

19-8243
No. _____

ORIGINAL

FILED

APR 06 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

JONATHAN MELVIN LEDEUX — PETITIONER
(Your Name)

VS.

JEANETTE LOUISE ANTHONY, JOSEPH M. MORRILL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
**the United States Court of Appeals
for the 9th Circuit**

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JONATHAN MELVIN LEDEUX
(Your Name)

2595 Oro Banger Highway
(Address)

Oroville, CA 95966
(City, State, Zip Code)

510-827-6488
(Phone Number)

QUESTION(S) PRESENTED

1. Can Juridically created rules such as, The Probate Clause and the Noerr Pennington Doctrine, ect. Interfere with due process without also violating the United States Constitutions separation of powers requirement ?
2. Is our justice system so inept that it can not correct a situation it created, in error ?
3. Does fraud vitiate everything it touches including adjudications influenced by the fraud

LIST OF PARTIES

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

☒ 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:

JONATHAN MELVIN LEDEUX
and
LAWRENCE CROCETTI
Plaintiffs,

vs.

JEANNETTE LOUISE ANTHONY,
*as an individual and in her official
capacity as trustee of The Emmett and
Aralee Charlton trust*

and

JOSEPH M MORRILL (SBN187207)
*as an individual and as an officer of
the court and as a representative of
MORRILL LAW FIRM*
DOES 1-100

RELATED CASES Respondents

1. RP 12649270 LeDeux - Crocetti vs Anthony
commenced on 9-25-2012
2. HG 12655722 ANTHONY vs LeDeux - Crocetti
commenced on 11-9-2012
3. MP 1301298 ANTHONY vs LeDeux - Crocetti
commenced via change of venue, on 6-18-2013
4. 4:19 CV-04068- SBA LeDeux-Crocetti vs Anthony
& Morrill
commenced on 7-16-2019
amended on 8-5-2019
dismissed on 8-12-2019
5. NO. 19-16747 LeDeux-Crocetti vs Anthony-Morrill
appeal to 9th circuit on 9-16-2019
dismissed on 1-5-2020

TABLE OF AUTHORITIES CITED

CASES

	PAGE NUMBER
Marshall v. Marshall	547 U.S. 293 (2006)

Appendix C1-B

STATUTES AND RULES

The Probate clause
The Noerr Pennington Doctrine

OTHER

Emmett & Aralee Charlton Trust

Appendix E. 42 to 115

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-9
REASONS FOR GRANTING THE WRIT	10
CONCLUSION.....	11

INDEX TO APPENDICES

Appendix A

A- 1 to 2 Court of Appeals for the Ninth Circuit Dismissal for being Frivolous

Appendix B

B- 1 to 4 Order Certifying that Plaintiffs Appeal is Frivolous

Appendix C

C- 1 to 13 Marshal v Marshal, 547 U.S. 293 (2006) Opinion of The Court

Appendix D

D- 1to7 Motion and Affidavit for Permission to Proceed in Forma Pauperis

D- 8 to 13 On Appeal from the United States District Court

D- 15 to 29 Order Dismissing Amended Complaint

D-32 to 49 Notice of Lodging of Reporters Transcript from June 18, 2013 Probate Proceeding

D- 52 to 59 Opposition to Petitions filed by Jonathan LeDeux and Lawrence Crocetti

D- 62 to 64 Notice of Default

D- 67 to 68 Letter from Jeannette L. Anthony

Index of Appendices (continued)

Appendix E

E- 1 to 3 Statements that Appeal Should Go Forward

E- 5 to 8 Order Certifying That Plaintiffs Appeal is Frivolous and is Not Taken in Good Faith

E-10 to 29 Brief of Appellant

E-32 to 40 settlement offer (second and final accounting)

E- 42 to 115 The Emmett and Aralee Charlton Trust

E- 118 to 133 Evidence in Support of Second Accounting

E- 135 to 162 The First Accounting

E- 165 letter from Jeannette L. Anthony

E- 166 record of sale of 13906 Rose Drive, San Leandro CA (Grams House)

E- 168 to 170 Plaintiffs Certificate of Interested Entities and Proof of Service

E- 171 Proof of Service

Appendix F

F- 1 to 3 Demand for Production and Proof of Service

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 A to the petition and is

☐ reported at N/A; 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 B to the petition and is

☐ reported at N/A; 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 _____ to the petition and is

☐ reported at N/A; or,

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

☐ is unpublished.

