

19-6472

No.

ORIGINAL

FILED

AUG 17 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Arthur Lopez
(Your Name)

— PETITIONER

California
vs.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Superior Court of California, County of Orange Appellate Division
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Arthur Lopez
(Your Name)

P.O. Box 13081

(Address)

Newport Beach, California 92658

(City, State, Zip Code)

949 467 0937

(Phone Number)

RECEIVED

AUG 20 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Should Male Fathers, including Latino (Mexican Heritage) Catholic-Christian be provided Equal Protection and Due Process Under Law as guaranteed by the United States Constitution under the 14th, 5th, 1st and 6th Amendments on matters related to Protective Orders and the Modifications of said orders.

Should Double Jeopardy Clause under the Fifth Amendment and Fourteenth, First and Six Amendment protections apply to Male Fathers, including Latino (Mexican Heritage) Catholic-Christians on matters related to Criminal Protective Orders post 'Not-Guilty' jury verdicts, so as to shield non-victim, minor children of exonerated Father, from inclusion in said Protective Orders against the Male Parent.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 1.) Superior Court of California, County of Orange
Trial Court @ Newport Beach - Harbor Justice Center
Judge Matthew Anderson, Judge Stephanie George,
Supervising Judge / Drug Court Harbor Panel
- 2.) Superior Court of California, County of Orange - Family Court - Lanoreaux Justice Center
Judge Thomas Delaney Judge Daphne Lykes
- 3.) Supreme Court of California, Chief Justice Tani Cantil

RELATED CASES

See attached list

Related Cases :

- 15HM12251 - Superior Court of California, County of Orange
16HM10451 Harbor Justice Center - Newport Beach - Trial Court
M-180677 (G057987) - Superior Court of California, County of Orange - Santa Ana -
(Judge Chai Pham) ^{Habeas Corpus}
16D001283 - Superior Court of California, County of Orange ^{Habeas Corpus}
Lamoreaux Justice Center - Orange - Family Court

- G054262 - California Court of Appeals 4th District, 3rd Div.
Santa Ana (See attached case detail).



G054361
G057379
G054626
G054770
G055004
G055199
G055356
G055448
G056017
G056216
G056467
G056564
G057060
G057239
G057278
G057462
G057649
G057773
G057987
G058069

Appellate Courts Case Information

4th Appellate District Division 3

Change court ▼

Court data last updated: 08/15/2019 12:11 PM

Case Summary

Trial Court Case:

16D001283

Court of Appeal Case:

G057379

Division:

Case Caption:

Lopez v. Lopez

CV

02/19/2019

Case Type:

Filing Date:

Completion Date:

Oral Argument Date/Time:

Cross Referenced Cases:

<u>G054262</u>	Lopez v. Lopez
<u>G054361</u>	Lopez v. The Superior Court of Orange County
<u>G054626</u>	The People v. Lopez
<u>G054770</u>	Lopez v. The Superior Court of Orange County
<u>G055004</u>	Lopez v. Lopez
<u>G055199</u>	Lopez v. The Superior Court of Orange County et al.
<u>G055356</u>	Lopez v. Union Bank N.A. et al.
<u>G055448</u>	Lopez v. The Superior Court of Orange County
<u>G056017</u>	Lopez v. City of Santa Ana
<u>G056216</u>	Lopez v. The Superior Court of Orange County
<u>G056467</u>	The People v. Lopez
<u>G056564</u>	The People v. Lopez
<u>G057060</u>	The People v. Lopez
<u>G057239</u>	Lopez v. Lopez
<u>G057278</u>	Lopez v. Lopez
<u>G057462</u>	Lopez v. Lopez
<u>G057649</u>	Lopez v. Lopez
<u>G057773</u>	Lopez v. Lopez
<u>G057987</u> — — — —	In re Arthur Lopez on <u>Habeas Corpus</u>
<u>G058069</u>	Lopez v. Lopez

- California Court of Appeals 4th District, Division 2
Riverside ↓ ↓ (See attached Case Detail)

↓ ↓

(See attached Case Detail)

955906E

California Supreme Court (See attached case detail)

↓

(See Attached Case Detail)

[5244794
5248742 15247603

Appellate Courts Case Information

4th Appellate District Division 2

[Change court ▼](#)

Court data last updated: 08/15/2019 12:11 PM

Case Summary

Trial Court Case:

RIV1701781

Court of Appeal Case:

E069559

Supreme Court Case:

S250265

Division:

Case Caption:

Arthur Lopez v. Cheryl Lopez

CV

11/22/2017

01/10/2019

Case Type:

Filing Date:

Completion Date:

Cross Referenced Cases:

E070307

Arthur Lopez v. Cheryl Lopez

E070663

Arthur Lopez v. Cheryl Lopez

E070899

Arthur Lopez v. Cheryl Lopez

E071093

Arthur Lopez v. Cheryl Lopez

[Click here](#) to request automatic e-mail notifications about this case.

