform Petitioner if Petitioner's notice of appeal was filed with the RI District Court by Attorney Susan Iannitelli. Petitioner states that towards the end of Petitioner's conversation with the RI District Court Clerk Vincent Chantharangsy, he stated that it is possible that Petitioner's attorney erred in filing Petitioner's notice of appeal in the Superior Court.

Petitioner then contacted Attorney Iannitelli repeatedly to find out whether or not Petitioner's notice of appeal was filed. However, Attorney Iannitelli refused to respond to any of Petitioner's calls.

As a result, on March 26, 2018, Petitioner faxed a timely Notice of Appeal to the RI District Court appealing to the Rhode Island Supreme Court while Petitioner was in Butler Hospital.

On March 27, 2018 while Petitioner was in Butler Hospital, Petitioner had Petitioner's Mother and son hand carry Petitioner's Notice of Appeal with a motion to proceed informa puaperis to the RI District Court appealing to the RI Supreme Court.

On March 27, 2018, a RI District Court Clerk time stamped Petitioner's Notice of appeal and motion to proceed informa pauperis. However, another RI District Court clerk named Vincent Chantharangsy blocked Petitioner's notice of appeal and motion to proceed informa pauperis from being filed and refused to take Petitioner's notice of appeal and motion to proceed informa pauperis. The RI District Court Clerk Vincent Chantharangsy crossed out with a pen the time stamped Notice of Appeal and motion to proceed informa pauperis.

The RI District Court Clerk Vincent Chantharangsy stated to Petitioner's mother and son while Petitioner was on the phone with Petitioner's mother at the RI District Court that he, the clerk could not accept or file Petitioner's notice of appeal and motion to proceed informa pauperis. As a result, Petitioner had to have her mother and family mail Petitioner's notice of appeal appealing to the RI Supreme Court and motion to proceed informa pauperis by certified mail to the clerk of the RI District Court.

Petitioner later learned that Petitioner's notice of appeal and motion to proceed informa pauperis was contained in a folder and sent to the Rhode Island Supreme Court.

Petitioner states that after Petitioner sent a letter to Attorney Iannitelli and sent a copy of the letter to Disciplinary Counsel, Attorney Iannitelli came to Butler Hospital to meet with Petitioner. However, when Petitioner asked Attorney Iannitelli if she filed Petitioners notice of appeal in the District court on March 23, 2018 on the Butler campus, she responded by saying that she did not know and did not recall and then stated she did not want to talk about it.

REASONS FOR GRANTING THE PETITION

I. THIS IS A CASE OF FIRST IMPRESSION THAT PRESENTS A QUESTION OF EXCEPTIONAL IMPORTANCE.

II. The Rhode Island Supreme Court erred by not allowing Petitioner's appeal to proceed on the merits. The Rhode Island Supreme Court erred by dismissing Petitioner's appeal on the grounds of mootness. Petitioner's appeal involves legal issues of first impression that would be resolved if the merits of the issues were addressed. The exceptions to the mootness doctrine applies in this case. The Decision Below Warrants This Court's Review.

The "public interest" or "extreme public importance" exception, the "capable of repetition yet evading review" exception, and "collateral consequences" exception applies in Petitioner's case. The exception to the mootness doctrine exists for those cases that are `of extreme public importance, which [are] capable of repetition but which [evade] review.' City of Cranston v. Rhode Island Laborers' District Council Local 1033, 960 A.2d 529, 533 (R.I. 2008) (quoting Arnold v.Lebel, 941 A.2d 813, 819 (R.I. 2007)) (quoting Morris v. D'Amario, 416 A.2d 137, 139 (R.I. 1980)). "Cases of `extreme public importance' are those involving issues of great significance such as `important constitutional rights, matters concerning a person's livelihood, or matters concerning citizen voting rights.'"United Service and Allied Workers of Rhode Island v. Rhode Island State Labor Relations Board, 969 A.2d 42, 45 (R.I. 2009) (quoting City of Cranston, 960 A.2d at 533-34);"Cicilline v. Almond, 809 A.2d 1101, 1106 (R.I. 2002) (quoting Associated Builders Contractors of Rhode Island, Inc., 754 A.2d at 91). This Court will exercise its discretion in determining if a matter raised on appeal is of such importance. See In re Paula G., 672 A.2d 872, 874 (R.I. 1996). In re Stephanie B., 826 A.2d 985, 989 (R.I.2003) (quoting Morris, 416 A.2d at 139).

The RI Supreme Court held that "a determination of mootness may not end our judicial review." In re Court Order Dated October 22.2003, 886 A.2d 342, 348 (R.I.2005) (quoting Foster-Glocester Regional School Committee v. Board of Review, 854 A.2d 1008, 1013 (R.I.2004)). As a limited exception to the mootness doctrine, we will review an otherwise moot case when the issues raised implicate matters of "extreme public importance" and the circumstances that gave rise to the initial controversy are capable of repetition while evading review. Pelland v. State, 919 A.2d 373, 378 (R.I.2007) (citing Sullivan, 703 A.2d at 752). In these types of matters, "resolution of the question is in the public interest, as for guidance in future cases." State v. Cianci, 496 A.2d at 142 (R.I.1985). "There are occasions when we deem it jurisprudentially sound to provide guidance with respect to an issue that `is bound to resurface' at some future point in time." State v. Lead Industries Association, Inc., 951 A.2d 428, 470 (R.I. 2008) (quoting Splendorio v. Bilray Demolition Co., 682 A.2d 461, 464 (R.I. 1996)).

The RI Supreme Court has merged two, sometimes overlapping, yet distinct exceptions to the mootness doctrine: i.e. the "public interest" or "extreme public importance" exception and the "capable of repetition yet evading review" exception. See, e.g., State v. Lead Industries Association, Inc., 951 A.2d 428, 470 (R.I. 2008) ("pursuant to that exception, we will on occasion opine on moot questions that are `of extreme public importance [and] are capable of repetition but * * * evade review.'") (quoting Morris, 416 A.2d at 139); Pelland v. State, 919 A.2d 373, 378 (R.I. 2007) ("we will review moot cases only when the subject matter is of `extreme public importance' and the circumstances that gave rise to the initial controversy are capable of repetition while evading review") (quoting Sullivan, 703 A.2d at 752).

Although the RI Supreme Court adheres to a merger of the two exceptions, other jurisdictions recognize the exceptions as distinct from one another. See, e.g., Sanford v. Murdoch, 374 Ark. 12 (2008) (highlighting two exceptions to the mootness doctrine as "(1) issues that are capable of repetition, yet evading review and (2) issues that raise considerations of substantial public interest which, if addressed, might prevent future litigation"); Doe v. Doe, 116 Hawai'i 323, 172 P.3d 1067, 1071 n. 4 (2007) (noting the public interest and capable of repetition yet evading review exceptions are "`separate and distinct'"); Koch v. Canyon County, 145 Idaho 158, 177 P.3d 372, 377 (2008) (acknowledging exceptions to mootness doctrine "`(1) when there is the possibility of collateral legal consequences imposed on the person raising the issue; (2) when the challenged conduct is likely to evade judicial review and thus is capable of repetition; and (3) when an otherwise moot issue raises concerns of substantial public interest'");

Smith v. Hannaford Brothers Co., 940 A.2d 1079, 1081 (Me. 2008) (recognizing three exceptions to the mootness doctrine, including when "`the appeal contains questions of great public concern that, in the interest of providing future guidance to the bar and the public we may address; or * * * the issues are capable of repetition but evade review because of their fleeting or determinate nature'"); DeCoteau v. Nodak Mutual Insurance Co., 636 N.W.2d 432, 437 (N.D. 2001) ("Issues characterized as moot may nonetheless be decided by this Court if the controversy is capable of repetition, yet evading review, or if the controversy is one of great public interest and involves the power and authority of public officials." (emphasis added));Sloan v. Friends of the Hunley, Inc., 369 S.C. 20, 630 S.E.2d 474, 478 (2006) (recognizing two exceptions where the court may address issues despite mootness).

The critical factor here that warrants the application of an exception to the mootness doctrine and militates in favor of reaching the merits of this case is the important difference between the "public-interest" exception and the "capable of repetition, yet evading review" exception. Under the former, the likelihood of recurrence upon which that exception depends need not involve the same plaintiff, or the "same factual scenario." See In re Estate of Brooks, 32 Ill.2d 361, 205 N.E.2d 435, 437-38 (1965). Under the latter, however, the exception is typically limited to situations where "(1) the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there was a reasonable expectation that the same complaining party would be subjected to the same action again." Murphy v. Hunt, 455 U.S. 478, 482, 102 S.Ct. 1181, 71 L.Ed.2d 353 (1982) (per curiam) (quoting Weinstein v. Bradford, 423 U.S. 147, 149, 96 S.Ct. 347, 46 L.Ed.2d 350 (1975) (per curiam)); see also In re S.N., 181 Vt. 641, 928 A.2d 510, 512 (2007) (applying the two elements for the "capable of repetition, yet likely to evade review" exception and ruling that the exception did not apply because there was no indication that a New York resident would return to Vermont such that the resident and the state would be involved in similar litigation in the future).

The United States District Court for the District of Rhode Island ruled that a political election period was so inherently short that violations therein always would be capable of repetition, yet would evade review. Driver v. Town of Richmond ex rel. Krugman, 570 F.Supp.2d 269, 274 (D.R.I. 2008). see also Honig v. Doe, 484 U.S. 305, 330 (1988) (Rehnquist, J., concurring) ("If our mootness doctrine were forced upon us by the case or controversy requirement of [U.S. Const.] Art. III itself, we would have no more power to decide lawsuits which are 'moot' but which also raise questions which are capable of repetition but evading review than we would to decide cases which are 'moot' but raise no such questions."). The RI Supreme Court stated the following: "We are not alone in our apparent merger of these two exceptions to the mootness doctrine; our sister state of Connecticut has a similar formulation of its mootness exception.

In Dutkiewicz v. Dutkiewicz, 289 Conn. 362, 957 A.2d 821 (2008), the Connecticut Supreme Court said: "The mootness doctrine does not preclude a court from addressing an issue that is `capable of repetition, yet evading review.' * * * `[F]or an otherwise moot question to qualify for review under the capable of repetition, yet evading review exception, it must meet three requirements. First, the challenged action, or the effect of the challenged action, by its very nature must be of a limited duration so that there is a strong likelihood that the substantial majority of cases raising a question about its validity will become moot before appellate litigation can be concluded. Second, there must be a reasonable likelihood that the question presented in the pending case will arise again in the future, and that it will affect either the same complaining party or a reasonably identifiable group for whom that party can be said to act as surrogate. Third, the question must have some public importance. Unless all three requirements are met, the appeal must be dismissed as moot.'" Id. at 826-27 (quoting Loisel v. Rowe, 233 Conn. 370, 660 A.2d 323, 328, 330 (1995)). The important aspect of the Connecticut articulation of the mootness exception with respect to this case is its second part. By requiring that the legal issue before the court will "affect either the same complaining party or a reasonably identifiable group for whom that party can be said to act as surrogate," the court has required a "nexus between the litigating party and those people who may be affected by the court's ruling in the future." Id. at 828 (quoting Loisel, 660 A.2d at 330, 331). This rationale allows the court to reach the merits of cases in which the specific legal question probably will recur without a "`strict rule that the identical party must be likely to be affected in the future.'" Id. (quoting Loisel, 660 A.2d at 331). Although this Court has never explicitly held as such, In re Paula G., 672 A.2d 872, 874 (R.I. 1996) and State v. Cosores, 891 A.2d 893, 893 (R.I. 2006) demonstrate that we employ similar reasoning in cases that are of extreme public importance."

