

request for rehearing of writ of certiorari

I Star Fortes intend to prove that my constitutional rights were violated and I am asking the U.S Supreme Court to grant my writ or send it back to the original trial court!

I am not asking for a rehearing to stall time but for justice for my children and I. I'm asking for me to be treated the way our constitutional rights say we are to be treated.

My 14th Amendment was violated which led to my 6th Amendment (not having a fair trial) being violated. I know due process mostly applies to criminal cases but in some civil cases it has a great effect on the outcome. It has great importance to my civil case because unlike other civil cases I am not losing property or money or material things. MY children will lose the right to have their biological mother and I lose my parental rights all due to my 14th and 6th Amendment being violated.

In the original trial and proceedings my lawyer Chad Jordan provided inadequate defense.

. when I had a hearing for my youngest child (K.P.M) he failed to show up or notify opposing counsel. With him not showing up the courts still had me go in front of the judge without my lawyer present another violation of my rights. This shows part of his inadequate defense, if my lawyer was present he could have stated and proven that the testimony by attorney at litem (Katie Flynn) was false. Katie Flynn testified under oath that my child and I were not tested at the hospital, when in fact we were and we both were negative for any drugs. My lawyer could have also argued the fact that the state claimed that I was using drugs my entire pregnancy, they claimed that because my hair follicle test in January of 2016 was positive I was still using my lawyer could have proven the fact that was impossible because I gave birth in February of 2016 and if I were in fact actively using drugs then my child and I would have definitely been positive at birth. Due to his inadequate defense my newborn child was taken away off false testimony.

. I asked my lawyer since my right to have a attorney present was violated if he could request a emergency hearing he stated that we could and that I would have to pay for the court fees so I gave him the money he requested but we never had a emergency hearing. Due to his inadequate defense I was unable to bond with my newborn child and have him home with his mother in a stable loving environment.

. At another hearing the attorney at litem Katie Flynn had K.P.M foster parent falsely testified under oath that he was having withdrawals. My lawyer failed to cross examine her and if he would have he could have proven that this was false because the foster parent did in fact take K.P.M to the emergency room and the doctor ruled out withdrawals and ended up changing his milk and diagnosed him with a unknown virus. This was important because the reason for removal of K.P.M was that I was using drugs my entire pregnancy.

. At another hearing my hair follicle test came back positive for exposure to marijuana and the courts ordered me into inpatient rehab for exposure. My lawyer did nothing in my defense he did not object to it even though I had been clean for one year at this time, received a promotion at my job and finished all requirements of my safety plan. If he was providing me adequate defense then he could have argued these facts of how much I accomplished and that no one goes to inpatient rehab for exposure.

. During trial my lawyer failed to cross examine the most important witness that would have made a difference on my parental rights being taken. The testimony of drug expert Bruce Jeffries was so important because the state and dfps changed the goal from family reunification to unrelated adoption based off of one drug test that was definitely questionable. Bruce Jeffries was asked by state that by my drug test in November of 2016 can he say I was actively using drugs he stated he cant say yes or no because the level was so low the lowest it could ever be and the fact that I was taken the extended test that it could have been picograms stranded in my hair from when I was using and if they would have cut a different part of my hair then it could have been negative or if I took a standard test it could also have been negative. Bruce Jeffries testimony supported my last two drug test I took after the positive one in November of 2016, I took a standard test about two weeks after the positive one and it was completely negative, I also took a extended test about a month in a half later where they cut a different part of my hair and it was also completely negative. If my lawyer would have cross examined him then he could have shown Bruce Jeffries the following two test that was negative and asked him to explain more on how one test could be positive at the lowest level possible then within the 90 day period how could the other two test be completely negative. I asked my lawyer to cross examine Bruce Jeffries he stated that he wasn't allowed to since he wasn't the one who called him as a witness. By my lawyer not providing adequate defense the state was able to use one questionable test to terminate my parental rights.

. During trial my lawyer failed to enter into evidence letters from my employer and church family letters

stating my character that would have shown my growth mentally, emotionally and on my ability to provide a safe stable and loving environment for myself and children.

.If my lawyer was giving me adequate defense he would have argued to the fact that there was no reason for my children to be removed from the homes that I placed them in when I knew I was severely depressed, homes I placed them in well before dfps was involved I had a power of attorney for the childrens grandmother and my oldest two were with their biological father. he could have stated that as a mother who loves her children I put them where they would be safe cared for and loved until I was mentally stable to care for my children.

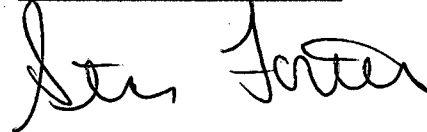
.After trial and during the appeal process my lawyer lied about filing the appeal and also disappeared not answering his phone or showing up when ordered by the court because of his inadequate defense. It was told to me by another lawyer that he had quit to avoid being disbarred because another client had filed on him for inadequate defense.

.My lawyer failed to give me adequate defense throughout the entire process which resulted in me being treated unfairly through out the entire case and my 6th Amendment being violated and kept me from being with my children for almost five years now. His inadequate defense is why my parental rights were terminated I worked hard to overcome my severe depression which caused me to make some bad decisions but as a mother who truly loves and cares for her children I made sure I protected them while I was going through this depression state I knew I had to really get help for myself then for my children. I did everything and more that was required of me by dfps because I wanted to be healthy mentally and emotionally and I never wanted to lose my children. This is why due process is so important in my civil case many of my rights were violated during this process and instead of dfps building strong families which they have the tools and the resources and potential to do, they did the exact opposite they kept children away from a loving home and mother who wanted nothing but to be better so she could be a better mother and person meaning I had to learn that depression doesn't have to be my life that there are positive ways to deal with depression. It was a lot of work and it was a very emotional process but now I can live life without worrying about my depression controlling me I have the resources and support to live a healthy life.

All I can ask of the court is that I get justice for my children and I. we deserve due process and a fair trial and am asking that you grant my writ of certiorari or send it back to the original court.

I hereby certify that this petition for rehearing is presented in good faith and not for delay .

Star Fortes

A handwritten signature in cursive script, appearing to read "Star Fortes", positioned below the printed name.

The grounds are limited to intervening circumstances.

Star Fortes

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