

No.

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**In the Supreme Court of the United States**

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Sheri Speer, PETITIONER *v.*  
Seaport Capital Partners, LLC

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*ON PETITION FOR A WRIT OF CERTIORARI  
FROM THE SUPREME COURT OF THE STATE OF  
CONNECTICUT*

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**PETITION FOR A WRIT OF CERTIORARI**

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*Sheri Speer, pro se  
151 Talman Street  
Norwich, CT 06360  
(860) 213-2836  
speercommercial@gmail.com*

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### **QUESTIONS PRESENTED**

The Fifth and Fourteenth Amendments protect Americans from being having their liberty and property interests stripped from them unless they are afforded due process of law, and the right to have counsel they retained present in court prior at a hearing for that purpose.

The questions presented are as follows:

- A. Did the Trial Court improperly enter an order denying the Petitioner access to the State Courts without due process of law?
- B. Did the Trial Court violate the Petitioner's Fifth and Fourteenth Amendment protected rights to have her counsel present when it entered injunctive relief against the petitioner?

**PARTIES TO THE PROCEEDING**

The Petitioner is Shëri Speer, who is proceeding pro se.

Respondents are Seaport Capital Partners, LLC, United States Trustee Thomas Boscarino, Receiver Edward Bona, and Dr. Michael Teiger.

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*v.*

SEAPORT CAPITAL PARTNERS, ET AL.

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Sheri Speer, pro se, respectfully petitions for a writ of certiorari to review the judgments of the Connecticut Appellate Court and the Connecticut Supreme Court's denial of her petition for certification to appeal there, affirming the decision of the Connecticut Appellate Court.

**OPINIONS BELOW**

The opinion of the Connecticut Appellate Court in Docket Number AC 41879 is at 194 CA 902 (2019), per curiam, with the Connecticut Supreme Court's order declining to review at 335 C 903 (2020)

**JURISDICTION**

The judgment of the Connecticut Appellate Court entered November 26, 2019. Timely motion to reconsider there, en banc, was denied January 16, 2020. The Connecticut Supreme Court extended to the time to petition it for certification, which was filed February 24, 2020 and denied March 11, 2020. The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a).

**STATUTORY PROVISIONS INVOLVED**

This case specifically involves Connecticut General Statutes §52-471, in that the trial court entered an injunction against the Petitioner filing any papers in any court unless or until she paid sanctions to Respondent Seaport Capital Partners, LLC.

**STATEMENT**

This case is profoundly unusual in that a state court judge granted Seaport Capital Partners, LLC ("Seaport") injunctive relief it never asked for without bond, without affidavit and in a manner that usurped cases pending in other judicial districts that did not involve or affect Seaport in any way. The trial court also did it without counsel retained by the Petitioner present in the courtroom. Seaport made no application for an injunction. Seaport presented no witnesses. Seaport neither took or introduced any testimony in support of the application for injunctive relief it never filed.

The trial court also did it with Petitioner's counsel, Attorney Katherine Sylvestre, not present to challenge the fact that no witnesses were called, no evidence was presented and no such order was in fact applied for as Connecticut General Statutes §52-471 required.

The result was confused courts and clerks in the Hartford and New London judicial districts as the trial court granted relief that Seaport never asked for. The interpretation of the order on appeal itself is confusing and problematic as no reviewing court has taken the occasion to delineate or explain it, and the trial court has continued to change and modify it post-appeal, no one prompting or requesting it do so.

Counsel for Seaport, Donna Skaats, has used the ambiguity of the order to appear on Seaport's behalf in a foreclosure case involving the Petitioner's home in an attempt to lock her out of defending or resolving that case as well.

### REASONS FOR GRANTING THE PETITION

This case provides a superior vehicle for clarifying an area of law well understood within a criminal or juvenile context - the right to counsel. This Court specifically found that the right to counsel attached for the purposes of criminal prosecutions when it decided *Gideon v. Wainwright*, 372 U.S. 335 (1963). This Court, justly, eventually expanded the recognized right to have counsel present when liberty interests are at stake in *Turner v. Rogers*, 564 U.S. 431 (2011), when it found that the right to have counsel present attached when failure to pay child support would deprive the petitioner there of his liberty interest to be free.

This Petitioner submits that the right to have access to the courts is, in fact, a liberty interest. So is procedural due process of law, which the Petitioner as profoundly denied.

#### **A. The Petitioner was Denied Due Process, and the Decisions under review do not comport with this Court's holdings.**

There is no question that the language of the Fourteenth Amendment requires the provision of due process when an interest in one's "life, liberty or property" is threatened. *Morrissey v. Brewer*, 408 U.S. 471, 481 (1982). "The requirements of procedural due process apply

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only to the deprivation of interests encompassed by the Fourteenth Amendment's protection of liberty and property. When protected interests are implicated, the right to some kind of prior hearing is paramount...." *Board of Regents v. Roth*, 408 U.S. 564, 569-71 (1972). The unconstitutional order not only entered, but it did so on the lack of any constitutional procedure. "Procedural due process imposes constraints on governmental decisions which deprive individuals of "liberty" or "property" interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Matthews v. Eldridge* 424 US 332 (1976). The "right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society." *Id.*, 333. The injunctive relief entered by the trial court without an application, without evidence, without demonstration of irreparable harm absent said injunctive relief and entirely outside the standards, requirements and conditions established by Connecticut Law (§52-471) constituted a wholesale denial of procedural or substantive due process of any kind.

**B. The Questions Presented are Issues of First Impression of Exceptional Importance.**

The right to be heard through counsel ought to be axiomatic. "It never has been doubted by this court, or any other, so far as we know, that notice and hearing are preliminary steps essential to the passing of an enforceable judgment, and that they, together with a legally competent tribunal having jurisdiction of the case, constitute basic elements of the constitutional requirement of due process of law. The words of Webster, so often quoted, that, by "the law of the land" is intended "a law which hears before it condemns" have been repeated in varying forms of expression in a multitude of decisions." *Powell v. Alabama*, 287 US 68 (1932).

This is not a case where the Petitioner is asking for counsel to be appointed for her. This is a case where Attorney Slyvestre was retained. She appeared, and still has an appearance on file. She never withdrew. The trial court neither inquired as to her whereabouts or took any actions to continue the proceedings until she could be present. The oddity, further, is that the underlying injunction entered against the Petitioner kept counsel herself from challenging it.

This Court is usually confronted with questions seeking to expand the right to appoint counsel. This case is unusual because it involves the right to have privately retained counsel present prior to adjudication to a substantial liberty interest.

This Court absolutely must decide the question of whether or not Americans have the right to be represented by counsel that they hire, they choose and they pay for, and under what circumstances, if any, and for what reasons a court should proceed without counsel present. This is a critical issue of first impression.

#### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/  
Sheri Speer, pro se  
151 Talman Street  
Norwich, CT 06360  
(860) 213-2836  
speercommercial@gmail.com

Dated this 17th day of April, 2020