The RI Supreme Court has not always required that the same factual scenario be likely to recur or that the same plaintiff be involved in the recurrence before deciding a case despite its mootness.

The United States Supreme Court have said that the defendant, to establish mootness, bears a heavy burden of "demonstrat[ing] that there is no reasonable expectation that the wrong will be repeated." United States v. W. T. Grant Co., 345 U.S. 629, 633 (1953) (internal quotation marks omitted). This Court has long recognized an exception to the mootness doctrine for a controversy that is "capable of repetition, yet evading review." S. Pac. Terminal Co. v. ICC, 219 U.S. 498, 515 (1911).

Petitioner states that the requirements imposed on a trial court in adjudicating mental-health cases are unquestionably public in nature. See Rita P., 2014 IL 115798, ¶ 36.

Petitioner's case is of extreme public importance, i.e. concern of Petitioner's and any person's livelihood, important constitutional rights, and important issues that is likely to recur in Petitioner's case and in other cases. Petitioner's case should be decided on the merits because similar issues may arise in the future. Petitioner's appeal involves legal issues of first impression that would be resolved if the merits of the issues were addressed. If Petitioner's case were decided on the merits, it would set a precedent for other cases. It is jurisprudentially sound to provide guidance with respect to an issue that is bound to resurface' at some future point in time." See Shelby R., 2013 IL 114994, ¶¶ 20-22 (holding that appellate court could properly consider issue of first impression under the public interest exception).

Collateral Consequences Exception To Mootness Doctrine Applies To Involuntary Commitment Cases:

In re Joan K., 273 P.3d 594, 595-96 (Alaska 2012) established a collateral consequences exception to this general principle. "We noted that involuntary commitment carries various collateral consequences, including social stigma, adverse employment restrictions, application in future legal proceedings, and restrictions on the right to possess firearms. This exception to mootness had already been recognized in other contexts and allows courts to decide otherwise-moot cases when a judgment may carry indirect consequences in addition to its direct force, either as a matter of legal rules or as a matter of practical effect."

Petitioner faces possible collateral consequences stemming from her involuntary admission based on the social stigmatization of mental illness.

Koch v. Canyon County, 145 Idaho 158, 177 P.3d 372, 377 (2008) (acknowledging exceptions to mootness doctrine "`(1) when there is the possibility of collateral legal consequences imposed on the person raising the issue; (2) when the challenged conduct is likely to evade judicial review and thus is capable of repetition; and (3) when an otherwise moot issue raises concerns of substantial public interest'").

Some appellate court opinions have adopted the view that a first involuntary admission order or a first involuntary treatment order, as in this case, is automatically reviewable under the collateral consequences exception. E.g., Linda K., 407 Ill. App. 3d at 1150 (" 'collateral-consequences exception applies to a first involuntary-treatment order' " (quoting In re Joseph P., 406 Ill. App. 3d 341, 346 (2010))); In re Wendy T., 406 Ill. App. 3d 185, 189 (2010) (applying collateral consequences exception where the "record does not indicate that respondent has ever before been subject to an order for the involuntary administration of medication," and "[t]hus, there are collateral consequences that might plague respondent in the future"); In re Val Q.,396 Ill. App. 3d 155, 159-60 (2009) ("this being respondent's first involuntary treatment order, there are collateral consequences that may plague respondent in the future"); In re Gloria C., 401 Ill. App. 3d 271, 275 (2010) ("this being the respondent's first involuntary admission order, there are collateral consequences that may plague the respondent in the future").

Petitioner states that the February 23, 2018 Civil Commitment Order is the first involuntary commitment and involuntary forced medications order. The August 10, 2018 is the second involuntary commitment and involuntary forced medications order.

The collateral-consequences exception to the mootness doctrine applies in Petitioner's case. Petitioner would suffer from adverse repercussion if the trial court's order were not reviewed. In the case at bar, collateral consequences would negatively result from the RI District Court's Civil Certification Order entered on February 23, 2018. The collateral consequences of having been a committed and forcibly medicated individual will attach to Petitioner and could be used against Petitioner in future proceedings. Involuntary commitment order would negatively affect Petitioners future and civil liberties.

The R.I. District court submitted the Petitioners name, date of birth, gender, race or ethnicity, and date of civil commitment Order to the NICS database within forty-eight (48) hours of certification pursuant to RI General Laws § 40.1-5-8. (l) Submission to NICS database.

Pursuant to RI General Laws § 40.1-5-8. (l) (2) Any person affected by the provisions of this section, after the lapse of a period of three (3) years from the date such civil certification is terminated, shall have the right to appear before the relief from disqualifiers board.

Pursuant to RI General Laws § 40.1-5-8. (l) (3) Upon notice of a successful appeal pursuant to 40.1-5-8(k), the district court shall, as soon as practicable, cause the appellant's record to be updated, corrected, modified, or removed from any database maintained and made available to the National Instant Criminal Background Check System (NICS) and reflect that the appellant constitutional rights are no longer restricted.

Petitioner states that the RI Supreme Court has jurisdiction to hear Petitioners appeal because this case falls within the recognized exceptions to the mootness doctrine: the public interest" or "extreme public importance" exception, the "capable of repetition yet evading review" exception, and "collateral consequences" exception.

Petitioner states that the cases Rhode Island Supreme Court's cited in it's June 3, 2019 Order dismissing Petitioner's appeal are distinguishable from Petitioner's case. In all of the following cases cited by Rhode Island Supreme Court's in it's June 3, 2019 Order dismissing Petitioner's appeal, the exceptions to the mootness doctrine of public importance do not apply. In the case at bar, Petitioner's case is of extreme public importance that concerns important constitutional rights, including but not limited to a persons and Petitioner's due process, equal protection, liberty, a person's and Petitioner's livelihood.

The Rhode Island Supreme Court cited the following cases in it's June 3, 2019 Order dismissing Petitioner's appeal on the grounds of mootness: Hallsmith-Sysco Food Services, LLC v. Marques, 970 A.2d 1211, 1213 (R.I. 2009); Robar v. Robar, 154 A.3d 947, 948 (R.I. 2017); H.V. Collins Co. v. Williams, 990 A.2d 845, 847 (R.I. 2010);Cicilline v. Almond, 809 A.2d 1101, 1105-06 (R.I. 2002).

Petitioner states that there is a consistent pattern with the Rhode Island Supreme Court noting or addressing in their opinions of cases that have been dismissed on appeal as moot, which is they always note the exception to the mootness doctrine of extreme public importance. However, in the Rhode Island Supreme Court's June 3, 2019 Order dismissing Petitioner's appeal as moot, they did not note, address, or make any mention of the exceptions to the mootness doctrine. The Rhode Island Supreme Court omitted the exceptions to the mootness doctrine in their June 3, 2019 Order dismissing Petitioner's appeal as moot, because Petitioner's case was in fact a very strong case of extreme public importance that concerns important constitutional rights, a persons and Petitioner's due process, equal protection, liberty, a person's and Petitioner's livelihood.

Petitioner states that Petitioner's Attorney Susan Iannitelli argued on appeal on May 1, 2019 that Petitioners case was capable of repetition but evading review. However, the Rhode Island Supreme Court omitted Petitioner's attorney's argument in their June 3, 2019 Order dismissing Petitioner's appeal as moot. See Appendix E Attorney Susan Iannitelli's correspondence to Petitioner dated June 4, 2019 re: Argument on appeal capable of repetition but evading review.

Petitioner states that because orders such as the one at issue in this case are in effect for six months, it is difficult for an appeal from such an order to be heard and decided by the RI Supreme Court before the order expires and the case becomes moot. See RI General Laws 1956 40.1-5-8(j).

In this case there was a reasonable expectation that Petitioner would be subjected to the same action again. The RI District Court Judge Colleen Hastings entered second commitment Order on August 10, 2018, granting Petitioners Civil Court Certification and Petition for Instructions. See Appendix C re: Judge Colleen Hastings August 10, 2018 Order.

Petitioner states that Petitioner could again face civil commitment and forced medication having been adjudged mentally ill and subject to commitment and forced medication by the court. Petitioner states that if Petitioner's case is not resolved on the merits, then the unresolved issues could confront Petitioner again in the future.

Petitioner states that there is not always a requirement that the same factual scenario be likely to recur and that since this matter is of extreme public importance, i.e. the livelihood of a person and Petitioner, and important constitutional rights and restrictions, capable of repetition, yet evading review, and collateral consequences, this case should be decided on the merits. Petitioner's appeal involves legal issues of first impression that would be resolved if the merits of the issues were addressed. If Petitioner's case were decided on the merits, it would set a precedent for other cases. The public-interest exception reflects the importance of precedent in a common-law system of justice.

III. This Case is vitally important to our democracy and is an excellent vehicle for resolving the questions presented which is critical to our fundamental rights to life, liberty, or property, without due process of Law and equal protection secured by 14th amendment to the United States Constitution and the Rhode Island Constitution. The Decision Below Warrants This Court's Review.

A. The Rhode Island District Court, Rhode Island Supreme Court, West Warwick Police, Warwick Police, Law Enforcement, including but not limited to, Kent County Court House Chief Clerk, Court Clinician, Court police, Court Sheriff, Kent County Hospital, Butler Hospital doctors and staff, Kent Center, Rhode Island Supreme Court Chief Clerk, Mental Health Advocate and Petitioner's Attorney violated Petitioner's Substantive and procedural due process of law, equal protection, and liberty secured by the Fourteenth Amendment and the Rhode Island Constitution.

Due Process is guaranteed to all individuals by the Fourteenth Amendment of the Constitution of the United States. Specifically, the Amendment provides that "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." The right is also guaranteed by article 1 section 2 of the Rhode Island Constitution which states in relevant part, ". . . No person shall be deprived of life, liberty or property without due process of law."

No single model of procedural fairness, let alone a particular form of procedure, is dictated by the Due Process Clause. Kremer v. Chemical Construction Corporation,456 U.S. 461, 483, 102 S. Ct. 1883, 1898 (1982) quoting Mitchell v. W. T. Grant Co.,416 U.S. 600, 610, 94 S. Ct. 1895, 1901, 40 L. Ed. 2d 406 (1974) and Inland Empire Council v. Millis,325 U.S. 697, 710, 65 S. Ct. 1316, 1323, 89 L. Ed. 1877 (1945).