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

☐ reported at N/A; 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 January 8, 2020.

☒ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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 _____ (date) on _____ (date) in Application No. A _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

VII. Constitutional Provisions Involved

United States Constitution, Amendment III sec. 2:

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;.....

United States Constitution, Amendment V:

No person Shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land, or naval forces, Or in the militia, when in actual service in time of war or public danger; Nor shall any person be subject for the same offense be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property, be taken for public use, without just compensation

United States Constitution, Amendment VII:

In suits of common law, where the value exceed twenty dollars, the right to trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any court of The United States, than according to the rules of the common law.

United States Constitution, Amendment XIV:

All persons born or naturalized in The United States, and subject to the jurisdiction thereof, are citizens of The United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of The United States; nor shall any State deprive any person of life, liberty or property, without Due Process of law; or deny to any person within its jurisdiction equal protection of the laws.

STATEMENT OF THE CASE

TO: The Supreme Court of The United States, JOSEPH M MORRILL(Respondent 2) and JEANNETTE L ANTHONY (Respondent 1); (Collectively Respondents)

Please take Notice;

Comes Now Jonathan Melvin Le Deux (Applicant) in good faith and with due cause, who hereby petitions this court with a Writ of Certiorari. The applicant comes as an individual and a citizen of California, who is due the full protections afforded each person in each of the fifty states of The United States of America. The Applicant comes from the compromised position of being impoverished, which he suffered for the benefit of the Respondents, who circumvented the terms of the trust and the state laws that govern trusts, with a fraud upon the court.

The Petitioner is aware that he can not represent Lawrence Crocetti in this venue but the Petitioner holds power of attorney, is the personal representative and primary care giver of Lawrence Crocetti, a dependent adult that can not represent his-self (Appendix D-1) and I can report that there has been financial abuse of a dependent adult practiced by the Respondents and financial abuse of a elderly dependent adult practiced by Respondent 1 Due Process of law is the process which following the forms of law, is appropriate to the case, and just to the parties affected. It must give them the opportunity to be heard respecting the justice of the judgment pursued.

The petitioner has a legitimate claim of entitlement to the benefit of his share of the trust and to Due Process when assets are being secreted, by unscrupulous attorneys and a compromised trustee. The petitioner did not have the benefit of his share of the assets earmarked as his, in the trust and was denied the benefit of a full and fair trial in the state court. The petitioners rights were not measured by general provisions of law, applicable to all citizens in like position, and was deprived of his property by the adverse result.

Due Process requires notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford the interested parties an opportunity to present their objections. Due Process and the right to be heard are two fundamental protections of Due process by systems of law in all civilized countries, inclusive of The United States. The Due Process Clause prevents the deprivation of liberty and property upon application of a standard of proof too lax to make a reasonable

