NO. 19-7746

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM A. RUNNELS

Petitioner,

V.

STATE OF TEXAS,

Respondent.

On Petition for a Writ of Certiorari to the Texas Supreme Court

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PETITION FOR A WRIT OF CERTIORARI

ORIGINAL

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QUESTIONS PRESENTED

1. Whether the trial court could infringe on, and take away, a parent's constitutional right to reasonable discipline of their child absent strict scrutiny and without giving instruction as to what form of discipline was substitutable.

2. Whether the defense counsel's statement to the trial court that he was not knowledgeable of the case's history as he had only been on the case for a month; and his failure to provide competent and professional representation constitutes as ineffective assistance of counsel.

3. Whether the impact of the issue of voidness may be considered in isolation, or must be evaluated cumulatively, as is the case with respect to the petitioner's history of continuous and specific evidentiary complaints that the trial judge violated his constitutional due process rights; and based his order of injunction off of fraud and perjury.

PARTIES TO THE PROCEEDINGS

[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:

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RELATED CASES

Runnels v. Cerliano, 6:19cv00475, U.S. District Court for the Eastern District of Texas. No Judgment Entered.

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William Runnels, Petitioner, respectfully petitions for a writ of certiorari to review the judgment of the state appellate court in which the state supreme court denied review of the appeal.

OPINIONS BELOW

The appellate court's Memorandum Opinion and Judgment affirming the trial court's order (App. A) is published at *Ex Parte William A. Runnels*, No. 12-19-00202-CV. The state trial court's order of commitment (App. B) is not reported. The decision of the state Supreme Court denying review (App. C) is published at *In Re Runnels*, No. 19-0740. The Order of the state Supreme Court denying rehearing (App. D) is published at *In Re Runnels*, No. 19-0740.

JURISDICTION

The appellate court entered judgment on June 27, 2019. Petitioner timely filed a petition in the state Supreme Court, which was denied on September 27, 2019. Justice Scalia granted a 60-day extension of the period for filing this petition to February 14, 2020. This Court's jurisdiction is invoked under 28 US.C. 1257(a)

STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

Article III section 2 of the United States Constitution provides that:

> The Judicial Power shall extend to all cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority...

The Ninth Amendment provides:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people

The Tenth Amendment provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

The Due Process Clause of the Fourteenth Amendment, U.S. Const. Amend. XIV, provides:

> [N]or shall any State deprive any person of life, liberty, or property, without due process of law.

This case also invovles the application of 18 U.S.C. §241 (attached as Appendix H)

INTRODUCTION

This case at bar involves the fundamental interest of all parents- as contrasted with that of the state- and asks whether a court can permanently prohibit a parent's right to adminster corporal punishment without: (1) a finding under strict scrutiny; (2) satisfying the compelling interest test; (3) any evidence of past or future harm or endagerment of the children; and (4)

without instructions on what form of punishment was substitutable. Therefore leaving a child to grow without reasonable instruction or discipline needed to prepare for life's difficult challenges.

William Runnels is one of billions of "fit" parents who has the constitutionally protected "paramount right" to raise his child[ren] as he sees fit. *Stanley v. Illinois*, 405 U.S. 645 (1972); *Peterson v. Rogers*, 337, 402, 445 S.E.2d 901, 904 (1994). This paramount right has been recognized throughout the courts within the United States, and is in opposition to Texas statute §153.074 as "parents must be permitted, in fact encouraged, to discipline their children, even though this may, at times, result in the administration of corporal punishment." *W.S., v. Dept. of Public Welfare*, 882 A.2d at 541 (Pa. Cmmw. Ct. 2005).

In response to the lower court's support of permanently prohibiting corporal punishment; This Court has used strong language in asserting that children are not the "mere creature of the state"[1]. When confronted with a conflict between parents' rights and state regulation (i.e. permanent injunction prohibiting corporal punishment), the court ***must*** apply the "compelling interest test.[2]"

The second question presented under voidness is whether the lower courts ignored this Court's decision as held in *In the Interest of N.G., A Child*, No. 18-0508 (2019); the Texas Supreme Court's ruling in *Cardwell v. Whataburger Restaurants LLC*, No. 14-1019 (2016); and violated Runnels' due process rights when they issued a memorandum opinion without addressing the complaints of fraud and aggravated perjury.