Due process under the Fourteenth Amendment has both a substantive component that protects against arbitrary and capricious infringements and a procedural component requiring that method employed satisfy the constitutional standards of fundamental fairness. Furthermore, procedural due process under the Fourteenth Amendment is a flexible standard that calls for such procedural protections as a particular situation demands, Ardito v. City of Providence,263 F. Supp. 2d 358, 368 (D.R.I.2003).

A claim for a denial of procedural due process challenges the constitutional adequacy of the state law procedural protections accompanying a deprivation of a protected interest such as life, liberty, or property. Ciampi v. Zuczek, 598 F. Supp. 2d 257 (D.R.I. 2009).

The basic concept of due process of law is found in the Fourteenth Amendment to the United States Constitution and article 1, section 2, of the Rhode Island Constitution, both of which prohibit a state from depriving any person "of life, liberty, or property, without due process of law." "A claimant alleging a deprivation of due process rights must demonstrate that either a property or liberty interest clearly protected by the due process clause was divested * * * without [adequate] procedural safeguards." ***Bradford Associates v. Rhode Island Division of Purchases*, 772 A.2d 485, 490 (R.I.2001)**(quoting ***Salisbury v. Stone*, 518 A.2d 1355, 1360 (R.I.1986)**) (citing ***Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 569, 92 S.Ct. 2701, 2705, 33 L.Ed.2d 548, 556 (1972)).** As amended in 1986, article 1, section 2, of the Rhode Island Constitution renders this state's due process clause applicable to civil actions. *Kelly v. Marcantonio*, 678 A.2d 873, 882 (R.I.1996).

The Interests Protected: "Life, Liberty and Property".— The language of the Fourteenth Amendment requires the provision of due process when an interest in one's "life, liberty or property" is threatened.

Petitioner states that Petitioner was deprived of freedom from restraint, when Petitioner was unlawfully taken against her will by law enforcement at the Kent County Court House on February 2, 2018, and then confined to Kent County Hospital psychiatric lockdown unit and Butler Hospital where she remained for four months.

The crime of unlawful restraint occurs whenever someone illegally deprives others of their physical freedom. Unlawful restraint happens when one person knowingly and intentionally restrains another person without that person's consent and without legal justification.

Petitioner states that Petitioners confinement was without legitimate legal justification. Petitioner states that Petitioner was deprived of a fair due process hearing. Petitioner states that RI District Court Judge Madeline Quirk prejudiced Petitioners case to protect the best interests of the doctors, law enforcement and the psychiatric hospitals in order to insulate them from their wrongdoing.

Petitioner states that Rhode Island District Court Judge Madeline Quirk intentionally and knowingly made a false statement in rendering her decision at the February 23, 2018 Civil Court Certification hearing, that Petitioner was evaluated and examined by a psychiatrist at Kent County Hospital. Petitioner states that Judge Quirk disregarded Petitioner's statements at the February 23, 2018 hearing, that Petitioner was never evaluated or examined by at Psychiatrist at Kent County Hospital psychiatric unit. Petitioner states that Judge Quirk told Petitioner to be quiet and that Petitioner already had her chance to speak.

Petitioner states that Judge Quirk weighed her decision heavily on her false statements stated herein, to grant Petition for Civil Court Certification and Petition for instructions. These facts alone, including but not limited to the facts stated herein, shows Rhode Island District Court Judge Madeline Quirk intentional guilt of fabricating evidence to rule against Petitioner to protect the best interests of the doctors, law enforcement and the psychiatric hospitals in order to insulate them from their wrongdoing.

Confinement of the mentally ill must adhere to substantive and procedural standards designed to minimize the risk of erroneous confinement. See Addington v. Texas, **441 U.S. 418, 426, 99 S.Ct. 1804, 1809, 60 L.Ed.2d 323 (1979).**

The Mental Health statute specifies procedural requirements and certain patient rights.

Civil court certification

Under RI General Law- Title 40.1 - Behavioral Healthcare, Developmental Disabilities and Hospitals-

Mental Health Law Chapter § 40.1-5-8-Civil court certification. – (a) Petitions. States in part as follows: "A verified petition may be filed in the district court, or family court in the case of a person who has not reached his or her eighteenth (18th) birthday for the certification to a facility of any person who is alleged to be in need of care and treatment in a facility, and whose continued unsupervised presence in the community would create a likelihood of serious harm by reason of mental disability."

Under Chapter § 40.1-5-8-Civil court certification. – (a) Petitions. States in part as follows: "A petition under this section shall be filed only after the petitioner has investigated what alternatives to certification are available and determined why the alternatives are not deemed suitable."

Under Chapter § 40.1-5-8-Civil court certification. – (b) Contents of petition. States as follows: "The petition shall state that it is based upon a personal observation of the person concerned by the petitioner within a ten (10) day period prior to filing. It shall include a description of the behavior, which constitutes the basis for the petitioner's judgment that the person concerned is in need of care and treatment and that a likelihood of serious harm by reason of mental disability exists. In addition, the petitioner shall indicate what alternatives to certification are available, what alternatives have been investigated, and why the investigated alternatives are not deemed suitable."

The petition Under Chapter § 40.1-5-8-Civil court certification. – (c) Certificates and contents thereof. States as follows: "A petition hereunder shall be accompanied by the certificates of two (2) physicians unless the petitioner is unable to afford or is otherwise unable to obtain the services of a physician or physicians qualified to make the certifications. The certificates shall be rendered pursuant to the provisions of § 40.1-5-5 except when the patient is a resident in a facility the attending physician and one other physician from the facility may sign the certificates, and shall set forth that the prospective patient is in need of care and treatment in a facility and would likely benefit therefrom, and is one whose continued unsupervised presence in the community would create a likelihood of serious harm by reason of mental disability together with the reasons therefore. The petitions and accompanying certificates shall be executed under penalty of perjury, but shall not require the signature of a notary public thereon."

The examining physicians are under a duty, however, to "consider alternative forms of care and treatment that might be adequate to provide for the person's needs without requiring involuntary hospitalization. § 40.1-5-8-Civil court certification. – (a) Petitions. (b) Contents of petition.

Dr. Alvaro Olivares never investigated what alternatives to certification were available to Petitioner or determined why the alternatives were not deemed suitable.

An involuntary commitment must be supported by two certificates from examining physicians and an application setting forth facts demonstrating the existence of a mental illness and the need for involuntary care and treatment.

It is required a petition shall be accompanied by the certificates of two (2) physicians that it is based upon a personal observation of the person concerned by the petitioner within a ten (10) day period prior to filing. The petitions and accompanying certificates shall be executed under penalty of perjury, § 40.1-5-8-Civil court certification. – (b) Contents of petition. (c) Certificates and contents thereof.

Petitioner states that Petitioner was never examined by Dr Alvaro Olivares and
Dr. Matthew Neidzwiecki, and that the two (2) physicians certificates submitted into evidence at the February 23, 2018 Civil Court Certification hearing were not based on personal observation of Petitioner.

Petitioner states that Dr. Alvaro Olivares stated to Petitioner after the February 23, 2018 Civil Court Certification hearing that his diagnosis of Petitioner was not definitive and that he was going to erectify Petitioner's diagnosis of schizophrenia and that he needed to explore a tentative diagnosis of delusional disorder.

Dr Alvaro Olivares pleaded the fifth on numerous occasions when Petitioner would meet with him and ask him questions about Petitioner's diagnosis, among other questions to insulate himself from any wrongdoing.

Petitioner states that Dr Olivares and Dr Neidzwiecki intentionally, knowingly, and fraudulently signed and executed the two (2) physicians certificates under penalty of perjury and submitted into evidence at the February 23, 2018 Civil Court Certification hearing. Dr.Alvaro Olivares and Dr. Matthew Neidzwiecki committed Fraud on the Court by submitting fraudulent evidence and testimony at the February 23, 2018 Civil Commitment hearing.

RI General Laws- CHAPTER 40.1-5 Mental Health Law § 40.1-5-38 Conspiracy to admit person improperly. – Any person who knowingly and willfully conspires with any other person unlawfully to improperly cause to be admitted or certified to any facility, any person not covered by the provisions of this chapter, shall on conviction therefor, be fined not exceeding five thousand dollars ($5,000) or imprisoned not exceeding five (5) years at the discretion of the court.

RI District Court Judge Madeline Quirk disregarded Petitioner's testimony that Petitioner was never examined by Dr. Alvaro Olivares and Dr. Matthew Neidzwiecki. Judge Madeline Quirk disregarded Petitioner's testimony that Dr. Matthew Neidzwiecki stated to Petitioner that if Petitioner did not agree with a psychiatric examination, then he would deprive Petitioner of a medical doctor examination of Petitioner who had a fever and was ill with the flu.

If upon review of the physicians certificates, the court concludes that the certificates were not based on the personal observation or examination of the individual; and that all alternatives to certification have not been investigated, then the court must dismiss the petition for civil court certification and petition for instructions.

IV. RI District Court Judge Madeline Quirk erred, abused her discretion, exceeded her authority, prejudiced, and deprived Petitioner of a fair due process Civil Court Certification hearing for all of the reasons set forth herein.

In the case at bar, the RI District Court Judge Madeline Quirk erred, abused her discretion, exceeded her authority, prejudiced, and deprived Petitioner of a fair due process hearing when she based her decision on fraudulent physicians certificates that were not based on personal observation of Petitioner and fraudulent testimony submitted into evidence at the February 23, 2018 Civil Court Certification hearing.

RI District Court Judge Madeline Quirk should have dismissed Petitions for Civil Court Certification and Petition for Instructions for all of the reasons set forth herein. RI District Court Judge Madeline Quirk should have granted Petitioner's timely motion for reconsideration filed on March 5, 2018 and vacated her Order regarding the February 23, 2018 Order granting Petition's for Civil Court Certification and Petition for Instructions for all of the reasons stated herein.

RI District Court Civil Rules - Rule 60. Relief from Judgment or Order (b) Mistake; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (6) any other reason that justifies relief.

Nearly all of the principles that govern a claim of fraud on the court come from the Hazel-Atlas case, Hazel-Atlas Glass Co. v. Hartford Empire Co.,322 U.S. 238 (1944). First, the power to set aside a judgment exists in every court. Second, in whichever court the fraud was committed, that court should consider the matter, Universal Oil Prods. Co. v. Root Refining Co., 328 U.S. 575 (1946). Third, while parties have the right to file a motion requesting the court to set aside a judgment procured by fraud, the court may also proceed on its own motion. Indeed, one court stated that the facts that had come to its attention "not only justify the inquiry but impose upon us the duty to make it, even if no party to the original cause should be willing to cooperate, to the end that the records of the court might be purged of fraud, if any should be found to exist."