Introduction

The Emmett and Aralee Charlton Trust (Trust) was created on July 31, 1990 (Appendix E-42). No later than May of 2000, Aralee Charlton purchased a house near Lathrop California for Emmett Charlton Jr with her private assets. On about September 25, 2000 Aralee Charlton sold her home (Grams House) for \$260, 000 dollars. The Trust became irrevocable upon the death of Aralee Charlton on 12-20-2002 (Appendix E-138) and Jeannette L Anthony (Respondent 1) and William J Charlton Sr became co-trustees and the Trust was administered from the home of Respondent 1. located in Alameda County in California and an accounting was due the beneficiaries of the Trust. The Petitioner and Lawrence Crocetti (LeDeux) (Appendix 105) are both issues of Mary E LeDeux (Sis). Sis was a beneficiary to the Trust and entitled to accurate accountings and 1/5th of the Trust (Appendix E-42). In the summer of 2010, Sis claimed that Defendant 1 had misappropriated her share of the inheritance and requested the Petitioner to ask Defendant 1 for information regarding the inheritance. On about December 1, 2010 Defendant 1 took possession of 1275 Primrose Drive San Leandro CA 94578 and together with the daughter of Sis, Poupette M LeDeux Lopez placed Sis in a Skilled Nursing Facility (The Hayward Hills Health Center 1768 B Street Hayward 94551) without telling Sis or the Petitioner, which is elder abuse (Appendix D-67). On April 13, 2011 Respondent 1 received a Notice of Default on her home for 12,462.64 and a conflict of interest becomes a public record.(Appendix D-62,63,64). On 9-11-2011 Sis died without ever receiving an accounting after 3,570 days of Respondent 1 being trustee of the Trust. On about 9-25-2012, Respondent 1. was asked in Berkeley Probate (RP12649270 LeDeux - Crocetti v Anthony), to produce a copy of Trust and provide an

accounting. On about 11-9-2012, Attorney Glen Navis (SBN 182099) on behalf of Respondent 1, filed a Unlawful Detainer (HG12655722 - Anthony v LeDeux- Crocetti), 45 days post being asked to provide an accounting in probate. This is a abuse of process that created duress for the Petitioner. The Petitioner had the right to proceed in probate unimpeded and undeterred and if the court continues to fail in correcting its errors, will be the subject of a new claim of abuse of process and obstruction of justice; with the support of a expanded body of evidence. It will be questioned if qualified immunity allowed unreasonable conduct to go unpunished. If the laws furnished offer offer no remedies for vested legal rights, how can the law operate on all alike with no deterrent for bad behavior by people in positions of power. Even government by consent of the governed , as in our constitution, must be limited in its power to act against its people; so that there may be no interference in the security of the home; no arbitrary imposition of pains or penalties on a ordinary citizen by officials high or low.

No earlier than December of 2012, the Petitioner was introduced to a representative of Respondent 2, who then provided a copy of the Trust and it was announced that the Trust had been moved to Contra Costa County. On about 5-15-2012, an agent authorized by Respondent 2.acting on behalf of Respondent 1 filed a challenge to the venue and made fraudulent statements that it was done in a timely manner and committed abuse on a dependent adult by attempting to intimidate the Petitioner into not defending his severely handicapped brother, Lawrence Crocetti. This was a fraud upon the court. The Petitioner has repeatedly demanded production (Appendix F-1 to 3) of the evidence necessary to invalidate this action. On about 6-18, 2012, an agent for Respondent 2, who was acting in behalf of Respondent 1. filed the first accounting (Appendix E-135to 162)

regarding the Trust after 3,828 days from the ^{TIME}_(n) Respondent became trustee of the Trust and showed no proof of distribution and was in conflict with a letter written by Respondent 1. (Appendix E-165) stating the majority of the proceeds from the sale of the trustors home (Grams house) went to the trust in stocks and bonds. The Respondents offered as evidence in support of the change of venue the declaration that taxes for real property located in Alameda County were paid to Contra Costa County from 10-24-03 to 11-2-06 (E-151) It is a common law maxim that fraud vitiates everything it touches, be they contract, documents or judgments. On 6-18-2013 Probate Court allowed the change of venue to Contra Costa County in error (Appendix D-32 to D-48) and the record shows that the Petitioner objected to the accounting (D-46) and claimed it was in conflict with the letter written by Respondent 1. (D-67 to D-68) on 7-24-2011 to Sis regarding the sale of the trustors property. The last thing The Honorable Cecelia Castellano stated was the trustee (Respondent) was responsible for the transfer fees to Contra Costa County and due process ended there. Procedural Due Process rules are shaped by the risk of error inherent in the fact finding process as applied to the generality of the case. The Petitioner was on such uneven footing that none of his questions were answered in Contra Costa and the Respondents avoided showing proof of distribution and a fraudulent accounting was approved and the Trust was finished without paying the Petitioner or Lawrence Crocetti any money from the sale of the property they were due to inherit. In both Contra Costa County Probate Court from a homeless position with no opportunity of appealing and again in Federal District Court, the Petitioner was rendered of so little worth that his questions were not answered and he could not defend his interest in what has become a two tier justice system.