Supreme Court**Court of Appeal****Trial Court****Case Number****Case Number****Case Number**S255865

G057462

16D001283

LOPEZ, MARRIAGE OF

S254047

G057060

30-2016-00869605

PEOPLE v. LOPEZ

S252084

G056467

15HM12251

PEOPLE v. LOPEZ

S252084

G056467

30-2016-00833841

PEOPLE v. LOPEZ

S250265

E069559

RIV1701781

LOPEZ v. LOPEZ

S248959

LOPEZ v. CA 4/2 (LOPEZ)

S248949

G056216

30-2017-00953313

LOPEZ v. S.C. (PEOPLE)

S248943

LOPEZ v. CA 4/3 (LOPEZ)

S248742

LOPEZ v. S.C. (CITY OF SANTA ANA)

S247603

LOPEZ v. S.C. (CITY OF SANTA ANA)

S244794

G055356

30-2012-00565803

LOPEZ v. UNION BANK

S244235

LOPEZ v. S.C. (PEOPLE)

S242910

LOPEZ v. S.C. (PEOPLE)

S242335

G055004

16D001283

LOPEZ, MARRIAGE OF

S241477

G054770

15HM12251

LOPEZ v. S.C. (PEOPLE)

S240272

G054361

30-2016-00880306

LOPEZ v. S.C. (PEOPLE)

S240272

G054361

15HM12251

LOPEZ v. S.C. (PEOPLE)

S240134

G054262

16D001283

LOPEZ v. LOPEZ

Related Cases, - Cont #3 :

30-2016-00833841

- Superior Court of California, County of Orange
Appellate Division - Santa Ana

↓

↓

30-2016-00869605

30-2016-00880306

Related Cases Cont #4 :

SACV 18-01835

United States District Court for the Central
District. Arthur Lopez v California Court of Appeals,
Manuel Ramirez

SACV 19-01143

Arthur Lopez v. Superior Court of California,
County of Orange

SACV 17-02038

Arthur Lopez v State of California,
et al

SACV 17-01466

* Arthur Lopez v MUFG Union Bank
*(Also U.S. Court of Appeals for the 9th Circuit
Case # 18-55748 and
United States Supreme Court
Case # Pending)

Docket # 19A240

Arthur Lopez v. MUFG Union Bank, NA
United States Supreme Court

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APPENDIX C	Appellate Division - Superior Court of California, Co. of Orange # 30-2016-00869605 Appeal Case Dismissal 11/20/19
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APPENDIX F	Court Appointed - Ex-"U.S." Attorney Robison Harley's withdrawal from Representation written Notification 11/26/2018.

June 14th 2018

* Key Participants - List of Parties

Continued

Superior Court of
Harbor Justice C
Newport Beach

ISHM12251 - Presiding Judge Thomas A. DeLaney formerly
Defense Attorney for L.A. Unified School District in
a suit involving students and defense found to
be destroying evidence. Also, Married to
District attorney of Orange County. D.A. is
under Federal Investigation for manipulating
informants. Same District attorney office w/
involved in a Malicious Prosecution case
which is in litigation under Case # 17-00488

Lopez v * Joshua Vencelet (Newport Beach P

Same Police Department (Newport Beach) involved in
withholding evidence to manipulate trial of Arthen
Lopez (Officer * Mathew Biagi + * Shawn Dugan -
arresting officers on originating case for trial of
ISHM12251)

10/2 * Kathleen O'Leary,
Presiding Judge of the California Court of Appeals
for the 4th District, 3rd Division is married
to * Kenneth Balcock who is the director of
the Public Law Center 601 Civic Center Dr. S.,
which runs * Pro-Se Clinic @ the U.S. District
which staffed * So. Attorney (Bon3463) who derailed through
counsel Plaintiff Arthen Lopez civil case against

* MAFG Union Bank in 2/16 ^{New} Case is currently w/
U.S. Court of Appeals 9th circuit. * Public Law Center refused to

Appendix E

1 of 2

represent Arthur Lopez on various civil cases
involving Union Bank and housing matters
and Family Law - Civil matters 2012 - present.