Root Refining Co. v. Universal Oil Prods. Co., 169 F.2d 514, 521–23 (3d Cir. 1948) (emphasis added). Fourth, unlike just about every other remedy or claim existing under the rules of civil procedure or common law, there is no time limit on setting aside a judgment obtained by fraud, nor can laches bar consideration of the matter, See WRIGHT ET AL., supra note 151. The logic is clear: "[T]he law favors discovery and correction of corruption of the judicial process even more than it requires an end to lawsuits." Lockwood v. Bowles, 46 F.R.D. 625, 634 (D.D.C. 1969).

The law of evidence is largely about preventing the admission of unreliable or otherwise unfair evidence, See D. Michael Risinger, Searching for Truth in the American Law of Evidence and Proof, 47 GA. L. REV. 801, 802 (2013) ('The ideology of the trial process puts discovery of truth at center stage."); Sandra Guerra Thompson, Daubert Gatekeeping for Eyewitness Identifications, 65 SMU L. REV. 593, 596 (2012) (noting that excluding unreliable evidence is the "principal role of the rules of evidence"). The rules also of course address, although to a lesser extent, nonreliability concerns, such as protecting some privacy interests and the confidentiality of certain relationships through a variety of privileges.

Petitioner testified that Quantum reports were relevant to admit into evidence concerning Petitioner's mistreatment of Butler Hospital doctors and staff in support of Petitioner's request to deny Petition for Civil Court Certification and Petition for Instructions.

The RI District Court Judge Madeline Quirk erred, abused her discretion, exceeded her authority, prejudiced, and deprived Petitioner of a fair due process hearing when she denied Petitioner's request to admit Quantum reports into evidence concerning Petitioner's mistreatment of Butler Hospital doctors and staff that were relevant in support of Petitioner's request to deny Petition for Civil Court Certification and Petition for Instructions.

The Quantum reports would have shown mistreatment of Butler Hospital doctors and staff including but not limited to Dr. Matthew Neidzwiecki mistreatment, deliberate indifference, and coercive behavior. Petitioner states that Dr. Matthew Neidzwiecki stated that if Petitioner did not agree with a psychiatric examination, then he would deprive Petitioner of a medial doctor examination of Petitioner who had a fever and was ill with the flu.

Dr. Matthew Neidzwiecki knew there were other patients on the same unit as Petitioner at Butler that were isolated with the flu. At another time, Dr. Matthew Neidzwiecki stated to Petitioner that Petitioner had no rights because Petitioner was deemed incompetent and now under the control of the Court.

Butler Hospital staff intentionally withheld from Petitioner relevant documents in support of the February 23, 2018 Civil Court Certification hearing.

An independent administrative and/or judicial review must be guaranteed in all involuntary commitment and/or court-ordered treatment determinations. Individuals must be afforded access to appropriate representation knowledgeable about serious mental illnesses and provided opportunities to submit evidence in opposition to involuntary commitment and/or court-ordered treatment.

Under Chapter § 40.1-5-8-Civil court certification. (i) Hearing. A hearing scheduled under this section shall be conducted pursuant to the following requirements:
(1) All evidence shall be presented according to the usual rules of evidence, which apply in civil, non-jury cases. The subject of the proceedings shall have the right to present evidence in his or her own behalf, and to cross examine all witnesses against him or her, including any physician who has completed a certificate or filed a report as provided hereunder. The subject of the proceedings shall have the further right to subpoena witnesses and documents, the cost of such to be borne by the court where the court finds upon an application of the subject that the person cannot afford to pay for the cost of subpoenaing witnesses and documents.

All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, by the constitution of Rhode Island, by act of congress, by the general laws of Rhode Island, by these rules, or by other rules applicable in the courts of this state,
Rule 402 of the RI Rules of Evidence.

Rule 103. RI Rulings on Evidence (a) Preserving a Claim of Error. A party may claim error in a ruling to admit or exclude evidence only if the error affects a substantial right of the party.

"It is well settled that the Rhode Island Supreme Court will not disturb a trial justice's ruling on an evidentiary issue unless that ruling `constitutes an abuse of the justice's discretion that prejudices the complaining party.'" ***State v. Gomez*, 848 A.2d at 232(R.I.2004)**(quoting ***State v. Dellay*, 687 A.2d 435, 439 (R.I.1996)**).

Under Chapter § 40.1-5-8-Civil court certification (j) Order. States in part as follows: "In either event and to the extent practicable, the person shall be cared for in a facility, which imposes the least restraint upon the liberty of the person consistent with affording him or her the care and treatment necessary and appropriate to his or her condition. No certification shall be made under this section unless and until full consideration has been given by the certifying court to the alternatives to in-patient care, including, but not limited to, a determination of the person's relationship to the community and to his or her family, of his or her employment possibilities, and of all available community resources, alternate available living arrangements, foster care, community residential facilities, nursing homes, and other convalescent facilities."

Petitioner states that Judge Quirk did not give full consideration to the alternatives to in-patient care and the least restraint upon Petitioner's liberty. Petitioner states that Dr. Alvaro Olivares did not investigate nor testify to alternatives to in-patient care at the February 23, 2018 Civil Court Certification hearing or prior to the hearing.

The RI Supreme Court has recognized that in civilly certifying a person for mental health treatment the court must, after a meaningful hearing, provide care in the least restrictive environment that is appropriate to the condition of the patient. *Rhode Island Department of Mental Health, Retardation and Hospitals v. R.B.*, 549 A.2d 1028, 1030 (R.I.1988).

Emergency certification

Under RI General Law- Title 40.1 Behavioral Healthcare, Developmental Disabilities and Hospitals- Chapter 40.1-5 Mental Health Law- Section 40.1-5-7 Emergency certification states in part as follows:

The instant case involves the application of RI G.L. 1956 § 40.1-5-7. That section provides in pertinent part as follows: "(a) Applicants. (1) Application shall in all cases be made to the facility which in the judgment of the applicant at the time of application would impose the least restraint on the liberty of the person consistent with affording him or her the care and treatment necessary and appropriate to his or her condition." "(b) Applications. The application shall be executed within five (5) days prior to the date of filing and shall state that it is based upon a personal observation of the prospective patient by the applicant within the five (5) day period."

"(c) Confirmation; discharge; transfer. Within one hour after reception at a facility, the person regarding whom an application has been filed under this section shall be seen by a physician. As soon as possible, but in no event later than twenty four (24) hours after reception, a preliminary examination and evaluation of the person by a psychiatrist or a physician under his or her supervision shall begin. The psychiatrist shall not be an applicant hereunder. The preliminary examination and evaluation shall be completed within seventy-two (72) hours from its inception by the psychiatrist. If the psychiatrist determines that the patient is not a candidate for emergency certification, he or she shall be discharged." (d) Custody.

Petitioner states that the committal process is dependent on the evaluation by the psychiatrist.

The Emergency Certification statute provides that, "[a]s soon as possible, but in no event later than twenty-four (24) hours after reception, a preliminary examination and evaluation of the person by a psychiatrist or a physician under his or her supervision shall begin." Id. (emphasis added). The statute further expressly provides that examination and evaluation "shall be completed within seventy-two (72) hours from its inception by the psychiatrist." Id. (emphasis added). Section 40.1-5-7(c) further provides that, "[i]f at any time the official in charge of a facility or his or her designee determines that the person is not in need of immediate care and treatment, * * * he or she shall immediately discharge the person." (Emphasis added.)

In view of the plain meaning of the cited statutory provisions, it is clear that Petitioner should have been discharged at some point in time within the first twenty-four hours or seventy-two hours of her commitment.

Petitioner states that Petitioner did not have an examination or evaluation by a psychiatrist at Kent County Hospital Psychiatric lockdown unit during the entire time Petitioner was held against her will from February 2, 2018 to February 5, 2018. Therefore, Kent County Hospital is required to discharge Petitioner and not transfer Petitioner against her will to Butler Hospital on February 5, 2018.

However, Petitioner states that on February 5, 2018, Petitioner was taken against her will to Butler Hospital and remained there for four months until she was discharged on June 11, 2018.

Petitioner states that Rhode Island District Court Judge Madeline Quirk intentionally and knowingly made a false statement in rendering her decision at the February 23, 2018 Civil Court Certification hearing, that Petitioner was evaluated and examined by a psychiatrist at Kent County Hospital. Petitioner states that Judge Quirk disregarded Petitioner's statements at the February 23, 2018 hearing, that Petitioner was never evaluated or examined by at Psychiatrist at Kent County Hospital psychiatric unit. Petitioner states that Judge Quirk told Petitioner to be quiet and that Petitioner already had her chance to speak.

The RI District Court Judge Madeline Quirk proceeded to review and reference the Emergency Certification statute in her decision at the February 23, 2018 Civil Court Certification hearing.

Petitioner states that Judge Quirk weighed her decision heavily on her false statements stated herein, to grant Petition for Civil Court Certification and Petition for instructions.

Petitioner states that Judge Quirk falsely stated that Petitioner was examined and evaluated by a psychiatrist at Kent County Hospital. Petitioner states that Judge Quirk falsely stated that the Psychiatrist at Kent County Hospital must have agreed with the Emergency Certification because the Kent County Hospital Psychiatrist transferred Petitioner to Butler Hospital. Judge Quirk went on to say, that because the Kent County Hospital Psychiatrist concurred with the Emergency Certification, that was strong evidence that the Emergency Certification was credible and valid.

The RI District Court Judge Madeline Quirk erred, abused her discretion, exceeded her authority, prejudiced, and deprived Petitioner of a fair due process hearing when she based her decision on false information that she intentionally and knowingly made up herself that did not exist on the record and was not submitted into evidence by both parties.

If the judge has not heard or seen the information, or has heard or seen it but does not believe it to be true, then the judge cannot use that information to help them make a decision in the case or base their decision on, RI Rules of Evidence.

The role of courts should be limited to review to ensure that procedures used in making these determinations comply with individual rights and due-process requirements.

The RI District Court Judge Madeline Quirk erred, abused her discretion, exceeded her authority, prejudiced, and deprived Petitioner of a fair due process hearing by basing her decision on fraudulent and unreliable hearsay evidence, See RI Rules of Evidence.

The right to a fair trial by an impartial decision maker is an essential right and basic requirement of due process in civil proceedings, (Withrow v. Larkin, supra, 421 U.S. 35, 46, 95 S.Ct. 1456, 1464.)

Dr. Alvaro Olivares was qualified as an expert in the area of psychiatry. Vol. 1 at 17. As such, he was permitted to testify to and to include as the basis of his opinions that Ms. Zarlenga was both mentally ill and dangerous, facts which were not shown to have been reasonably and customarily relied upon by experts in the particular field in forming opinions upon the subject as required by Rhode Island Rule of Evidence 703. The false testimony that Petitioner obtained a restraining order, the purchase of firearms, the email that was not produced or submitted into evidence at the hearing , among other testimony are facts which should have required testimony from persons with personal knowledge.