Lastly, this petition presents the question as to whether the defense counsel's statement to the trial court that he was not knowledgeable of the case's history as he had only been on the case

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[1] *Pierce v. Society of Sisters*, 268 U.S. 510 (1925)
[2] *Carey v. Population Services International*, 431 U.S. 678, 684-686 (1971)

for a month; and his failure to provide competent and professional representation[3] constitutes as ineffective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668 (1984); *Buck v. Davis*, 580 U.S.___(2017)

STATEMENT OF THE CASE

1. Factual Background

On January 11, 2019, Petitioner was exercising his possession of his three children. Petitioner's daughter, was finishing out her last day of a 30-day suspension from school and was scheduled to go to work the next day. Petitioner, however, informed his daughter that he would not take her to work; and instead suggested that they would take time that day to seek employment elsewhere. This decision came about after Petioner had confiscated his daughter's phone, on October 12, 2018, and discovered that his sixteen (16) year old child was engaging in an inappropiate relationship with a twenty-eight year old co-worker; allowing random individuals to pick her up from work during her lunch break to engage in sexual encounters; and the employer's failure to inform either parent of such activity or take other preventative measures such as keeping the two from working the same hours.

On January 12, 2019, Petitioner's daughter refused to clean up and had put on her work clothes - in display of her defiance- and stated she wasn't cleaning anything. Petitioner politely asked his daughter to help clean as he exited the house and remained in the backyard for some time to allow his daughter to think about her choice of actions. Petitioner returned to the house to see his daughter sitting in the same spot watching television. Upon being firm, Petitioner's

[3] The March 22, 2019 transcript and Runnels' 2nd Amended Petition for Writ of Habeas Corpus affirmatively evidenced that the court appointed attorney refused to argue issue preclusion although he promised to do such during a March 21, 2019 recorded phone conversation; pled Runnels out as guilty of violating the order of injunction instead of arguing Runnels' constitutional rights; and racially stereotyped Runnels' use of corporal punishment as an attribute of black "culture".

daughter, walked to the dining room, pulled out a chair, and placed her hand under her chin while giving Petitioner a taunting look. At that point, Petitioner instructed his daughter to clean the rest of the kitchen. It was then that his daughter walked into the kitchen and began to aggressively slap dishes, food, and appliances off of the table and onto the floor. She further slammed dishes into the sink. Petitioner first tried to communicate with his daughter in hopes of calming her down and resolving the matter without administering corporal punishment. However, such was not effective as said child had been informed by the mother that she could no longer get whippings; and therefore continued her defiant behavior while ignoring the Petitioner. The video shows that Petitioner asked his daughter if she slaps and throws dishes, food, etc. around at work and she snapped "yup". It was then that Petitioner informed his child that "in this household we treat one another with respect" and thereafter admistered corporal punishment in the form of four swats to her rear end. The mother filed a Motion for Enforcement of Injunction to which the trial judge ruled that Runnels had violated the order of injunction and thereafter ordered that Runnels be jailed for 180 days.

2. Procedural Background

On November 20, 2018, during the Judgment Hearing, the trial judge first ruled that the parents were to make sure their daughter knows boundaries. This was after the judge's acknowledgement of the child's disruptive and disobedient behavior. After the judgment, the parties were called back into the courtroom and were informed that there shall be no corporal punishment used on either child. The trial judge stated that such injunction was based off of the Longview Independant School District's video which was submitted as exhibit R-4 by the opposing attorney. No other instruction or alternative was given; and on December 17, 2018, the

trial court signed an order permanently prohibiting corporal punishment.[4] There was no compelling or grave interest, and no detail other than a claim that such permanent injunction was in the best interest of the children.

3. The March 22, 2019 Contempt Hearing

There is no record or account of the court appointed attorney filing a response or motion for continuance. During the March 22, 2019 contempt hearing, Runnels first objected to the trial court's subject-matter jurisdiction based on due process grounds and Respondent overruled the objection. *Id. 4* Runnels testified that he didn't understand the part of "no corporal punishment" where "that order overrides the best interest of a child and violates the constitutional right of a parent to a reasonable discipline of their child for their best interest."[5] *Id. 4* Runnels' daughter was also told that she could no longer get whippings, which the child understood to mean that she could do whatever she wanted without being disciplined.[6] Runnels then testified that the best interest of the child is to use reasonable discipline when called for and when it got to a point where talking could not resolve the matter, then "you have to go through the necessary steps of corporal punishment." The trial judge ruled that he found Runnels to have violated the injunction and ordered Runnels be committed to the Gregg County Jail for 180 days.