It is old hat, a court called upon to do equity should always consider whether the parties have acted with unclean hands. The first state judge with unlimited jurisdiction did just that but a state judge with limited jurisdiction, a different state judge with unlimited jurisdiction, a federal judge and three appellate judges all failed to apply this basic concept in this matter and I am forced to approach The United States Supreme Court in the hopes that I am addressing exceptional people such as The Honorable Cecelia Castallanos. The award of payment to The Defendants (Appendix E-32 to E-40) and (Appendix E- 135 to E- 162) is inappropriate due to the litigation results arose from the fiduciaries misconduct.

The Petitioner asked the federal court to allow a jury trial to at last have due process with a fact finding stage and offered an array of remedies that ultimately would create a constructive trust with the assets that would replace what could be proven to be secreted from the Emmett and Aralee Charlton Trust from the Respondents and compensate the Petitioner for loss of earnings due to loosing his license to practice Respiratory Care for failure to pay the biannual license fee while homeless. To currently replace the property unlawfully secreted by the respondents would entail nearly \$700,000.00 and without adjusting for inflation, the cost of the Petitioner loosing his license would be approximately \$ 1,5000,000.00. The Petitioner apologizes if the tone is gruff and emphasizes that the duress created by the Defendants has gone on long enough and the current times are extra challenging from a impoverished position. The court could order the Respondents to respond to the demand for production in the absence of a jury trial. (Appendix F-1 to F-3)

A Prayer for Relief.

The Circuit Court continued the obstruction of the fact finding phase of Due Process and The applicant sees nothing in The District Courts response (D-15 to D-29) that takes the place of proof of distribution or that convinces the applicant to accept the settlement offer (E-32 to E-40)

The Emmett and Aralee Charlton Trust (Trust) was created on July 31,1990 (Appendix E-42). The Trust became irrevocable upon the death of Aralee Charlton on 12-20-2002 (Appendix E-138). The Applicant is the issue of Mary Elizabeth LeDeux (Sis) (Appendix E-105). Sis was entitled to 1/5 of Trust (Appendix E-42). Sis was a dependent adult and needed special provisions spelled out in a irrevocable amendment to the Trust (Appendix E-106). Sis was entitled to information regarding Trust and how the trust assets were spent and Respondent 1 was aware that Sis was requesting information, no later than 7-24-2011 (Appendix D-68). Sis died on 9-11-2011 (Appendix E-138) without ever receiving an accounting or a copy of the Trust and Respondent 1 had failed to perform her fiduciary duty and committed financial abuse of an elder. In 3,570 days as trustee, Respondent 1, failed to provide an accounting to Sis.

VERIFICATION
STATE of CALIFORNIA,
COUNTY of BUTTE

I, Jonathan LeDeux, hereby declare that I am a participant to this matter and have knowledge of the fore mentioned events and upon knowledge and belief, I believe the foregoing to be true and correct
I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct

Jonathan Melvin Le Deux

Signed the 6 day of 2020 9

Pro Se

REASONS FOR GRANTING THE PETITION

In the interest of Justice ; to
Protect the United States Constitution.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jonathan M. LeDeux

Date: 4-6-2020