These are not facts which were observed by Dr. Olivares nor are they comparable to one doctor reviewing another doctor's medical chart. Facts or data upon which the opinion was based were not established prior to the testimony of Dr. Olivares. BHDDH could have called the court clinician, officers of the West Warwick Police Department or other witnesses to prove their allegations that these facts were true but made no attempt to do so. The attenuated nature of the testimony concerning the supposed purchase of firearms was objected to by the Mental Health Advocate as "totem pole hearsay" of unclear provenance. Vol. 1 at 21-22. The admission of hearsay testimony in these remote areas do not meet the standing of equivalent circumstantial guarantees of trustworthiness, nor did BHDDH comply with the requirements that the name and address of the declarant be provided to Ms. Zarlenga sufficiently in advance of trial as required by Rhode Island Rule of Evidence 803 (24).

Petitioner states that "commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." Addington v. Texas, 441 U.S. 418, 425 (1979); see also Jones v. United States, 463 U.S. 354, 361 (1983). Accordingly, in order to confine an individual, the state must have "a constitutionally adequate purpose." O Connor v. Donaldson, 422 U.S. 563, 574 (1975); see also Jones, 463 U.S. at 361.

In light of those constitutional requirements, it is evident that the "Rhode Island Mental Health Law was carefully crafted in order to guarantee that the liberty of an individual patient would be scrupulously protected". In re Doe, 440 A.2d 712, 714 (R.I. 1982); see also Santana v. Rainbow Cleaners, Inc., 969 A.2d at 667, 653, 662-63 (R.I. 2009).

Petitioner states that involuntary inpatient and outpatient commitment and court-ordered treatment should be used as a last resort. In Petitioner's case the involuntary inpatient and outpatient commitment and court-ordered treatment was used as a first resort.

Petitioner states that the Rhode Island General Laws Mental Health Statute § 40.1-5-10 requires that each patient admitted or certified to a facility pursuant to the provisions of this chapter shall be the subject of a periodic review of his or her condition and status to be conducted by a review committee composed of at least one psychiatrist and other mental health professionals involved in treating the patient. See Mental Health Statute § 40.1-5-10.

The purpose of the statutory provisions for review is to ensure that a patient may not become forgotten or "warehoused" when the need for supervised care and treatment no longer exists. See O'Connor v. Donaldson, 422 U.S. 563, 95 S. Ct. 2486, 45 L. Ed. 2d 396 (1975).

Petitioner states that during the entire time that Petitioner remained confined at Butler Hospital for four months, there was no periodic review of her condition and status by a review committee composed of at least one psychiatrist and other mental health professionals involved in treating Petitioner. Therefore, Petitioner remained at Butler Hospital without a constitutionally adequate purpose.

Notification of rights

Petitioner states that Petitioner or Petitioner's family was never given the notification of rights or the opportunity to apply for voluntary admission as required by § 40.1-5-7. "(f) Notification of rights. § 40.1-5-6. Petitioner states that all available alternatives to certification were not investigated as required by § 40.1-5-7. "(f) (2).

Mental Health Advocate

Petitioner states the Mental Health Advocate was in violation of RI G.L. 1956 § 40.1-5-22 Duties of the mental health advocate. Petitioner states that the Mental Health Advocate Jacqueline Burns withdrew from Petitioner's case after the February 23, 2018 Civil Court Certification hearing because she refused to act in the best interest of Petitioner. Petitioner requested that the Mental Health advocate file a motion for reconsideration of the February 23, 2018 Civil Court Certification Order. Petitioner states that the Mental Health Advocate did not want to file said motion for reconsideration. Petitioner states that after Petitioner diligently requested the Mental Health Advocate to file a motion for reconsideration, she finally filed a motion for reconsideration. Petitioner states that Petitioner requested that the Mental Health Advocate file an appeal of the February 23, 2018 Civil Court Certification Order. Petitioner states that the Mental Health Advocate did not want to file a meritorious appeal of the February 23, 2018 Civil Court Certification Order appealing to the RI Supreme Court. Petitioner states that the Mental Health Advocate did not file an appeal of the February 23, 2018 Civil Court Certification Order appealing to the RI Supreme Court. Petitioner states that the Mental Heath Advocate withdrew from Petitioner's case shortly after Petitioner requested the Mental Health Advocate file a motion for reconsideration and request to file an appeal of the February 23, 2018 Civil Court Certification Order appealing to the RI Supreme Court. Petitioner states that the Mental Health Advocate withheld information relevant to Petitioner's case.

Petitioner discussed with the Mental Health Advocate that the Physicians certificates signed by Dr. Alvaro Olivares and Dr. Matthew Neidzwiecki were fraudulent. Petitioner states that the Mental Health Advocate did not want to discuss the fraudulent physician's certificates or the fact that Petitioner was mistreated by the doctors and staff at Butler Hospital. Petitioner states that the Mental Health advocate was acting in the best interest of the doctors and staff at Butler Hospital, to insulate the doctors and the staff, among others from their wrongdoing.

Petitioner was denied the right to attend a hearing on March 23, 2018. On March 23, 2018, Petitioner was scheduled for a review of alternatives hearing. Petitioner's Attorney Susan Iannitelli wanted to go in the courtroom without Petitioner present. Petitioner told Attorney Susan Iannitelli that Petitioner wanted to be present at all times in the courtroom. Instead, Attorney Susan Iannitelli ran off without Petitioner in the Court room in which Judge Lafazia was presiding. Petitioner preceded to go towards the courtroom however, Petitioner was blocked by two men in uniforms from entering the Courtroom. Attorney Susan Iannitelli was present in the courtroom without Petitioner. Dr. Alvaro Oliveres was present in the Court room with his lawyer. Attorney Susan Iannitelli told Petitioner that there was no review of alternatives hearing held on March 23, 2018. However, Petitioner later learned that there was a review of alternatives hearing that was held on March 23, 2018.

Petitioner states that the notice of hearing and the opportunity to be heard "must be granted at a meaningful time and in a meaningful manner. Armstrong v. Manzo, 380 U.S. 545, 552 (1965). The validity of a judgment or order depends on whether the interested party has received notice and has been afforded 994*994 an opportunity to defend against its entry. ***Nisenzon v. Sadowski***, 689 A.2d 1037, 1048-49 (R.I.1997) (judgment against unnamed partners in business partnership was declared void and violative of their due process rights because the absent partners never were afforded notice and opportunity to be heard);*State v. Manco*, 425 A.2d 519, 521, 522-23 (R.I.1981) (order enjoining husband from encumbering or disposing of his interest in property violated his due process rights where order was entered during support proceedings in which he appeared as complaining witness; he was never notified that his property interests would be adjudicated and was given no opportunity to present a case or raise objections).

Notice apprises interested parties of the pendency of the action and affords them an opportunity to present their objections at a meaningful hearing. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865 (1950); see also*Mills v. Howard* 109 R.I. 25, 27, 280 A.2d 101, 103 (1971) (execution issued against father allegedly delinquent in child and spousal support payments without affording him notice amounted to a denial of due process). Notwithstanding the existence of a compelling issue requiring quick resolution, personal jurisdiction is an unwavering requirement of our jurisprudence

V. The Rhode Island District Court and the Rhode Island Supreme Court, among others stated herein, individually and through a conspiracy deprived Petitioner of liberty, due process of law and equal protection secured by the Fourteenth Amendment and the Rhode Island Constitution when the Courts intentionally obstructed Petitioner's appeal of the February 23, 2018 RI District Court Civil Certification Order for reasons set forth herein.

The fourteenth amendment to the United States Constitution provides that no state shall deprive any person of life, liberty, or property without due process of law. There is no doubt that due process is required when a decision of the state implicates an interest protected by the fourteenth amendment. Liberty rights for people who are involuntarily committed is constitutionally protected under the Fourteenth Amendment.

The basic concept of due process of law is found in the Fourteenth Amendment to the United States Constitution and article 1, section 2, of the Rhode Island Constitution, both of which prohibit a state from depriving any person "of life, liberty, or property, without due process of law."

"A claimant alleging a deprivation of due process rights must demonstrate that either a property or liberty interest clearly protected by the due process clause was divested * * * without [adequate] procedural safeguards." Bradford Associates v. Rhode Island Division of Purchases, 772 A.2d 485, 490 (R.I.2001) (quoting Salisbury v. Stone, 518 A.2d 1355, 1360 (R.I.1986)) (citing Board of Regents of State Colleges v. Roth, 408 U.S. 564, 569, 92 S.Ct. 2701, 2705, 33 L.Ed.2d 548, 556 (1972)).

"Substantive due process as opposed to procedural due process, addresses the essence of state action rather than its modalities; such a claim rests not on perceived procedural deficiencies but on the idea that the governments conduct, regardless of procedural swaddling, was in itself impermissible." Jolicoeur, 653 A.2d at 751 (quotation omitted); see also Martin A. Schwartz, 1 Section 1983 Litigation § 3.05(B) (4th ed. 2009) (noting that the protections of substantive due process are "reserved not for merely unwise or erroneous government decisions but for egregious abuses of government power shocking to the judicial conscience.").

Unlike substantive due process claims, "„in procedural due process claims, the deprivation by state action of a constitutionally protected interest in . . . property is not in itself unconstitutional; what is unconstitutional is the deprivation of such an interest without due process of law." L.A. Ray, 698 A.2d at 213 (quoting Zinermon v. Burch, 494 U.S. 113, 125 (1990) (internal citations omitted)) (emphasis in original). Hence, "[p]rocedural due process guards against the modalities of state action, addressing itself to the task of rectifying perceived procedural deficiencies." East Bay Cmty. Dev. Corp. v. Zoning Bd. of Rev. of Town of Barrington, 901 A.2d 1136, 1154 (R.I. 2006) (citing L.A. Ray, 698 A.2d at 210-11)).

Petitioner states that the Rhode Island District Court and the Rhode Island Supreme Court, among others stated herein, deprived and impeded Petitioner's access to statutory and constitutional rights, including but not limited to a "right to impartial due process hearing", the right to attend hearing, right to expeditious appeal and transmission of the record and transcript, right to file notice of appeal. RI District Court Judge Madeline Quirk violated Petitioner's constitutional and statutory rights to liberty because no clear and convincing evidence warranted Petitioner's involuntary commitment.

The Rhode Island District Court and the RI Supreme Court deprived Petitioner of liberty, due process of law and equal protection secured by the Fourteenth Amendment and the Rhode Island Constitution when the Courts obstructed Petitioner's appeal of the February 23, 2018 RI District Court Civil Certification Order by intentionally delaying Petitioner's appeal for almost a year and a half. As a direct result of intentional delay of Petitioner's appeal, Petitioner's appeal was dismissed on the grounds of mootness on June 3, 2019. Petitioner state that Petitioner was deprived of the opportunity to have Petitioners case be decided on the merits.