4. Runnels' appellate petition for writ of Habeas Corpus

In his original petition for writ of habeas corpus, Runnels revisted his complaint of subject matter jurisdiction violations in the form of due process rights. The appellate court did

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[4] The order stated: "The Court finds that it is in the best interest of the parties and the children that a premanent mutual injunction against them should be granted as appropriate relief because there is no adequate remedy at law." *See Ex Parte: William A. Runnels, No. 12-19-00202-CV,* (mem. op.) *pg.1*

[5] "The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice." *Davis* v. Wechsler, 263 U.S. 22 (1923)

[6] This influenced the child's history of inappropriate conduct and affiliation with a gang. *Id., pg.5*

not address the record references pertaining to the due process violations complaint, but rather recited the Tex. Fam. Code §155.001(b) in support of its finding that the trial court had subject matter jurisdiction. *Id* The appellate court also disagreed with Runnels' complaint that he had a constitutional right to adminster reasonable corporal punishment, and quoted *Moreno v. Perez*, 363 S.W.3d 725, 739 (Tex. App. - Houston [1st Dist] 2011, no pet).

Runnels complained that the order of injunction prohibiting corporal punishment was void as there was no history of abuse, excessive punishment, or other valid reason warranting the injunction; and that such injunction was based on the fraudulent and aggrevated perjury of Sergeant Higginbotham. The lower courts did not address this complaint in it's published memorandum as required per *In the Interest of N.G., A Child*, No. 18-0508 (2019); and *Cardwell v. Whataburger Restaurants LLC*, No. 14-1019 (2016)

Runnels complained that the use of corporal punishment was the only reasonable and effective means to discipline as it was warranted by his child's behaviour. His appellate complaint under issue II further complained that the trial judge's November 2, 2018 ruling of no new witnessess or evidence would be presented at the November 7, 2018 hearing; and his allowing of the opposing party to bring about a new witnesses during the November 7, 2018 hearing, resulted in fraud, aggravated perjury, and a violation of Runnels' due process rights. *See Petition for Writ of Habeas Corpus*, 12-19-00202-cv. The appellate court also refused to address this complaint in their published memorandum.

5. State Supreme Court Petiton for Writ of Habeas Corpus

On August 22, 2019, Runnels submitted his petition for review/writ of habeas corpus with the Texas Supreme Court. In his petition, Runnels:

- advised the state supreme court that he was intentionally denied access to a law library while confined in the Gregg County Jail, and denied fundamental fairness which resulted in the submission of his incomplete petition.

- advised the state supreme court that the appellate court urgently issued its memorandum during the period that he was released on his motion for temporary relief, in that he could not submit his 2nd amended petition for writ of habeas corpus which included the case laws, statutes, and standard of review that he was deprived from presenting in the original petition.

- raised the issue of ineffective assistance of counsel.

- challenged the constitutionality of the Tex. Fam. Code. §151.001(d) claiming that a state court does not have broad discretion in fashioning restrictions on a parent's possession and access of a child - absent strict scrutiny, or because a state judge thinks that there is a better solution.

- complained that a parent's right to administer corporal punishment should not be subject to an ambiguous and conflicting court order that is without a finding of abuse or excessive punishment; and

- argued that the appellate court took judicial notice of the record in a prior appeal and wrongfully accelerated the proceedings, but did not take the same judicial notice of the record to establish that subject matter jurisdiction was lost due to violations of his unwaivable due process rights.

The Texas Supreme Court denied the petition. In it's denial, the state supreme court also established that it was not satisfied with the appellate court's opinion regarding the law in all aspects, but determined that Runnels' petition presented no reversible error or that said petition did not present a concern of such importance to the state's jurisprudence which would require correction. *Tex. R. App. P. 56.1(b)(1)* Runnels' Motion for Rehearing filed in the Texas Supreme Court rebuttled in that he was denied access to a law library while confined in the Gregg County Jail, was denied the Clerk's Record, and was denied the February 4, 2019 transcript to where he could properly present argument, relevant case law, or statutes in support of his petition.