* Judge Daphne Sykes, Lamoreaux Justice Center - Superior Court
* Family Court Refused to Offer Modification litig. Existing Protective
Order County of Orange for Plaintiff 2 Protective Orders may exist.
Judge Doug Hutchinson Newport Beach Superior Court
Harbor Justice Center

Employs sister * Kelli Mauere, of Plaintiff's assailant

* Cheryl Lopez from whom plaintiff has been
seeking a Restraining order from Superior Court
in O.C. and Riverside County. Colleague
of Judge Thomas Delaney and * Judge Stephanie
George who was arrested by Orange County
Sheriff in late 2016 after denying Plaintiff
Modification of Protective Order so as to
regain custody of three of four of his children
on 9/12/16 following a false arrest and
malicious prosecution that led to 37 days of
incarceration on a bogus charge which was

dismissed and is part of Federal Civil litiga
against Josh Vincelet, N.B. P.D. Case # SACV17-00118

* California Supreme Court Chief Justice Tani Ganeant
Sakaguchi - also Director of Judicial Council of California
married to retired Sacramento Police Officer and oversees system
Constitutional Civil Rights - Active

Appendix
E

Under
law

As of 11/26/18 I have abandoned
my duties as court appointed attorney
on appeal number WC 30-2016-00862605,
I hereby authorize Arthur Lopez to
continue litigating this appeal
to higher courts

Art Lopez
date 11/26/18

Exhibit
#

Exhibit
#

TABLE OF AUTHORITIES CITED (1)

CASES: United States Supreme Court: PAGE NUMBER

- 1.) Troxel v. Granville, 530 U.S. 57 (2000)
- 2.) Santosky v. Kramer, 455 U.S. 745, 749, 753-54 (1982)
- 3.) Pierce v. Society of Sisters, 268 U.S. 510 (1925)
- 4.) Wisconsin v. Yoder, 406 U.S. 205 (1972)
- 5.) Stanley v. Illinois, 405 U.S. 645 (1972)
- 6.) H.L. v. Matheson 450 U.S. 398, 410 (1991)
- 7.) Hodgson v. Minnesota, 497 U.S. 417 (1990)
- 8.) Carey v. Population Services International, 431 U.S. 678, 684-686 (1977)
- 9.) Meyer v. Nebraska, 262 U.S. 390 (1923)
- 10.) Quilloin v. Walcott, 434 U.S. 246, 255-56 (1978)
- 11.) Armstrong v. Manzo, 380 U.S. 545 (1965)

12.) Isidora M. v. Silvino M. 239 Cal. App. 4th 11, Court of Appeal
2nd District, Division 3, California
B256587

* 13.) People v. De la rosa aranda (2014) 227 Cal App. 4th, 205

TABLE OF AUTHORITIES - Continued (2)

Cases

<i>Babalola v. Superior Court,</i> (2011) 192 Cal.App.4th 948	21
<i>In re Hillary,</i> (1962) 202 CA2d 293	5
<i>In re Douglas,</i> (2011) 200 CA4th 236	7
<i>Moore v. Municipal Court,</i> (1959) 170 CA2d 548	7
<i>People v. Beckemeyer,</i> (2015) 238 Cal.App.4th 461	15, 18
<i>People v. Clayburn,</i> (2012) 211 Cal.App.4th 86	13, 14, 15
<i>People v. Delarosarauda,</i> (2014) 227 Cal.App.4th 205	Passim
<i>People v. Peters,</i> (1991) 52 Cal.3d 894	21
<i>People v. Wilson,</i> (1963) 60 C2d 139	7
<i>Peterson v. Superior Court,</i> (1982) 31 C3d 147	7
<i>Schaeffer v. Municipal Court,</i> (1968) 260 CA2d 819	5
<i>Schoenfeld v. Board of Parole Hearings,</i> (2010) 191 Cal.App.4th 1324, fn. 4	6
<i>Shaffer v. Justice Court,</i>	

Statutes and Rules (1)

Title 18 U.S. Code § 242

Title 42 U.S. Code §§ 1983 and 1985

Statutes and Rules (1)

PENAL CODE

Pen. Code §136.2(i)(1)	
Pen. Code § 243(e)(1)	
Pen. Code §245(a)(1)	
Pen. Code §245(a)(4)	
Pen. Code § 273a(b)	
Pen. Code § 273.5(a)	
Pen. Code § 273.5	
Pen. Code § 273.5(j)	
Pen. Code § 591.5	
Pen. Code § 646.9(k)	
Pen. Code § 1203.3(a)	
Pen. Code § 1203.3(b)	
Pen. Code § 1203.3(b)(1)	
Pen. Code § 1203.3(b)(6)(I)	
Pen. Code § 1203.097	
Pen. Code § 1466(2)(A)	

FAMILY CODE

Fam. Code § 6211	6,7,8
------------------------	-------

CITATIONS:

<i>People v. Beckemeyer</i> (2015)	
238 Cal.App.4 th 461	9,11
<i>People v. Clayburn</i> (2012)	
211 Cal.App.4 th 86	8,9
<i>People v. Delarosaranda</i> (2014)	
227 Cal.App.4 th 205	7,9,10,11

Exh D

Statutes and Rules (continued) (2)

Cases:

(1960) 185 CA2d 405.....

Shuford v. Superior Court,

(1974) 11 C3d 903

Statutes and Rules

Code of Civil Procedure § 1085(b)

Code of Civil Procedure § 1086.....

