

19-7405
No. _____

Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES

FRANCIENNA GRANT,

PETITIONER

Vs.

MARSHALL L. WILLIAMS, ESQ. et al

RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI

NEW JERSEY SUPREME COURT
Case No. 081454

PETITION FOR WRIT OF CERTIORARI

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ORIGINAL

Statement of the Issues

These questions before the United States Supreme Court;

1. Whether a Pro Se litigant can prevail in a Legal malpractice case on liability after haven suffered damages and be denied damages incurred.

2. Whether Improperly Admitted Evidence, filed Ex parte in favor of an Appellee who was suppressed from making filings, should be admitted into the record for purposes of making a ruling in the Appellate and NJ Supreme court without the Appellant Grant having access to the Ex Parte filings.

Parties to the Case

Marshall L. Williams Esq., et al

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CITATION OF OFFICIAL AND UNOFFICIAL REPORTS

*Grant V. Williams, No. 081454, Supreme Court NJ. Petit cert denial {Appendix C}, Reconsideration Denial June 13, 2019 {Appendix D}. Stay judgement to permit filing Petition for Certiorari denial letter {Appendix E 1}. Letter denying consideration July 2, 2019, August 20, 2019 {Appendix E2}

*Grant v. Williams No. A-1411-15T1. Superior Court of New Jersey Appellate Division. Decision April 25, 2018. {Appendix A}

*Francienna Grant v. Marshall L. Williams, No. L-0705-13 Superior Court of New Jersey, Law Division, Camden County; Order Denial of Damages after prevailing Legal Malpractice ruling (October 9, 2015) {Appendix B}

**Grant v. Williams et al.*, No. 19-16952, U.S District Court for District of New Jersey Court. Opinion denying jurisdiction over Supreme Court of New Jersey's affirming denial of damages in Legal Malpractice case. (August 26, 2019) {Appendix F}

Jurisdictional Statement

Both the Superior Court of New Jersey (2018) and the New Jersey Supreme Court (June 13, 2019) entered rulings which are being contested. Under the Rocker-Feldman doctrine the Federal District Court does not have Jurisdiction to overturn the State courts judgment (August 26, 2019). Petition to United States Supreme Court pursuant to provisions of Rule 13.1. (September 11, 2019).

As a result of violations of plaintiff Grant's 42 U.S. Code 1983 rights and Pursuant to Statute 28 U.S. Code 1257(a) which permits hearing by Certiorari in instances when constitutional rights...laws of the U.S. are violated. Jurisdiction can be before the United States Supreme Court.

Constitutional Provisions

Pertinent Court Cases disagreements Among Lower Courts Related to Void Judgments

Earle v. McVeigh, 91 US 503, 23 L Ed 398. , Prather v Loyd, 86 Idaho 45, 382 P2d 910.

A Judgement may not be rendered in violation of constitutional protections...required due process and opportunity to be heard

Hanson v Denckla, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228

The limitations inherent in the requirements of due process and equal protections under the law extend to judicial as well as political branches of the government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees.

30A Am Jur Judgments “ 44,45.

A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended to none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place...it is not entitled to enforcement...All proceedings founded on the void judgment are themselves regarded as invalid.

No Opportunity to Be Heard

Sabariego v. Maverick, 124 US 261, 31 L Ed 430, 8 S Ct 461

A Judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights and is not entitled to respect in any other tribunal.

Kalb v. Feuerstein (1940) 308 US 433, 60 S Ct 343, 84 L ed 370

“A void judgment does not create any binding obligation

People v. Greene, 71 Cal. 100[16 Pac. 197, 5 Am. St. Rep. 448

A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its wants of validity is a dead limb upon the judicial tree....."If a court grants relief, its judgment is void.

Orders Exceeding Jurisdiction

Jordan v. Gilligan, 500 F.2d 701, 710 (6th Cir. 1974)

"A void judgment is no judgment at all and is without legal effect."

Lubben v. Selective Services System Local Bd. No. 27, 453 F.2d 645 (1st Cir. 1972)

" A court must vacate any judgment entered in excess of its jurisdiction ."

Void Orders Can Be Attacked At Any Time

U.S. v. Holtzman, 762 F.2d 720 (9th Cir. 1985)

An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue.

WHY THE SUPREME COURT SHOULD GRANT THIS APPEAL?