REASON TO GRANT CERTIORARI

This Court should act to safeguard parents who become victims of unjustified and unlawful state regulation which infringes on the parent-child relationship and right to rear their children. There is a clear split between Texas and the remaining 49 state courts; and a blatant disregard for the Court's long-standing rulings on parental rights & corporal punishment. The lower court's memorandum and failure to uphold Runnels' parental rights[7] conflicts with the Federal Constitution and American jurisprudence - in that "children are subject, even as to their physical freedom, to the control of their parents or guardians." *Am Jur 2d, Parent and Child §10 (1987).*

A failure to act or correct unjustified state interferrence and infringment on parental rights would support the ideology of *Plato's Republic* whereas he believed that children belonged to the state and the family life was to be replaced entirely by state child-rearing activities so pervasive that "no parent is to know his own child, nor any child his parent."[8] This is exactly where Texas stands alone in its allowing of the permanent injunction prohibiting a parent's right to administer reasonable corporal punishment.

The Court and other lower courts have continuously held that competent and professional representation of counsel and the addressing of all issues raised is a constitutional due process right; and due process is a form of subject matter jurisdiction. This extraordinary and rare case satisfies the requirement under *Strickland* as Runnels' court appointed attorney's performance fell below an "objective standard of reasonableness" and had counsel performed otherwise, the result of the proceeding would have been different. Therefore, Certiorari shoud be granted.

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[7] *"a natural parent who has demonstrated sufficient commitment to his or her children is thereafter entitiled to raise the children free from undue state interference." Stanley v. Illinois,* 405 U.S. 645 (1972)
[8] Doe v. Irwin, 441 F.Supp.1247 (W.D. Mich. 1977)

I. TEXAS IS THE ONLY STATE TO WHICH ALLOWS A STATE JUDGE TO PERMANENTLY PROHIBIT PARENTAL USE OF CORPORAL PUNISHMENT

This Court has held that *"Parental authority is plenary. It prevails over the claims of the state, other outsiders, and the children themselves. There must be some compelling justification for interference." Doe* Individual statewide support of parental use of corporal punishment exists and is at a split with Texas' statute allowing the permanent prohibiting a parent's right to administer corporal punishment. For example:

1. 23 PA Cons. Stat. §6304(d) (2017) - Pennsylvania, states:
   Rights of Parents. - Nothing in this chapter shall be construed to restrict the generally recognized existing rights of parents to use reasonable force on or against their children for the purposes of supervision, control and discipline of their children. Such reasonable force shall not constitute child abuse.

2. The Minnesota Supreme Court declined to establish a rule prohibiting corporal punishment of children by their parents as the state supreme court held that *"it is clear to us that the Legislature did not intend to ban corporal punishment." In Re: the Welfare of the Childrten of N.F. and S.F,* No. A07 -152 (2008).

3. 10A OK Stat 10A§1-1-105.2 (2014) - Oklahoma, includes the statement that "nothing contained in this act shall prohibit any parent from using ordinary force as a means of discipline including, but not limited to, spanking, switching, or paddling."

4. California law does not prohibit corporal punishment and further states that is is not unlawful for a parent to spank a child for disciplinary purposes with an object other than the hand. Office of the Attorney General Opinion 97-416 (1997)

5. The state of Mississippi does not ban corporal punishment, and the Mississippi Supreme Court has held that "a parent has a right to correct the child by reasonable and timely punishment, including corporal punishment...A parent has a wide discretion in the performance of such functions." *In the Interest of AR,* 579 So.2d 1269 (1991)

"[C]onstitutional interpretation has consistently recognized that the parents' claim to authority in their own household to direct the rearing of their children is basic to the structure of society.' It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations *the state can neither supply nor hinder.'"* (Emphasis Added.) *Ginsberg v. New York,* 390 U.S. 629 (1968)

In the case of *SooHoo v. Johnson,* 731 N.W.2d 815, 823 (Minn. 2007) the court stated that parents have a fundamental right to the care, custody, and control of their children that should not be interfered with except for grave and weighty reason. In *Board of Directors of Rotary International v. Rotary Club of Duarte,* 481 US 537 (1987) the Court concluded that parents' rights in child rearing and education are included as fundamental elements of liberty protected by the Bill of Rights and therefore cannot be taken away without a finding required under the Due Process right.