Penal Code section 1203.097

Penal Code section 136.2, subdivision (i)(1)

Penal Code section 273.5, subdivision (j).....

Penal Code section 646.9, subdivision (k).....

Penal Code section 273.5, subdivision (a).....

Family Code section 6211

* Volume I ^{Exh "H"} Transcript - on CD

Exhibit A.....1

Exhibit B.....4

Exhibit C.....6

Exhibit D11

Exhibit E.....16

Exhibit F.....30

Exhibit G59

Exhibit H Transcript on CD.....63

Proof of Service.....267

* Volume II Transcript - on CD

Exhibit H.....268

Proof of Service.....489

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☒ For cases from **state courts**:

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

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

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

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

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was March 20th, 2019
A copy of that decision appears at Appendix A.

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

☒ An extension of time to file the petition for a writ of certiorari was granted to and including August 17, 2019 (date) on August 8th, 2019 (date) in Application No. 19 A 148.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States of America Constitution 14th, 1st, 5th
and 6th Amendments.

Statement of the Case

1 Most Honorable United States Supreme
2 Court this Case arises from the
3 State of California's refusal to recognize
4 the Rights of Every Citizen of this Nation,
5 Male or Female, to Equal Protection
6 of the Laws and Due Process of Law as
7 provided by the Fourteenth Amendment
8 in Matters of Parenting, Custody and
9 Relationship, Familial Right of Association,
10 Intimate Association and Male Fathers Right To
11 Parent as a Fundamental Right.

12 Moreover, the State also systematically
13 as a matter of standard operating
14 procedure, under color of law, also ignores
15 the Protections afforded to every citizen,
16 male or female, under the First Amendment
17 by creating laws and schemes to abridge and
18 more alarming to deprive citizens and petitioners
19 of their free exercise of religion, speech
20 and redress of grievances.

21 Specifically the State without any
22 ambiguity deprives citizens and petitioners
23 Liberty and Property without Due Process
24 of Law in violation of protections provided
25 under the Fifth Amendment. This scheme
26 involves the issuance of these so called Protective
27 Orders, that include NOW-victim minor children
28 of Male, Latino (Mexican Heritage), Catholic-Christian

1 Father. In fact, the so called Protective Order
2 included three of Petitioner's minor children
3 ages 11, 9 and 4 for which Petitioner has
4 provided the Primary Care for Four and half years
5 prior to the issuance of the order barring any
6 contact whatsoever. More tortuous even
7 the State then perversely refuses to grant
8 a modification of the unlawful order
9 despite the California Rules of Court providing
10 authority and jurisdiction to do so and
11 despite abundance of Case Law also providing
12 authority to do so and more sinister yet
13 modifications of protective orders are not a
14 new area of law. Beyond all of this State
15 within authority, the United States Supreme
16 Court and the United States Constitution
17 has also provided clear and abundant
18 guidance, authority and validation of the
19 inalienable Right of a Father to Parent Being
20 active and Integral part of their children's
21 lives, see *Troxel v. Granville*, 530 U.S. 57 (2000).
22 This case follows the jury trial exoneration
23 of three bogus charges made against Petitioner
24 by corrupt police officers who withheld evidence
25 to manipulate the outcome of the trial and
26 the false accusations made by petitioner's ex-wife.
27 In fact, Petitioner was found Not Guilty of
28 any wrongdoing against his ex-wife since (Case #15HM12251)

1 she was found to have initiated her physical
2 aggression in a repeated assault upon Petitioner.
3 In addition, Petitioner was also found
4 Not Guilty of any wrongdoing as to his
5 First Born son "Noah," who is the subject of
6 one of the three minor children Petitioner
7 sought to have removed from the Protective
8 Order approximately 6-7 times but denied despite the
9 Jury's findings of Not Guilty. Furthermore,
10 the two other children Petitioner sought
11 to remove from the Order had no part
12 in any of the Jury Trial Charges and the
13 youngest of these three children was asleep ("Luke")
14 in a separate bedroom throughout all
15 the events engaged by the jury trial,
16 he was four years old the last time
17 Petitioner saw or spoke to him. His name
18 is "Luke". The third Non-Victim in this case
19 of conspiracy to deprive Petitioner and his children
20 of their U.S. Constitutional Rights is now 14 yrs. ("Thalia")
21 old and also was not a part of any
22 of the allegations included as charges against
23 petitioner nor was there ever any issues
24 of parenting ever reported prior to the
25 events which were the subject of Petitioner's
26 jury trial in January of 2016 despite Petitioner
27 being the Primary Care Giver of all of his
28 four children from the day of Luke's birth 10/11/11,
Her name is "Thalia".