Congress Conferred the Rights Under Which Plaintiff Can bring action Under 5.1A,
Section 1983 The Reconstruction Civil Rights Act and The Administrative
Procedures Act After she was Deprived of her Fourteenth and Fifth Amendment
Rights and Equal Protections under the Law

“The two principal statutes creating general causes of action for the enforcement of rights created by federal law are the Reconstruction Civil Rights Acts, particularly Section 1983, and the Administrative Procedure Act. Section 1983 authorizes a wide variety of suits against state and local governments and officials for deprivations of federal rights under color of state law, while other Reconstruction statutes authorize more limited claims against private parties who violate federal rights. The Administrative Procedure Act authorizes a narrower variety of suits against federal officials and agencies. Section 1983 litigation has vindicated constitutional and statutory rights in the context of health, welfare, education, housing, employment, and prison law in litigation against state, county, or municipal officials. The Administrative Procedure Act has vindicated similar rights by correcting federal agency action or by forcing specific federal agency action.

The Reconstruction Civil Rights Acts, provide the right to bring an action in federal court for violations of federal civil rights The most important of these statutes is Section 1983. Section 1983 creates a vehicle for enforcing existing federal rights. The statute provides in pertinent part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the

Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

The elements of a Section 1983 case are “the deprivation of any rights, privileges, or immunities secured by the Constitution and laws” by a “person” acting “under color” of state law. The “laws” referred to include those statutes that confer individual rights on a class of persons that include the plaintiff.

“By its terms, Section 1983 can be used to remedy the deprivation of “rights” granted to the plaintiff under the Constitution, federal statutes, and regulations implementing these statutes. Constitutional provisions that are enforceable by a private party under Section 1983 consist of those which create personal rights and either explicitly apply to the states, or have been held to apply to the states by operation of the Fourteenth Amendment.’ “The ability of a private party to successfully sue to enforce a statute depends on whether Congress, in enacting the statute, has given the plaintiff a “private right of action.” As noted, these rights are sometimes expressly granted by statute.” “

Plaintiff/Appellant has Private Rights of Action Which Permits the Supreme Court to Hear her Appeal Which was filed in the Superior Court of New Jersey Appellate Division and the New Jersey Supreme Court; 28 U.S. Code 2106 and 28 U.S. Code 1257(a)

Appeal to the United States Supreme Court to Adjudicate the issues under United States Code 42. U.S. Code 1983 is appropriate to ensure the prevention of a

precedent which would affirm that a Pro Se litigants rights to appeal a void and depriving judgments could be easily deprived by and equal protections under the law being stripped by the discriminations of courts, judicial system official merely by the officials flat refusal to abide by court orders and the judicial process which exposes clear violations of a Pro Se Litigants 42. U.S. Code 1983 rights. Failure to do so in this Pro Se Plaintiff/Appellant/Litigants case would set the aforesaid precedent of condoned actual willful discrimination against Pro Se Plaintiff/Appellant/Litigants that would be in opposition to the judicial theory that Pro Se is afforded Equal Rights and Protections under the Law. This fore which Permanent Codes are in place to protect in the event that the systems ethical stand is challenged at the lower level court, as is so in this Pro Se Plaintiffs case where a clear order of suppression was on the record and the clear rules against Ex parte filings and Improperly Admitting Evidence are unresolved issues should be placed under the jurisdiction of The United States Supreme Court.

28 U.S. Code 2106 states that the Supreme Court or any court of Appellate Jurisdiction may affirm, modify, vacate, set aside or reverse a judgment, decree or order of a court lawfully brought before it for review and may remand the case.

28 U.S. Code 1257 (a) states that a final judgment or decree rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme court by writ of Certiorari where: Statutes of the U.S. is drawn into question or validation if any....on the grounds of its being repugnant to the Constitution or the treatise laws of the U.S.

As stated in above sections there has been a clear departure from Pro Se Plaintiff being afforded her Constitutional rights at both the Appellate Court level and the New Jersey Supreme court level and as a result of this, provisions of 28 U.S. Code 1257 (a) is imperative to rectify what appears to be nefarious attempts to strip Pro Se Plaintiff of her right. For these reasons, an due to the repugnancy as noted by the deprivation of 42 U.S. Code 1983 rights Pro Se Plaintiff is requesting that her private right under 28 U.S. Code 1257 (a) be granted by the Supreme Court and that her recently discovered dispute with Improperly Admitted Evidence be heard before the Supreme court as provided under 28 U.S. Code 2106 .