The protections afforded to mental health patients are provided by the federal and state Constitutions and the Mental Health Laws, see Parham v. J.R., 442 U.S. 584, 99 S.Ct. 2493, 61 L.Ed.2d 101 (1979). As amended in 1986, article 1, section 2, of the Rhode Island Constitution renders this state's due process clause applicable to civil actions. Kelly v. Marcantonio, 678 A.2d 873, 882 (R.I.1996).

Petitioner states that the certifying court never advised Petitioner of all her rights pursuant to this section immediately upon the entry of the February 23, 2018 order of certification.

Petitioner's appeal was not expeditious as the statute requires.

Petitioner states that Petitioner's appeal of the RI District February 23, 2018 Civil Commitment Order was pending for almost a year in a half and that Petitioner's appeal was intentionally delayed, even after the transcripts were produced and lawyers on both sides submitted the 12A Statement. Petitioner's appeal and transmission of the record and transcript was clearly not expeditious.

The statute requires an expeditious appeal and expeditious transmission of the record and transcript in all appeals. Rhode Island General Laws § 40.1-5-8. (k) *Appeals.*(1) sets forth the right of a party to appeal from a final judgment:

Rhode Island General Laws § 40.1-5-8. (k) *Appeals.*(1) A person certified under this section shall have a right to appeal from a final hearing to the supreme court of the state within thirty (30) days of the entry of an order of certification. The person shall have the right to be represented on appeal by counsel of his or her choice or by the mental health advocate if the supreme court finds that he or she cannot afford to retain counsel. Upon a showing of indigency, the supreme court shall permit an appeal to proceed without payment of costs, and a copy of the transcript of the proceedings below shall be furnished to the subject of the proceedings, or to his or her attorney, at the expense of the state. <u>The certifying court shall advise the person of all his or her rights pursuant to this section immediately upon the entry of an order of certification.</u>

(2) Appeals under this section shall be given precedence, insofar as practicable, on the supreme court dockets. The district and family courts shall promulgate rules with the approval of the supreme court to insure the expeditious transmission of the record and transcript in all appeals pursuant to this chapter.

Petitioner states that Petitioner was denied an opportunity to be heard at the May 1, 2019 oral argument hearing regarding Petitioner's appeals of the February 23, 2018 RI District Court Civil Certification Order.

Petitioner states that Petitioner asked Petitioner's Attorney Susan Iannitelli and the Rhode Island Supreme Court Chief Clerk Debra A. Saunders if Petitioner could attend oral arguments regarding Petitioner's appeals of the February 23, 2018 RI District Court Civil Certification Order. Petitioner states that Petitioner's Attorney Susan Iannitelli and the Rhode Island Supreme Court Chief Clerk Debra A. Saunders stated to Petitioner emphatically that Petitioner could not attend oral arguments regarding Appellant's appeal of the February 23, 2018 District Court Order.

Petitioner states that Petitioner's Attorney Susan Iannitelli and Chief Clerk Debra A. Saunders stated to Petitioner that only the lawyers could attend oral arguments regarding Petitioner's appeal of the February 23, 2018 District Court Civil Certification Order.

Petitioner states that RI Supreme Court Chief Clerk Debra A. Saunders stated to Petitioner that the RI Supreme Court does not rule on Petition for Rehearing and that Petitioner should not try to file a Petition for Rehearing regarding Petitioner's appellate decision. Petitioner states that RI Supreme Court Chief Clerk Debra Saunders stated to Petitioner that a Petitioner for Rehearing only applies in Federal Court.

Petitioner states that if an appeal is afforded, the state must not so structure it as to arbitrarily deny to some persons the right or privilege available to others. Lindsey v. Normet, 405 U.S. 56, 77 (1972) (citing cases).

The validity of a judgment or order depends on whether the interested party has received notice and has been afforded 994*994 an opportunity to defend against its entry. *Nisenzon v. Sadowski*, 689 A.2d 1037, 1048-49 (R.I.1997) (judgment against unnamed partners in business partnership was declared void and violative of their due process rights because the absent partners never were afforded notice and opportunity to be heard);*State v. Manco*, 425 A.2d 519, 521, 522-23 (R.I.1981) (order enjoining husband from encumbering or disposing of his interest in property violated his due process rights where order was entered during support proceedings in which he appeared as complaining witness; he was never notified that his property interests would be adjudicated and was given no opportunity to present a case or raise objections). Notice apprises interested parties of the pendency of the action and affords them an opportunity to present their objections at a meaningful hearing. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865 (1950); see also*Mills v. Howard* 109 R.I. 25, 27, 280 A.2d 101, 103 (1971) (execution issued against father allegedly delinquent in child and spousal support payments without affording him notice amounted to a denial of due process). Notwithstanding the existence of a compelling issue requiring quick resolution, personal jurisdiction is an unwavering requirement of our jurisprudence.

For more than a century the central meaning of procedural due process has been clear: 'Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified.' It is equally fundamental that the right to notice and an opportunity to be heard 'must be granted at a meaningful time and in a meaningful manner.' " Fuentes v. Shevin, 407 U.S. 67, 80, 92 S.Ct. 1983, 32 L.Ed.2d 556 (1972) (quoting Baldwin v. Hale, 1 Wall. 223, 233, 17 L.Ed. 531 (1864); Armstrong v. Manzo, 380 U.S. 545, 552, 85 S.Ct. 1187, 14 L.Ed.2d 62 (1965) (other citations omitted); see also Matthews v. Eldridge, 424 U.S. 319, 334 (1976) (quotations omitted). These essential constitutional promises may not be eroded. Hamdi v. Rumsfeld, 542 U.S. 507, 533, 124 S.Ct. 2633, 2648 - 2649 (U.S. 2004);Painter v. Liverpool Oil Gas Light Co.,11 Eng.Rep. 478, 484, 3 Adm. Eccl. 433, 448-49 (K.B. 1836); East Bay, 901 A.2d at 1154 (quoting State v. Manocchio, 448 A.2d 761, 764 n.3 (R.I. 1982)).

Petitioner states that the Rhode Island Supreme Court Appellate Procedure Rule 33 violates Petitioner's due process right to record Appellate proceeding which prejudiced Petitioner to a meaningful review of Petitioner's appeal.

Rhode Island Supreme Court Article I. Appellate Procedure is stated as follows:
Rule 33. Stenographic recording and taking of testimony in the Supreme Court. The Supreme Court does not record its proceedings. If a party desires to preserve a stenographic record of the proceedings, including cases in which testimony is taken before the Court, the party shall move in advance of the proceedings for permission to employ a certified court stenographer at his or her own expense.

Petitioner states that the RI Supreme Court did not address and omitted in their written decision regarding the exceptions to the mootness doctrine that were argued on appeal.

Petitioner states that the issue if Petitioner's appeal was timely filed was raised with the RI Supreme Court. However, Petitioner's lawyer has not been forthcoming regarding the issue being raised on appeal if Petitioner's appeal was timely filed.

The RI Supreme Court stated as follows in their June 3, 2019 Order,
"The timeliness of L.Z.'s appeal has been raised as an issue before this Court, but we need not address that issue given our conclusion that, even if the appeal was timely filed, it is nonetheless moot."

Petitioner states that Petitioner communicated via email with Petitioner's attorney Susan Iannitelli for over thirty days regarding questions about intentional delays of Petitioner's appeal, if Petitioner's appeal was timely filed, Petitioner's attorney Susan Iannitelli and RI Supreme Court Chief Clerk Debra A. Saunders misleading Petitioner into believing that Petitioner was not allowed to attend oral argument, among other questions.

Petitioner states that Petitioner's attorney Iannitelli's answers to Petitioner's questions were misleading, vague, and evasive.

The Disciplinary Counsel stated to Petitioner that Attorney Iannitelli was avoiding communicating via email because she did not want to document in writing any wrongdoing in Petitioner's case/appeal.

Petitioner states that Petitioner asked Petitioner's Attorney Susan Iannitelli to include in Appellant's 12A Statement and at oral argument to the Rhode Island Supreme Court Justices, that Rhode Island District Court Judge Madeline Quirk made a false statement at the February 23, 2018 hearing, that Petitioner was examined by a psychiatrist at Kent County Hospital. Judge Quirk disregarded Petitioner's statements at the February 23, 2018 hearing, that Petitioner was never seen or examined by a Psychiatrist at Kent County Hospital. However, Judge Quirk weighed her decision heavily on her false statements. Judge Quirk falsely stated that the Psychiatrist at Kent County Hospital must have agreed with the Emergency Certification because the Kent County Hospital Psychiatrist transferred Petitioner to Butler Hospital. Judge Quirk went on to say, that because the Kent County Hospital Psychiatrist concurred with the Emergency Certification, that was strong evidence that the Emergency Certification was credible. However, Attorney Susan Iannitelli did not include in Appellant's 12A Statement and at oral argument to the Rhode Island Supreme Court Justices, that Rhode Island District Court Judge Madeline Quirk made a false statement at the February 23, 2018 hearing, and weighed her decision heavily on her false statements."

Petitioner states that Attorney Susan Iannitelli repeatedly disregarded Petitioner's requests when Petitioner was in Butler Hospital to file an emergency motion to stay pending the disposition of Petitioner's appeal of February 23, 2018 District Court Order.

Petitioner states that Attorney Susan Iannitelli disregarded Petitioner's requests for Attorney Susan Iannitelli to file a motion for reconsideration of August 10, 2018 District Court Order. Attorney Susan Iannitelli told Petitioner that a motion for reconsideration was important to file with the District Court to show to the R.I. Supreme Court that all remedies were exhausted in the lower court and that the only other remedy was to file an appeal with the R.I. Supreme Court."

Petitioner states that on March 23, 2018, Petitioner's attorney Susan Iannitelli told Petitioner on the Butler Campus where the District Court is held that she filed a notice of appeal regarding the February 23, 2018 District Court Civil Certification Order.

Petitioner states that after Petitioner sent a letter to Attorney Iannitelli and sent a copy of the letter to Disciplinary Counsel, Attorney Iannitelli came to Butler Hospital. However, when Petitioner asked Attorney Iannitelli if she filed Petitioner's notice of appeal in the RI District court on March 23, 2018 on the Butler campus, she responded by saying that she did not know and did not recall and then stated she did not want to talk about it.

On March 27, 2018 while Petitioner was in Butler Hospital, Petitioner had Petitioners Mother and son hand carry Petitioner's Notice of Appeal with a motion to proceed informa puaperis to the RI District Court appealing to the RI Supreme Court.

On March 27, 2018, a RI District Court Clerk time stamped Petitioner's Notice of appeal and motion to proceed informa pauperis. However, another RI District Court clerk named Vincent Chantharangsy blocked Petitioner's notice of appeal and motion to proceed informa pauperis from being filed and refused to take Petitioner's notice of appeal and motion to proceed informa pauperis. The RI District Court Clerk Vincent Chantharangsy crossed out with a pen the time stamped Notice of Appeal and motion to proceed informa paupers.