1 Now as to the Fourth Minor child of Petitioner,
2 Tatiana, Petitioner has not sought her
3 Protective Order removal only because a Writ of Habeas Corpus
4 Petition remains in process to overturn the wrongful misdemeanor conviction(s)
5 that stem from her mother drawing her into
6 the assaults Petitioner's ex wife had inflicted
7 upon petitioner but who was never charged
8 by the bias police officers after omitting
9 evidence to conceal their malicious prosecution.
10 In fact, several elements of bias and deprivation
11 of Civil Rights are outlined in the Habeas
12 Petition now in the California Court of Appeals / Supreme
13 after initiating the Process in the Court of
14 Superior Court of California, County of Orange
15 under Case # 11-18067. Tatiana was
16 spanked one time on the left shoulder by
17 Petitioner's Right open hand leaving no
18 marks or discoloration whatsoever. This was after
19 her mother's assault upon petitioner to
20 include slashes to his face drawing blood
21 from his right chin and cheek and her mother's
22 bringing Tatiana into the dispute forum and
23 Petitioner needing to stop the assaults
24 being inflicted. For these actions Petitioner
25 has complied with all of the consequences to
26 his actions and has remained, as before
27 the events of the trial subject matter, free of
28

any entanglements or missile.

In summary, Petitioner has been barred from having any contact with his children since the events of 11/22/15, not even phone contact by the reckless disregard of a corrupt judicial process within the State of California which amounts to nothing more than a "Hate" crime that includes a conspired, premeditated deprivation of Petitioner's Civil and U.S. Constitutional Fundamental Rights as a Male, Latino (Mexican-heritage) Catholic Christian Father. This Hate Crime is not only in the form of actions but has also been verbally revealed by Public Defender Christopher Lee when he refused to be replaced (due to his depriving of Petitioner's Civil Rights) back in late 2015 or early 2016. The evidence herein attached also supports this conclusion of facts. Speedy Trial

For these reasons and many, many more Petitioner Respectfully and Humbly seeks this court's intervention and relief from the Civil and Criminal actions of the State of California. Petitioner was also denied Court Appointed Counsel despite this being a Criminal Case, as a Misdemeanor conviction and Criminal Protective Order.

Please see the attached Citations of Related Case Law.

1 Most Honorable United States of America
2 Supreme Court please accept Arthur Lopez's
3 Petition for Writ of Certiorari following the
4 California Supreme Court's Denied Petition
5 for Review and the California Court of Appeals
6 Dismissal of Petitioner's Case without
7 litigation citing no jurisdiction. Moreover,
8 the Appellate Division of the Superior Court
9 of California, County of Orange also
10 Dismissed Petitioner's appeal for no just
11 cause and the Trial court ignored Case Law
12 and Rules of the Court denying Petitioner's
13 request for modification of said Protective
14 order more than 5 Times also without
15 just cause (See Appendix 'D').

16 Please find attached excerpts of previously
17 submitted Statement of Facts in support of
18 this Petition.

* 19 Please see People v. Delarosa-Rauda,
20 227 Cal. App. 4th 205 (2014) whereby
21 Non-Victim Family Members are barred from
22 inclusion on Criminal Protective Orders
23

24 - Also Please see Troxel v. Granville, 530 U.S. 57 (2000)
25 whereby the United States Supreme Court has recognized
26 the right of Parents to be and active and integral part of
27 their children's lives including Fathers as a Constitutional
28 Right and is protected under the 14th amendment

Also see *Santaky v Kramer*, 455 U.S. 745, 753 (1982) whereby the United States Supreme Court held that Parental Rights require proof by clear and convincing evidence rather than merely a preponderance of the evidence to terminate a Parent's Rights to Parent.

Also in *Quilloin v. Walcott*, 434 U.S. 246, 255-56 (1978) the court held a once Married Father who is divorced could not constitutionally be treated differently.

Please also *Pierce v Society of Sisters* 268 U.S. 510 (1925) Rights of Parents to be kept largely beyond the reach of government. Moreover

H.L. v Matheson, 450 U.S. 398, 410 (1981).

Constitutional interpretation has consistently recognized that the Parents claim to authority in their own household to direct the rearing of their children is basic in the structure of our society.

Additionally, in *Hodgson v Minnesota* 497 U.S. 417 (1990) the court found that Parental Rights are protected under the First and Fourteenth Amendments as fundamental and more important than Property Rights and deemed essential.

In *Meyer v Nebraska*, 262 U.S. 390 (1923)

State law was invalidated the court chastened the State for attempting to materially interfere

1 with power of parents to control the education
2 of their children.

3
4 Also see *Isidora M. v. Silvino M.*

5 239 Cal App 4th 11, Court of Appeal 2nd
6 District, Division 3 California B256887
7 where the Court held a Superior Court (Trial Court)
8 may issue a mutual domestic violence restraining
9 order. This is significant since The Lamoreaux
10 Justice Center w/ Hon. Judge Daphne Sykes
11 also repeatedly denied modifying or even
12 recommending the modification of said
13 protective order on the grounds that an
14 existing protective order already existed,
15 this conclusion despite Harbor Justice Superior
16 Court Hon. Judge Robert Gannon suggesting the
17 Family Court issue such recommendation.