A. The Failure to Instruct on Parent's Right to Discipline was Prejudicial, Violative of Constitutional Rights and Ignores This Court's prior Rulings

The Court has the inherent power to ensure that states shall not be allowed to *"permanantly"* prohibit parents from excercising their constitutional right to administer corporal punishment to their children without a grave and weighty reason and instruction on an alternative form of punishment. The trial judge instructed the parents on what they could not do (prohibiting the use of corporal punishment), but did not instruct the parents on what they *"could do"* in exercising their right to discipline or gain control of their child.

The permanent injunction prohibiting corporal punishment was futher unjustified; and "no unjustified state alternative should be permissable as to undermine parental initiative as the Court has held that such would not be wise because our society has found no realistic alternative

to it." *Doe*. This Court should further uphold the legal presumption that parents act in their children's best interest and that the notion that governmental power should supersede parental authority in all cases is repugnant to American tradition. *Parham v. H.R.*, 442 US 584, 602-606 (1979)

II. DUE PROCESS WAS NOT AFFORDED TO PETITIONER

A. The Ineffective Assistance of Counsel Was Permitted and Violative of Due Process Rights

Due Process is a form of subject matter jurisdiction.[9] and courts must consider them *sua sponte*.[10] Any Judge who coerces an attorney or pro se litigant not to argue subject matter jurisdiction (a due process violation) has performed in excess of his jurisdiction. Runnels' court appointed attorney was advised not to argue subject matter jurisdiction and merely submitted to the judge's suggestion[11]. During the recorded phone conversation of March 21, 2019, Jeff Jackson confirmed that the trial judge was prejudiced and partial against Runnels; claimed he would argue issue preclusion (but didn't); and continually stated such would need to be addressed by the appellate court -and not during the trial court preceedings. The court appointed attorney had a duty to effectively seek a recusal or disqualification and should not have directed such issues to the appellate court. This Court should reinforce its ignored ruling which disagreed with the notion that any unfairness at the trial level can be corrected on appeal, as Petitioner was entitled to a neutral and detached judge in the first instance. *Ward v. Village of Monroeville*, 409 U.S. 57 (1972)

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[9] *Johnson v. Zerbst*, 304 U.S. 458, 58 S. Ct. 1019; *Rosentiel v. Rosentiel*, 278 F.Supp. 794 (S.D.N.Y. 1967)
[10] *Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012)
[11] *Schunk v. Schunk*, 84 A.D.2d 904, 905, 446 N.Y.S.2d 672 (1981); *Brooks v. Great Atlantic & Pacific Tea Co.*, 92 F.2d 794, 796 (9th Cir. 1937)

B. This Court Should Correct the Lower Court's Allowance of Stereotyping and Racial Discrimination.

The court appointed attorney did not take the necessary precautions as to prevent even the possibility of violations of due process and discrimination of a protected class defined under Strict scrutiny, intermediate scrutiny, and 18 U.S.C. 241, and the Court.[12] The court appointed attorney singled out and discriminated against the petitioner racially, while showing his subconcious prejudice, when he referrenced that the petitioner's use of corporal punishment was based on "his cultural" upbringing. Such statement and presentation of the court appointed attorney, when combined with the court's continued reiteration and reliance of the prior fraudulent and perjured testimonies of Higginbotham and Wright, resulted in the published projection that Runnels - a black male- had anger issues, was violative, and a danger to the public welfare and his children.

To categorize the use of corporal punishment to a specific race or culture would alienate and cast a negative shadow against said race as corporal punishment is "American" culture and has no specific classification to a race or culture. The allowance of such racial depiction would taint the judicial system into categorizng corporal punishment as wrong and abusive if administered by African American/black parents as opposed to the culture of other races This form of stereotype has remained a controversial issue whereas society has frowned upon and cast negative shadow on African American/black parents' use of corporal punishment; and has gone further to state that corporal punishment originated within the black culture. *See Does Spanking Harm the Black Community, by Steven Holmes 2014*

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[12] During his closing argument, the court appointed attorney's statement that "There is an injunction, and it.....it must be complied with in all cases"; his statement of "...when he [Runnels] did violate this Court's---with this Court's order"; and his statement of "....when the order was violated" was detrimental to Runnels' liberty and opposite of diligent representation.