The RI District Court Clerk Vincent Chantharangsy stated to Petitioner's mother and son while Petitioner was on the phone with Petitioner's mother at the RI District Court that he, the clerk could not accept or file Petitioner's notice of appeal and motion to proceed informa pauperis.
As a result, Petitioner had to have her mother and family mail Petitioner's notice of appeal appealing to the RI Supreme Court and motion to proceed informa pauperis by certified mail to the clerk of the RI District Court.

Petitioner states that Dr Alvaro Olivares obstructed Petitioner from meeting with Petitioner's Attorney to discuss Petitioner's appeal and motion for reconsideration.

Dr Alvaro Olivares terminated doctor-patient relationship six days after Petitioner's appeal was docketed on appeal with the RI Supreme Court.

Petitioner states that Petitioner's notice of appeal of the February 23, 2018 Civil Court Certification Order was filed in the RI Superior Court by Attorney Susan Iannitelli and time stamped March 23, 2018. Petitioner states that Petitioner's notice of appeal of the August 10, 2018 Civil Court Certification Order was filed in the RI Superior Court by Attorney Susan Iannitelli and time stamped on August 20, 2018 by Attorney Susan Iannitelli.

On February 22, 2019, Chief Judge Jeanne E. Lafazia denied Petition for Civil Court Certification and Petition for Instructions on the grounds that bhddh did not meet the burden of clear and convincing evidence that Petitioner was a danger to herself or others. Petitioner states that the same factual and legal issues argued at the third commitment hearing on February 22, 2019, were also argued at the first and second commitment hearings. However, on February 23, 2018 Judge Quirk granted Petition for Civil Court Certification and Petition for Instructions. On August 10, 2018, Judge Colleen Hastings granted Petition for Civil Court Certification and Petition for Instructions.

Chief Judge Jeanne Lafazia denied Petition for Civil Court Certification and Petition for Instructions shortly before Petitioner's appeal was to be heard with the RI Supreme Court on May 1, 2019.
See **Appendix D** Judge Chief Judge Jeanne Lafazia Order entered on February 22, 2019.

VI. Confinement of State Psychiatric Hospital Violates Constitutionally Protected liberty Interests Under The Due Process Clause Of The Fourteenth Amendment

Petitioner's confinement in the a state's psychiatric hospital violate Petitioner's constitutionally protected liberty interests under the due process clause of the Fourteenth Amendment.

Petitioner sates that commitment of an individual such as Petitioner to a mental health facility when the individual poses no serious danger to anyone is a violation of constitutionally protected liberty interests under the due process clause of the Fourteenth Amendment.

Petitioner states that psychiatric standards cannot predict dangerousness with sufficient accuracy to justify the liberty deprivations inherent in civil commitment. Petitioner states that the RI General Law- Mental Health Statute, do not rely solely on medical diagnosis, but instead require that the potential for serious harm be objectively "manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that [the patient] is a danger to himself . . . [or] by homicidal or other violent behavior.

Petitioner states that proof of imminent danger, demonstrated by a recent overt act, must support any civil commitment.

Petitioner states that RI District Court Judge Madeline Quirk relied on fraudulent physicians certificates and testimony, and unreliable hearsay evidence in determining that Petitioner had mental illness and posed a danger to herself or others at the February 23, 2018 Civil Commitment hearing.

Petitioner states that Petitioner was unjustly and needlessly deprived of her liberty. Petitioner was falsely imprisoned and posed no danger to herself or others.

Judge Madeline Quirk erred, abused her discretion, exceeded her authority, prejudiced, and deprived Petitioner of a fair due process hearing, when she granted Petitions for Civil Court Certification and Petition for Instructions and denied Petitioner's motion for reconsideration for all of the reasons stated herein.

Petitioner states that Petitioner has a due process right to have an impartial fact finder determine the propriety of her confinement.

The State violates the due process clause when it commits a nondangerous individual who could survive safely in freedom. O'Connor v. Donaldson, 422 U.S. 563, 576, 95 S.Ct. 2486, 2494, 45 L.Ed.2d 396 (1975), due process may not tolerate the involuntary commitment of a nondangerous individual. See, e.g., Suzuki v. Yuen, 617 F.2d 173 (9th Cir. 1980);Lessard v. Schmidt, 349 F. Supp. 1073 (E.D.Wis. 1972), vacated on other grounds, 414 U.S. 473, 94 S.Ct. 713, 38 L.Ed.2d 661 (1973), on remand, 379 F. Supp. 1376 (E.D.Wis. 1974), vacated on other grounds, 421 U.S. 957, 95 S.Ct. 1943, 44 L.Ed.2d 445 (1975), on remand, 413 F. Supp. 1318 (E.D.Wis. 1976); cf. Humphrey v. Cady,405 U.S. 504, 509, 92 S.Ct. 1048, 1052, 31 L.Ed.2d 394 (1972).

The nature and duration of a person's confinement by the state must bear some reasonable relation to the purpose of the confinement. Jackson v. Indiana, 406 U.S. 715, 738, 92 S. Ct. 1845, 1858, 32 L. Ed. 2D 435 (1972). See Missouri v. Nash, 972 S.W.2d 479, 482 (Mo. Ct. App. 1998) ("The due process rights of a person are violated if the state holds a person in a psychiatric facility when the person is no longer suffering from a mental disease or defect." (citing Foucha, 504 U.S. at 79)).

Petitioner states that some of the unique aspects of mental institutionalization may deprive some involuntary patients of even more liberties than incarceration, particularly in low security jails. Comparing the two deprivations of freedom, a circuit court found that involuntary civil commitment "may entail indefinite confinement, [which] could be a more intrusive exercise of state power than incarceration following a criminal conviction." Project Release v. Prevost, 722 F.2d 960, 971 (2d Cir. 1983).

See O'Connor v. Donaldson, 422 U.S. 563, 575 (1975) ("A finding of mental illness alone cannot justify a State's locking a person up against his will and keeping him indefinitely in simple custodial confinement. . . . [T]here is . . . no constitutional basis for confining such persons involuntarily if they are dangerous to no one . . . .").

Petitioner states that Petitioner was deprived of freedom from unnecessary confinement in the psychiatric hospitals locked ward. Petitioner states that RI District Court Judge Madeline Quirk erred, abused her discretion, exceeded her authority, prejudice Petitioner case and deprived Petitioner of a fair due process hearing when she determined that there was clear and convincing evidence that Petitioner suffered from mental illness and that Petitioner posed a danger to herself and others.

In the case at bar, Petitioner did not suffer from a mental disease or defect. Petitioner has no history of mental illness or posing a danger to herself or others.

Petitioner states that it is required that a less restrictive method of treatment be investigated, before any patient could be civilly committed.

Petitioner states that Kent County Hospital and Butler Hospital did not investigate a less restrictive method of treatment of Petitioner as required by the RI General Laws- Mental Health Statute cited herein.

VII. The due process clause protects liberty interest in freedom from forcible medication.

Petitioner states that the statutes relied on by the RI District court in granting Petitions for Instructions of Medication violate the Rhode Island Constitution's guarantees of privacy and liberty and the liberty interest in freedom from forcible medication secured by the fourteenth amendment of the United States Constitution.

People who have been unjustly diagnosed with mental illness have the right to be free from chemical restraints. The Court had found that an individual has a significant "liberty interest" in avoiding the unwanted administration of antipsychotic drugs. In Sell v. United States,539 U.S. 166 (2003). This usage of chemical restraints is a violation of federal law.

Chemical restraints are incredibly dangerous. Using powerful psychotropic drugs has clear risk on a person's physical and mental health. Of all the drugs used as chemical restraints, anti psychotics are the most widespread and may be the most dangerous. According to federal law, each patient has the right to be free from unnecessary medication. The facility must also obtain informed consent of the patient or the family before they can legally administer the drug.

The federal government has spent years warning facilities about their dangers, especially the damage they can do to the heart and cardiovascular system. Antipsychotic drugs are dangerous and can cause a number of severe adverse effects, including tardive dyskinesia, an irreversible neurological disease where a person has involuntary movements of the face, arms and legs, See www.fda.gov which provides information about Antipsychotic drugs including side effects and FDA warnings.

Psychotropic drugs "affect the mind, behavior, intellectual functions, perception, moods, and emotions" and are known to cause a number of potentially devastating side effects. Additionally, there are numerous other non muscular effects, including drowsiness, weakness, weight gain, dizziness, fainting, low blood pressure, dry mouth, blurred vision, loss of sexual desire, frigidity, apathy, depression, constipation, diarrhea, and changes in the blood. Because of these serious adverse effects from antipsychotic drugs, professional standards require that patients, their families, and/or their legal guardians be informed about the risks, side effects and benefits of psychotropic medications.

Petitioner states that Petitioner repeatedly requested from Dr. Alvaro Olivares to disclose information and side effects of antipsychotic drugs that he intended to prescribe to Petitioner. Petitioner states that Dr. Olivares never disclosed information to Petitioner or Petitioner's family regarding the risks, and side effects of antipsychotic drugs that he prescribed and/or intended to prescribe to Petitioner.

Medical standards require continuing efforts to reduce the amount of neuroleptic drugs a person receives. Petitioner states that the doctors at Butler Hospital did not make any effort to reduce the amount of anti-psychotic medication Petitioner received, despite the fact that Petitioner was experiencing side effects of the anti-psychotic medication and Petitioner was not exhibiting any symptoms of mental illness. Petitioner states that Petitioner never had a history or symptoms of mental illness.

Petitioner states that the right to refuse forced medication is fundamental and cannot abridge this right without first showing that medication would advance a compelling state interest and that no less intrusive alternative is available.

Petitioner states that our state's constitutional liberty and privacy guarantees require that courts authorizing the administration of psychotropic medications must find, first, that the requested course of medication is in the patient's best interests; and, second, that the patient would presently consent to the treatment if capable of making an informed decision.

Petitioner states that Petitioner was threatened on numerous occasions by Dr. Susan Kelly and Butler Hospital Staff to forcefully inject Petitioner with dangerous anti- psychotic medication Haldol if Petitioner did not immediately come out of the shower and take antipsychotic medication Invega.

Petitioner showed Dr. Alvaro Olivares and nurses at Butler Hospital that there were needle marks in the back of Petitioner's left calf that took place while Petitioner was at Butler Hospital. Dr Olivares and the nurses at Butler Hospital did not provide Petitioner with a reason why there were needle marks in the back of Petitioner's left calf. There were other witnesses that observed the needle marks in the back of Petitioner's calf.

Petitioner states that a Butler Hospital Nurse was persistently trying to get Petitioner to drink Gatorade just before the February 23, 2018 hearing. Petitioner later learned that the Butler Hospital nurses placed antipsychotic medication in patients Gatorade to mask the medication.