18
19 Lastly please see other Case Law references
20 under the Table of Authorities (1) and (2) titles
21 included herein.

22
23 For all these reasons and also for the
24 Facts contained in the following Statement of
25 Facts (2) from previously filed excerpts Petition,
26 Humbly and Respectfully seeks this Court's
27 Intervention and Relief in Granting this
28 Petition for Writ of Certiorari.

Statement of Facts (2)

1 by the lower court timely on
2 December 26th, 2018 two days before
3 the Ordered Due Date of 12/28/18.
4

5 This abrupt dismissal of Appellants
6 Appeal without Due Process and
7 Equal Protection under Law
8 constitutes a violation of Appellant,
9 Arthur Lopez's Civil Rights under
10 the United States Constitution's
11 14th amendment.

12 In addition, Appellant was denied
13 a court appointed attorney despite
14 Appellant requesting counsel for
15 his criminal case defense. On
16 these matters of modifying a protective
17 order that exceeded the boundaries
18 set by law. Depriving Appellant of
19 legal representation for this
20 criminal case is also a Civil Rights
21 violation under the United States
22 Constitution's 6th amendment.

23 In fact, failure to modify the
24 overreaching Protective Order which
25 included family members not victims
26 in the unrelated misdemeanor conviction
27 of appellant involving his eldest daughter
28 not his other three children is also

1 a violation of Appellant's Civil Rights
2 under the 14th amendment which
3 guarantees Equal Protection under
4 Law and Due Process under law, neither
5 of which occurred here as evidenced by the
6 multiple denials to modify said protective
7 order despite justified case law supporting
8 such modifications as requested in this case
9 specifically. Moreover, under California
10 Rules of Court - Rule 8.500 - Petition for Supreme Court
11 Review (b) - "Grounds for Review" (2)
12 a Review is justified and a right of
13 Appellant "when the Court of Appeal lacked
14 jurisdiction," as is the specific citing by
15 the lower courts November 20, 2018 Order (See Exh "C")
16 and the Ca. Court of Appeal's January 20, 2019 (See Exh "B")
17 Dismissal Order issued before O'Leary, P. J.,
18 Tybell, J., and Doethals, J. In addition,
19 the Superior Court of California, County of Orange
20 Appellate Division also concluded a lack of
21 jurisdiction in their November 20, 2018 Opinion
22 whereby Appellant's Appeal was dismissed.
23 see attached exh. "C". Appellant, Arthur Lopez
24 respectfully requests this court take judicial
25 Notice that in both Superior Court Appeals
26 (1st - Appeal from Trial of January 4 - 12th, 2016 and
27 2nd - the Appeal of the Denial of Modification of Protective
28 Order) Appellant was represented by Court appointed

(13)

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Public Defenders, first Christopher Lee and 2nd Daniel Kim who withdrew from representation abruptly and following the malicious prosecution against Arthur Lopez that led to 37 days of False Imprisonment before Superior Court Judge Robert Gannon dismissed the bogus charge and closed the case for a full vindication of Appellant - being completely innocent of any wrongdoing whatsoever. Following Public Defender Kim's recusal Court Appointed Attorney Mr. Robison Harley took over the reins of Appellants two appeals (1st the trial of Jan. 2016 Appeal and 2nd the denial of protective order modification). Appellant also respectfully requests this Court take judicial notice of the fact that Appellant was also deprived his right to Due Process in a 2nd denial of protective order modification - following the September 12, 2016, Judge Stephanie George order to deny the modification motion filed on appellant's behalf by Public Defender Daniel Kim. This denial order was issued the same day Appellant Arthur Lopez was falsely arrested, falsely imprisoned and maliciously prosecuted by the Newport Beach Police Department, Joshua Vincelet and the City of Newport Beach all of which came to an end upon the dismissal of the

See Appendix
D Page 22

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Proquo charge and case after 37 Days of false imprisonment and as such Appellant was prevented from receiving relief under the appeal Appellant filed subsequent to his release since his Public Defender Daniel Kim had not filed an appeal of the protective order denial while Appellant was in jail and since he abruptly refused himself from Appellants representation right after Appellant was exonerated of any wrongdoing and released from custody on or about October 19, 2016. It is noteworthy that Appellants appeal was not permitted to proceed because an appeal was not filed within 30 days despite never having been contacted by Daniel Kim while he was in custody for 37 Days and as was later learned the judge who denied the Protective Order modification on September 12, 2016 was herself also arrested from her residence not long after Appellant's false imprisonment. It is quite evident that Good Cause exists and existed at every step of the Appeal filed by "unrepresented (despite this being a Criminal case) by counsel" Appellant Arthur Lopez to overcome a few day delay in the filing of the appeal beyond any

(15)

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1 statutory 30 Day limitation as permitted by
2 California Rules of Court.