Violations of 42 U.S. Code 1983 is such deprivations and violations of repugnancy of the law and the Supreme Court has a Private right under the code set by congress to hear plaintiff/Appellants Appeal and assess damages punitive and otherwise, back pay, front pay, benefits, and costs.

Statement of the Case

2013 Francienna Grant filed complaint against Attorney Marshall L. Williams; Superior Court of New Jersey, Law Division, Camden County, Docket No. L-0705-13. This was a Legal Malpractice suit. Grant prevailed on liability, but Superior court refused damages. Plaintiff appealed the decision to first the Appellate Division which affirmed and then the New Jersey Supreme court which denied Petition for Certification June 13, 2019. Additionally, a motion for stay was filed. August 9, 2019 Grant discovered that a respondent brief had been improperly

admitted into Evidence in both the Appellate division and the New Jersey Supreme Court. August 10, 2019 Grant petitioned the New Jersey Supreme Court to reinstate her Petition for Certification due to newly discovered improperly admitted Evidence which violated her 42 U.S. code, section 1983 and due process rights. This was subsequently not denied.

Plaintiff Grant petitioned the District Court of New Jersey to reverse the certification and was informed August 26, 2019 that the district court did not have jurisdiction to reverse a state courts decision.

On the 10th day of September 2019, Plaintiff Grant petitioned the United States Supreme Court to review the constitutional violations and the below court ruling decisions as permitted under Statute 28 U.S. Code 1257(a) which permits hearing by Certiorari in instances when constitutional rights...laws of the U.S. are violated.

Both the New Jersey Supreme Court and the Superior court of New Jersey Appellate division affirmed a denial for damages on a case won on liability by this plaintiff in trial court, against Attorney Marshall L. Williams, based on Improperly Admitted evidence admitted to the record by the New Jersey Superior court Appellate division (Evidence filed Ex Parte and against an order of record).

Once the New Jersey Supreme Court was noticed of the violation and deprivation of Plaintiffs Constitutional rights and refused to reverse the ruling, this plaintiff in accordance with Rule 13. 1 petitioned The United States Supreme Court for a ruling by Certiorari.

Concise Argument Statement of the Facts At Issue Before the Supreme Court For Review

This United States Supreme Court has entered decisions, as noted in the Constitutional section above, which are in conflict with the decision rendered in this matter where Constitutional Rights of a Pro Se Litigant were violated and denied. The decision entered in the Trial court, Superior Court of NJ Appellate Court and Supreme Court of New Jersey has departed so far from the acceptable usual course of judicial proceedings, as to call for this Court's Supervisory Power; The courts have ruled that Procedural and Substantive Due process is a constitutional inalienable right. Being afforded the right to a damages hearing and damages sustained as a result of injury sustained before and after litigation is widely afforded in litigation when attorneys bring a case before the judicial system. The Strickland Principal sets forth the balance between damages sustained and afforded in a successful litigation which appears to be the standard across the jurisdictions in cases brought in the lower courts. Oversight powers of this court is desperately needed to remind the lower courts that no disparity should exist primarily because a litigant is Pro Se and a minority in the court. Equality in the judicial process should exist universally and without discriminatory disparity.

Unilaterally affording damages based on who brings and wins a complaint sets the way for what this United States Supreme Courts has ruled upon as Void Judgments and brings to light lower courts Judicial inequality when litigating cases

brought by Pro Se litigants a minority, on its face, said to have equal standing in the Judicial system and during its processes.

Experiences had by this Pro Se litigant avers towards the contrary of justice. The inequality and the noted reasons calls for this Courts Supervisory Power to halt recidivistic Tendencies, of denying basic rights, as this Pro Se Litigant was made to endure and made to exhaust funds ,and compromise Life, Liberty and Pursuit of Happiness to try to pursue justice. Reconstruction Civil Rights Act was to have put to rest these concerns.