Dr. Alvaro Olivares Ordered Petitioner's bathroom locked and Ordered that Petitioner could not document mistreatment to nursing supervisors to insulate himself and Butler Hospital Staff.

Dr. Alvaro Olivares did not report the mistreatment Petitioner received to the Medical Director of Butler Hospital or anyone else.

Petitioner states that RI District Court Judge Madeline Quirk did not fully review or consider in her decision on February 23, 2018 that there was no less intrusive course of treatment available to Petitioner.

Petitioner states that RI District Court Judge Madeline Quirk relied on fraudulent physicians certificates and testimony, and unreliable hearsay evidence in determining that the requested course of medication was in the patient's best interests of Petitioner.

VIII. Judge Quirk should have disqualified herself for her impartiality in presiding over Petitioner's February 23, 2018 Civil Court Certification hearing.

RI District Court Judge Madeline Quirk conduct undermines the integrity of the judicial process and the administration of justice. RI District Court Judge Madeline Quirk violated the Code of Judicial Conduct, the Rhode Island Constitution, and the United States Constitution.

Rhode Island Code of Judicial Conduct:

Rule 1.2 Promoting Confidence in the Judiciary ,Rule 2.2 Impartiality and Fairness (A), Rule 2.3 Bias, Prejudice, and Harassment (A), Rule 2.4 External Influences on Judicial Conduct (B),Rule 2.6 Ensuring the Right to Be Heard (A), Rule 2.11 Disqualification (A)
A judge* shall disqualify himself or herself in any proceeding in which the judge's impartiality* might reasonably be questioned.Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A) (1) through (5) apply.

IX. Law Enforcements violation of Petitioner's Constitutional rights including but not limited to liberty protected interests, due process of law and equal protection secured by the Fourteenth Amendment and the Rhode Island Constitution.

Petitioner states that the West Warwick Police and Warwick Police conspired with the Kent County Court House and Court Clinician Heather Seger to issue an emergency certification to falsely imprison and involuntary confine Petitioner to psychiatric hospital at Kent County Hospital and Butler Hospital. Petitioner states that Law Enforcement conspired with Kent County Hospital, Butler Hospital doctors and staff, where Petitioner remained for four months and the Kent Center where Petitioner was transferred to outpatient.

Kent County Chief clerk Nancy Striuli contacted the West Warwick Police for reasons that she alleged that Petitioner was filing protective orders against the West Warwick Police.

Petitioner's testimony at the RI District Court Civil Commitment hearings support the fact that Petitioner was filing a motion to Quash deposition in a pending automobile accident case.

The actions of the police and Chief Clerk Nancy Striuli, which is stated on record in the RI District Court commitment hearings, are unlawful and unconstitutional. Petitioner has a constitutional right under the first amendment to redress the courts without retaliation of the government.

First Amendment to the United States Constitution provides: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Petitioner has a right to liberty, due process of law and equal protection secured by the fourteenth amendment.

Fourteenth Amendment to the United States Constitution provides:
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The incidents of Petitioner being targeted by Law Enforcement began after Petitioner filed a product liability lawsuit against a Japanese Company, Showa Denko K.K.,as a result of being injured by contaminated genetically engineered L-tryptophan that involved the FDA's wrongdoing. The Japanese Company, Showa Denko K.K, and the Food and Drug Administration (FDA) are at fault for the deaths and severe injuries of thousands of Americans. Petitioner hired a lawyer in 2000/2001 who used Petitioner's case to file discovery motions in the(MDL) United States District Court Columbia, South Carolina, (C. A. No. 3:96-361-0), damaging to the defendant Showa DenkoK.K., and the United States Government. Petitioner's former attorney Dennis Mackin stated in his October 12, 2001 Reply of Plaintiff to Defendant's Motion to Qaush Deposition of Kenneth Rabin , that "additional questions must be answered about political pressure brought to bear upon members of the South Carolina Congressional delegation."" What information was given to Senator Thurmond, Senator Hollings and Congressman Ravenell?"

Petitioner's former attorney informed Petitioner that a promoter of an EMS support group was being surveillanced and that anyone who was viewed as a threat was being surveillanced and intelligence was gathered . Petitioner's former attorney expressed concern that he was being surveillanced because of the damaging discovery he filed in Petitioner's case against Showa Denko that involved the FDA. Petitioner's case posed a threat to Showa Denko K.K. and the United States Government since, Petitioner's L-tryptophan lawsuit could re-open previous settlements entered into by 2,000- 5,000 L-tryptophan litigants on the basis of fraudulent inducement and expose damaging discovery against Showa Denko and the FDA. Petitioner's computer's were hacked and have continued to date. Prior to 2006, Petitioner contacted the Federal Bureau of investigation about the hacking of Petitioners computer. The Federal Bureau of Investigation stonewalled the investigation and Federal Bureau Supervisor Nicholas Murphy told Petitioner not to send the evidence Petitioner had regarding the hacking of Petitioner's computer which included but not limited to IP addresses of the hacking.

On January 22, 2006, Petitioner was kidnapped by Warwick, Rhode Island police officer Joseph Mee. There were other police officers on the scene including a plain clothes man who assisted officer Mee who was omitted from the Warwick dispatch log. The unlawful activities mentioned herein are ongoing and have continued to date. Petitioner contacted Supervisor Nicholas Murphy after Petitioner was kidnapped by Warwick Police Officer Joseph Mee to report the kidnapping. However, Supervisor Nicholas Murphy refused to help Petitioner and instead helped to cover up the kidnapping. After Petitioner filed a lawsuit in U.S. District Court of Rhode Island in 2006 against the F.B.I., Federal Bureau Supervisor Nicholas Murphy stepped down from his position with the Federal Bureau of Investigation. Petitioner states that Law Enforcement unlawfully interrogated Petitioner's granddaughter at her school. Law Enforcement forced Petitioner's granddaughter to answer intelligence gathering questions about Petitioner. Coventry Police Officer asked Petitioner's granddaughter where Petitioner sleeps at night. Law Enforcement threatened Petitioner's granddaughter by stating that if she told anyone about the police questioning her about Petitioner, Petitioner's granddaughter would be in big trouble. Law Enforcement has terrorized and traumatized Petitioner's granddaughter for life.

Petitioner states that on another occasion, the Coventry Police went to the home of Petitioner's granddaughter's mother's residence, and asked Petitioner's granddaughter's mother when Petitioner was going to come home from Foxwoods Casino. The West Warwick police have on numerous occasion parked in front of Petitioner's house and entered Petitioner's driveway. The West Warwick police broke down doors in Petitioner's house. Petitioner states that the Law Enforcement are the contact initiators.

On August 12, 2007 , the West Warwick Police were violently banging on Petitioner's door at home at approximately between 5:00 am & 6:00 am to stop Petitioner, while Petitioner was on the Daily Kos, a social political website, from exposing the truth to the American people about law enforcements unlawful actions against Petitioner. There are numerous other incidents regarding Law Enforcement targeting Petitioner.

Petitioner states that "timing" is strong evidence to prove a conspiracy. Prior to Petitioner's L-tryptophan product liability lawsuit in 1995, Petitioner was never a target of Law enforcement.

X. Rhode Island District Court, Rhode Island Supreme Court, Law Enforcement, including but not limited to Petitioner's doctors, lawyers are engaged in a pattern and practice of Political Psychiatry Abuse

Political abuse of psychiatry is the "misuse of psychiatric diagnosis, detention and treatment for the purposes of obstructing the fundamental human rights of certain groups and individuals in a society." It is important to recognize that the unique role of discrediting opinion and dehumanizing those with one whom disagrees is not limited to totalitarian regimes. The coercive use of psychiatry represents a violation of basic human rights in all cultures, including the United States where dissent is disapproved, often punished, and those perceived as threats to the existing political system could be effectively "neutralized with trumped up psychiatric illness. By this stigmatization reputations are ruined, power is diminished, and voices are silenced. It involves the deliberate action of diagnosing someone with a mental condition that they do not have for political purposes as a means of repression or control and to hide the atrocities of intelligence agencies' actions towards their targets."

On first glance, political abuse of psychiatry appears to represent a straightforward and uncomplicated story - the deployment of medicine as an instrument of repression. Psychiatric incarceration of mentally healthy people is uniformly understood to be a particularly pernicious form of repression because it uses the powerful modalities of medicine as tools of punishment, and it compounds a deep affront to human rights with deception and fraud. Doctors who allow themselves to be used in this way (certainly as collaborators, but even as victims of intimidation) betray the trust of their fellow man and breach their most basic ethical obligations as professionals.

Petitioner states that Petitioner's basic human rights, due process rights, equal protection secured by the Fourteenth Amendment, and the RI Constitution were violated by Law Enforcement, West Warwick Police, Warwick police, including but not limited to Kent County Courthouse Clerk, Kent County Courthouse Sheriff, Kent County Courthouse Police, Providence Center Court Clinician, Dr. Alvaro Olivares, Dr. Matthew Neidzwiecki, Kent County Hospital, Butler Hospital, RI District Court Judges, RI District Court Clerk, Vincent Chantharangsy, RI Supreme Court Chief Clerk Debra Saunders, RI Supreme Court, Mental Health Advocate, Petitioner's lawyer Susan Iannitelli who all participated in unlawful false imprisonment of Petitioner to a psychiatric mental institution and who have deprived Petitioner of basic human rights, right to due process, right to equal protection, right to petition the Government for a redress of grievances, and the right to life, liberty, and the pursuit of happiness. Their unlawful actions have critical implications for our democracy and the quality of life of our citizens. Law enforcement have violated the U.S. and International laws and have committed crimes against humanity.

Petitioner case is a clear example of Political abuse of psychiatry and it is of the up most importance that this Court grant certiorari, so that this abuse on basic human rights of an innocent American Citizen with no history of mental illness and no history of being a danger to herself or others does not continue to happen to other American Citizens.

Petitioner states that Petitioner was falsely imprisoned by Law enforcement on August 21, 2007, to Kent County Hospital psychiatric unit then taken against Petitioner's will to a psychiatric hospital after Petitioner filed a 42 U.S.C. § 1983 lawsuit in December of 2006 against Law Enforcement and others in Federal Court for civil rights violations, among other violations and unlawful actions. As a result of Law Enforcement falsely imprisoning Petitioner to a psychiatric hospital in 2007, Petitioner was unable to respond to Petitioner's pending Court action and Petitioner's case was dismissed for lack of diligent prosecution.

Petitioner states that Petitioner was falsely imprisoned by Law enforcement to Butler Hospital to insulate themselves from their pattern and practice of unlawful actions. By diagnosing Petitioner with delusional disorder and/or mental illness, it would then discredit Petitioners valid complaints against law enforcement, among others.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

Lori J. Jablonga

Date: October 25, 2019