3 Now then, Appellant, Arthur Lopez, here
4 again is being compelled to proceed with
5 this Criminal Case without legal
6 representation. Moreover, Appellant was
7 not heard by Superior Court Judge Mathew
8 S. Anderson instead denial was issued in
9 chambers in Appellant's recollection. In addition,
10 this case is appealable under Pen Code
11 § 1466 subd. (2)(A) and (B) - see attached exh **pg. 17**

12 Furthermore, Case Law well supports Appellant
13 Arthur Lopez's motion/request to modify this
14 protective order as held in *People v Delarosa* (2014) 227 Cal. App. 4th 205 whereby Appellant
15 was convicted of assaulting (victim). On the record
16 before the trial court, there was no reason to believe
17 that any crime was being or had been perpetrated
18 or attempted to be perpetrated against (son)
19 or (stepdaughter). In this case Appellant,
20 Arthur Lopez's youngest son Luke remained
21 sleeping in an entirely different room (bedroom
22 with door shut) at all times during the events
23 related to Appellant's case and trial. Moreover,
24 Appellant was entirely and completely exonerated of
25 any wrongdoing as to his second son Noah and
26 finally Appellant was not at any time accused
27 of any wrongdoing as to his second daughter Cholia.
28

(16) → ~~_____~~
(*) ~~_____~~ Page Number



2005 California Penal Code Sections 1466-1469

CHAPTER 2. APPEALS IN MISDEMEANOR AND INFRACTION CASES

PENAL CODE SECTION 1466-1469

1466. An appeal may be taken from a judgment or order, in an infraction or misdemeanor case, to the appellate division of the superior court of the county in which the court from which the appeal is taken is located, in the following cases:

(1) By the people:

(A) From an order recusing the district attorney or city attorney pursuant to Section 1424.

(B) From an order or judgment dismissing or otherwise terminating all or any portion of the action, including such an order or judgment, entered after a verdict or finding of guilty or a verdict or judgment entered before the defendant has been placed in jeopardy or where the defendant has waived jeopardy.

(C) From sustaining a demurrer to any portion of the complaint or pleading.

(D) From an order granting a new trial.

(E) From an order arresting judgment.

(F) From any order made after judgment affecting the substantial rights of the people.

(G) From the imposition of an unlawful sentence, whether or not the court suspends the execution of sentence. As used in this subparagraph, "unlawful sentence" means the imposition of a sentence not authorized by law or the imposition of a sentence based upon an unlawful order of the court that strikes or otherwise modifies the effect of an enhancement or prior conviction. A defendant shall have the right to counsel in the people's appeal of an unlawful sentence under the same circumstances that he or she would have a right to counsel under subdivision (a) of Section 1238.

(H) Nothing in this section shall be construed to authorize an appeal from an order granting probation. Instead, the people may seek appellate review of any grant of probation, whether or not the court imposes sentence, by means of a petition for a writ of mandate or prohibition that is filed within 60 days after probation is granted. The review of any grant of probation shall include review of any order underlying the grant of probation.

(2) By the defendant:

(A) From a final judgment of conviction. A sentence, an order granting probation, a conviction in a case in which before final judgment the defendant is committed for insanity or is given an

1 of 2

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indeterminate commitment as a mentally disordered sex offender, or the conviction of a defendant committed for controlled substance addiction shall be deemed to be a final judgment within the meaning of this section. Upon appeal from a final judgment or an order granting probation the court may review any order denying a motion for a new trial.

(B) From any order made after judgment affecting his or her substantial rights



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Moreover, Plaintiff was deprived of his Right to Counsel for Appellant's ^{Representation} defence. Here both this court and the lower Superior Court are systematically depriving Appellant a court appointed attorney despite having permanent injuries/disabilities and No Income. In fact, a fee waiver has been granted by both courts repeatedly but yet this U.S. Constitutional right under the 6th amendment is as a matter of policy denied under color of law, see exh "B".