1. There was a Superior Court of New Jersey Appellate Judges order Suppressing Marshall L. Williams from filing a respondent's brief.
2. The Superior Court of New Jersey Appellate Division filed a respondent Brief from Marshall L. Williams.
3. Appellant Francienna Grant was not noticed of this brief and it's being placed on the record.
4. Francienna Grant was not given the opportunity to reply to the respondent's brief placed on the record.
5. Both the Superior Court of New Jersey Appellate Court and the New Jersey Supreme Court used the Appellee Williams respondent's brief to render their rulings.
6. April 9, 2019 Appellant Grant became aware for the first time of the Ex Parte filed/admitted to the record respondent's brief filed by Williams

7. Plaintiff Grant petitioned the New Jersey Supreme court of her discovery and for their ruling to be reversed based on the Improperly Admitted Evidence.
8. The New Jersey Supreme Court refused to reverse their decision.
9. Appellant Francienna Grant is appealing to the United States Supreme Court requesting for review by 28 U.S. Code 1257(a) Certiorari of the Appellate and NJ Supreme Court rulings.

Improperly Admitted Evidence was entered to the record in the Superior court of New Jersey and Reviewed a second time in the New Jersey Supreme Court

Appellant Grant Due Process and Constitutional rights were violated when the New Jersey Superior Appellate Division filed ex parte improperly admitting evidence after the appellate court judge entered a ruling that Appellee Williams was not permitted to file a respondent's brief due to his continued refusal to file a brief after the courts many leniencies for him to do so.

Without this Appellant Grant ever being notified, the case manager in the appellate division filed a respondent's brief on the defendant's behalf and never notified this appellant Grant.

Grant was prejudiced when she was never given the opportunity to neither view this brief nor reply to the brief.

Both the Superior Court of New Jersey Appellate Division and the New Jersey Supreme Court used this same Ex Parte respondent's brief when making their ruling; which caused repetitive prejudice to Appellant Grant and repetitively violated her Constitutional and Due Process rights to have a fair hearing and judicial process.

For these reasons the United States Supreme court should review the violations by way of Certiorari. This, notwithstanding the United States Supreme Courts precedence which states that Void Judgments are unenforceable.

As a result, and due to the 42. U.S. Code 1983 rights deprivations precipitating the courts' refusal to adhere to the providing of rights conferred by congress, those same Rights set by congress grant private rights which permits plaintiffs' appeal to be heard by the only remaining court that can take jurisdiction over Plaintiffs' appeal to ensure that Pro Se Plaintiff is not being deprived of her rights under 42. U.S. Code 1983.

I. CONCLUSION

The Superior Court of New Jersey Appellate Court erred when they both placed restricted Improperly Admitted Evidence on the record and used the evidence to rule against the aggrieved party; and capitalized on the error violating this Appellant Grant's rights when not informing her and giving her the due process

right and chance to reply to the evidence that was under court order to not be permitted.

Additionally, when the Appellate division knowingly transferred the same Ex parte improperly Admitted Evidence to the New Jersey Supreme Court for them to affirm their ruling significantly prejudiced this Appellant/Plaintiff/Grant.

The New Jersey Supreme court erred and violated this Appellant Grant's Constitutional and Due Process rights when after being noticed of the discovered violations of the Appellate division, refused to reverse their affirmation of the Appellate court ruling which was based on Improperly Admitted Evidence.

Importantly Appellant Grant won a ruling against the defendant/Appellee Williams due to his legal Malpractice which cost this Appellant Grant damages, yet those damages were questionably denied and proof review not granted.

The result was this plaintiff being denied her right to be heard, her right to obtaining a just judicial process. This, a denial of; 42 U.S. Code 1983 deprivation. And created rulings which are void under these United States Supreme courts standards. This making the Supreme Court ruling ripe for reversal.

I Certify that the foregoing are true to the best of my knowledge and belief.

Submitted by,

Francienna Grant Pro Se

Petitioner/Plaintiff/Appellant

Dated January 17, 2020

RELIEF SOUGHT

1. United States Supreme Court to Assume Jurisdiction of Plaintiffs' Appeal pursuant to provisions of 42 U.S. Code 1983 et al due to deprivation of rights in lower courts
2. United States Supreme Court to Grant Review by Writ of Certiorari pursuant to 28 U.S. Code 1257(a), and 28 U.S. Code 2106. With extension of time as needed.
3. Reversal of Final Judgments in lower court re-instate Plaintiffs' Appeal
4. United States Supreme Court to Adjudicate Plaintiff/Appellants' appeal and Grant Plaintiff damages of front pay, back pay, medical, costs and filing fees and any other punitive and injunctive relief and damages as the court finds appropriate.

I certify that the above are accurate to the best of my knowledge and belief

Submitted By

FRANCIENNA GRANT, PETITIONER

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