In resolving this stereotypical controversy, the Court should reinforce Chief Justice Robert's claim that "[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race." *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No.* 1, 551 U.S. 701, 748 (2007)(plurality opinion.); and reinforce his statement that "the use of racial [or cultural] preferences might reinforce racial awareness and therefore do more harm than good."[13] Justice Scalia's concurring argument could further be derived to assist this Court in determining whether certiorari should be granted as judges [or attorneys] should not be in the position of dividing the country into racial [cultural] blocks and determining what policies [restrictions] are in each one's interest. The allowing explicit mention of race or culture in a criminal contempt hearing would effectively allow "punishment on the basis of an immutable characteristic" and " flatly contravene [a] guiding principle" of our judicial process. *Buck at 61.*

III. THE LOWER COURT'S JUDGMENT WAS WRONG

The 12th court of appeals failed to note that during the time of trial, *Moreno* was under indictment for alledgedly using excessive force in administering corporal punishment with a belt to a child under the age of fifteen that resulted in massive deep bruising. Therefore the strict scrutiny standard; the compelling interest test; and the best interest of the child was satisfied as *"an indictment reflecting a charged offense against a parent for which there is no conviction is admissible as evidence of changed circumstances in assessing the best interest of the child..."*[14] However, in this case at bar, Runnels did not have a charged offense during the time the no corporal punishment was issued. He did not have a history of using excessive force while

[13] *Schuette v. Coal. to Defend Affirmative Action*, 134 S. Ct. 1623, 1676 (2014)
[14] *In re: K.L.R.*, 162 S.W.3rd 291, 305 (Tex. App. - Tyler 2005, no pet.)

administering corporal punishment; nor did he have a history of leaving massive deep bruises on either child.

The appellate court's utilization of *Moreno* and the Tex. Fam. Code 151.001(d) as their defense that a trial court has broad discretion in fashioning restrictions on a parent's possession and access that are in the child's best interest, leaves a debatable issue and split amoungst other courts and Texas' own statute to which this Court should resolve.[15] Again, it has been undisputably held that the best interest of a child is to be properly and reasonably reared or disciplined when their actions call for such. Furthermore, *"When a court modifies terms and conditions of an access and possession order, the record must contain evidence in support of the terms of the modification- a bare recitation in the court's order that such modification is in the children's 'best interest' is not enough." Seidel v. Seidel,* 10 S.W.3d 365, 370 (Tex.App. - Dallas 1999, no pet.) This record does not contain any evidence in support of the injunction[16]. Neither did the lower court established evidence that the permanent injunction was in the best interest of the child[ren]. Instead, the appellate court claimed that "Respondent exercised his discretion when deciding that a provision enjoining Runnels from using corporal punishment was in the children's best interest." *Ex Parte: William A. Runnels,* No. 12-19-00202-CV (2019) (mem. op.) Because the record contains no clear and convincing evidence of physical abuse or a dangerous environment, the order of injunction permanently prohibiting corporal punishment is void.[17] And certiorari should be granted.

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[15] *Moreno,* and the Tex. Fam. Code §153.193 (also used in the aforementioned case law) affirmatively negates the appellate court's depiction and reliance on *Moreno,* and the Tex. Fam. Code §151.001(d)

[16] Evidence is, however, on the face of the record that the order of injunction was solely based off the fraudulent, aggravated perjury of Sergeant Higginbotham, and the misperception of the LISD video.

[17] *In the Mattter of the Welfare of the Children of N.F. and S.F., Parents,* A07-152, Minnesota (2007); In Re: the Welfare of the Children of N.F. and S.F, No. A07 -152 (2008)

A. The Lower Court's Refusal to Address All Issues Raised By Petitioner Is A Blatant Disregard For The Court's Rulings and Petitioner's Constitutional Rights.

The lower court's failure to address all issues in the appellate memorandum -albeit such issues were easily noticeable upon proper review of the record- gives way to an intentional act to conceal the fraudulent, aggrevated perjury, bias, prejudice, and antagonism which was allowed against 18 U.S.C. 241.

A failure to correct the appellate court and state supreme court defeats the very purpose of this Court's Supremacy Clause and the sovreignity of the U.S.Constitution whereas Due Process must be afforded. In qouting a concurring statement from former Justice Kennedy, "All judges take an oath to uphold the Constitution and apply the law impartially, and we trust that they will live up to this promise." *Republican Party of Minn. v. White*, 536 U.S. 765, 796 (2002)

CONCLUSION

Based on the foregoing reasons, the Court should grant certiorari and reverse the void orders below.

Respectfully submitted,

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