Moreover, third, the Appellate Department of the Superior Court, Los Angeles County on January 9th, 1976 under People v. Prince - Criminal, A. No. 13378 established and reiterated "the accused shall, under the 6th amend., enjoy the right to ... have the Assistance of Counsel for his defence. In addition, it cited Section 15 of Article I of the California Constitution declaring that the defendant in a criminal cause has the right ... to have the assistance of counsel. The court went on to quote In re Johnson (1965) 62 Cal. 2d 328 [42 Cal. Rptr. 228, 398 P.2d 420] at Page 329: "... There can be no doubt that the fundamental constitutional right to assistance of counsel at all stages of the proceedings (see Gideon v. Wainwright (1963) 372 U.S. 335 [83 S. Ct. 792, 9 L. Ed. 2d 799, 93 A.L.R. 2d 733]). People v. Douglas (1964) 61 Cal. 2d 430, 434 [138 Cal. Rptr. 884,

392 P. 2d 964] is, in California at least,
NOT limited to felony cases but is equally
guaranteed to persons charged with
misdemeanors in a municipal or inferior
court, (see exh 'c').
Fourth, the Supreme Court of the
United States in Brewer v. Williams,
430 U.S. 387 - March 23, 1977 ruled
that the respondent was entitled to a new
trial because he was deprived of the
right to assistance of Counsel (see
exh. 'd'). In this matter, before this
court Appellant, Arthur Lopez, has been
deprived of his U.S. Constitutional right
under the Sixth Amendment to the
assistance of Counsel in his Criminal
Misdemeanor case by both the lower
Superior Court and by this court as well and
as such, should be granted a competent
court appointed counsel for assistance and
Appellant's Appeal Case should move forward
and ~~Denial~~ issued on 7/31/8 reversed.

Please note California Penal Code section
1203.097 Precludes a Protective Order from including
the victim's immediate family as per Rules of Statutory
Interpretation. Here the Respondent Court issued an
Unlawful Protective Order by including individuals who were not
Victims of the Charges that
led to Misdemeanor Conviction (other Page Number)

Moreover, where the lower court claimed to not have authority to modify said protective order Judge Stephanie George Dept H13 - Superior Court of Ca @ Harbor Justice Center - Newport Beach - 7/18/16 and 9/12/16 erred since California Penal Code §1203.3(b)(1) and 1203.3(b)(6)(1) clearly provide authority to the Superior Court to Modify the Issued Protective Order as has been the practice as well for years.

However, here Plaintiff was not afforded Equal Protection Under Law as provided by the 14th Amendment to the United States Constitution. Ca Penal Code 1203.3 subdivision (a) states:

"The Court shall have authority at any time during the term of probation to revoke, modify or change its order of suspension of imposition or execution of sentence ..."

Ca Penal Code 1203.3, subdivision (b) states under (6) "The Court may limit or terminate a protective order that is condition of protection or mandatory supervision in a case involving domestic violence, as defined in section 6211 of the Family Code."

In considering/determining whether to limit or terminate the protective order, the court shall consider ...

(1) Whether the ends of justice would be served by limiting or terminating the order."

In *People v. De lasosaranda* (2014) 227 Cal. App. 4th 205 on Appeal the Court found in favor of Appellant who argued the court lacked authority under

1 either sections 136.2 subdivision (i)(1) (hereafter section
2 136.2(i)(1) or 273.5, subdivision (j) to issue a protective
3 order as to the children as they were not victims
4 of the charged offense. The Appellate Court
5 reversed the issuance of the Criminal Protective
6 Order with regard to the non-victims stepdaughter
7 and son analyzing sections 136.2(i)(1) and 273.5(j)
8 finding the plain language of the statute,
9 the trial court lacked authority to
10 issue a protective order as to son and
11 stepdaughter. Id. at 211, 213. The Delarosa-Sandoval
12 court stated: "Appellant was convicted
13 of assaulting [victim]. On the record before
14 the trial court, there was no reason to
15 believe that any crime was being or had
16 been perpetrated or attempted to be perpetrated
17 against [son] or [stepdaughter];" Id.
18 As is the case here where three of Petitioner's
19 four children have no involvement in the
20 matters pertaining to his ^{modern} ~~convictions~~ related
21 only to his eldest daughter - for which a
22 Habeas Corpus petition is underway before
23 the California Supreme Court S25P770.
24

25 For all these facts and many more this Supreme Court
26 of the United States should grant Petitioner's
27 Writ of Certiorari as he has not been allowed
28 contact with his three younger children since 11/22/2015.

October 28, 2019

22

Page Number

Arthur Lopez
Arthur Lopez

1 Honorable Supreme Court of the United States
2 Petitioner respectfully requests permission to
3 submit Audio CD of Petitioner's Hearings related to
4 Modification of Protective Order and Trial Case # 154HM12251.
5

6 Lastly Petitioner seeks a Court Appointed Attorney
7 for this Criminal Protective Order case.
8
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12

13 Respectfully submitted,
14
15

16 Arthur Lopez
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October 28, 2019

REASONS FOR GRANTING THE PETITION

This Petition for Writ of Certiorari should be granted to restore the Civil, Fundamental, United States Constitutional Rights under the Fourteenth, First, Fifth and Sixth Amendments of every Male Father, including Latino (Mexican Heritage), Catholic-Christian, Minorities of every origin and Citizens Nationwide regardless of Gender.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Arthur Lopez Arthur Lopez

Date: August 17, 2019