

06/08/21

No. 20-1721

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In the Supreme Court of the United States

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James A. Sawyer

versus

Department of Child Support Services  
in and for Ramsey County of Minnesota  
and the County of Santa Cruz, California

Attorney General of the State of California  
Attorney General of the State of Minnesota

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ON PETITION FOR A WRIT OF CERTIORARI To  
THE California COURT OF APPEALS FOR THE SIXTH District

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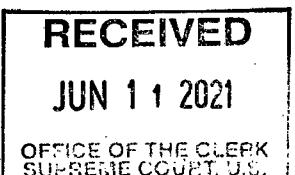
PETITION FOR A WRIT OF CERTIORARI

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Co-counsel for Petitioner:

Hon. S.A., Sawyer (1924-1995) retired  
F.W. Sawyer (1889-1968) retired  
Abbott W. Sawyer (1883-1945) retired



Questions Presented for Review:

1. UIFSA and Procedural Due Process

Is the right to Due Process as vested in a citizen of the United States durable, transportable, and enforceable in and between the originating and forum state?

2. Precedence of conflicting interests

where Due Process is protecting the citizen, and where Full Faith and Credit is protecting the State:

Does a sovereign forum state owe to its citizens a duty of due diligence in protecting their rights against infringing actions of a sister state?

3. Modification

Is an order establishing a duty and obligation different in kind from an order calculating a current balance due on said duty, thus requiring distinct treatment with respect to the meaning of the word "modification", prohibited for one, not the other?

Directly related cases:

- \* Sawyer v. Sawyer No. 23798  
Ramsey County District Court of Minnesota  
Family Division of the Second District  
Final Decree entered 1/20/1989
- \* Sawyer v. Sawyer No. ?  
Ramsey County District Court of Minnesota  
Family Division of the Second District  
Entered 6/7/1989  
Improperly accelerates property settlement
- \* Sawyer v. Sawyer No. ?  
Ramsey County District Court of Minnesota  
Family Division of the Second District  
Judgment entered 4/17/1990  
Amends decree, with specific visitation schedule
- \* Sawyer v. Sawyer No. ?  
Minnesota Court of Appeals  
Judgment entered 5/25/1990  
Overturns acceleration of settlement @ 6/7/1989
- \* Sawyer v. Sawyer No. FL007773  
Santa Clara Superior Court of California  
Judgment entered 4/4/1991  
Controlling order, establishes wage assignment;  
actively enforced, ending in 2002, with no arrears.
- \* Sawyer v. Sawyer No. DM-F4-87-23798  
Ramsey County District Court of Minnesota  
Family Division of the Second District  
Rendered 2/1/2001, Judgment entered 4/2/2001  
Modifies physical custody on noticed motion  
Also determines arrears, w/o notice or consideration  
of earlier Santa Clara order @ 4/4/1991.

- \* Sawyer v. Sawyer No. FL007773  
Superior Court of California  
County of Santa Cruz  
Order after hearing ?/?/2005
- \* Sawyer v. Sawyer No. F4-87-23798  
Ramsey County District Court of Minnesota  
Family Division of the Second District  
Continuance entered ?/?/2007
- \* Sawyer v. Sawyer No. FL007773  
Superior Court of California  
County of Santa Cruz  
Order after hearing 12/?/2007
- \* Sawyer v. Sawyer No. FL007773  
Superior Court of California  
County of Santa Cruz  
Order after hearing 5/?/2008  
Bench Warrant. Attorney withdrew.  
CCP
- \* Sawyer v. Sawyer No. FL007773  
Superior Court of California  
County of Santa Cruz  
Not on calendar 5/?/2008  
Appearance noted. Warrant withdrawn.  
Also served OSC!?! Thus, I was expected.
- \* Sawyer v. Sawyer No. ?  
Ramsey County District Court of Minnesota  
Family Division of the Second District  
Order after hearing 10/14/2008  
Bizarre—inexplicably dismissed, w/o prejudice

- \* Sawyer v. Sawyer No. F4-87-23798  
Ramsey County District Court of Minnesota  
Family Division of the Second District  
Order after hearing 11/4/2008  
Attorney requested reconsideration.  
Request denied.
  
- \* Sawyer v. Sawyer No. F4-87-23798  
Ramsey County District Court of Minnesota  
Family Division of Second District  
An oral agreement of the parties and the court,  
So that I might not have to travel the 2000 miles  
for what might be a third superfluous appearance,  
there is an oral agreement of parties and court,  
that the court will review, render summary judgment  
if possible, or if not, calendar a hearing on the merits.  
I agreed, by telephone 11/25/2008.
  
- \* Sawyer v. Sawyer No. F4-87-23798  
Ramsey County District Court of Minnesota  
Family Division of Second District  
Order after hearing 12/9/2008  
To submit memorandum of law--summary judgment
  
- \* Sawyer v. Sawyer No. F4-87-23798  
Ramsey County District Court of Minnesota  
Family Division of Second District  
Memorandum of law for summary judgment  
Submitted 12/12/2008
  
- \* Sawyer v. Sawyer No. F4-87-23798  
Ramsey County District Court of Minnesota  
Family Division of Second District  
Judgment entered 1/5/2009  
A breach of the oral agreement @ 11/25/2008.  
No summary judgment. No hearing on merits.  
Dismissed, once again, w/o prejudice.  
but requiring a bond to re-file.

- \* Sawyer v. Sawyer? No. ?  
Court of Appeal of the State of Minnesota  
Judgment entered ??2009  
An interlocutory debacle.
- \* Sawyer v. Sawyer No. FL007773  
Superior Count of California  
County of Santa Cruz  
Judgment entered ??/2014  
on motion to set aside for failure to produce accounting,  
per order @ Santa Cruz 12/2007
- \* Sawyer v. Sawyer No. FL007773  
Santa Cruz County Superior Court  
Judgment entered 11/19/2018  
Denies motion to block re-registration,  
Orders equitable relief against registered order.  
Which I did not ask for.
- \* Sawyer v. Sawyer No. H046558  
Court of Appeal of the State of California  
Sixth Appellate District Division Three  
Filed 11/20/2020  
Affirms denial of motion to set aside  
Overturns Equitable relief
- \* California Supreme Court  
Petition for Certiorari  
Denied 3/10/2021

Authorities (incomplete):

**1. Church of the Holy Trinity v U.S., 143 U.S. 266 (1892)**

"Absurd" referred to cases where an interpretation by the letter of the law and not by the spirit or intent of its framers would lead to absurd results.

**2. Armstrong Paint & Varnish Works v. Nu-Enamel Corp., 59 S.Ct. 191 (1938):**

"to construe statutes so as to avoid results glaringly absurd, has long been a judicial function."

**3. Griffin v. Oceanic Contractors, Inc., 102 S.Ct. 3245 (1982):**

"It is true that interpretations of a statute which would produce absurd results are to be avoided if alternative interpretations consistent with the legislative purpose are available."

**4. Lionberger v. Rouse, 76 U.S. 468 (1869):**

"It is a universal rule in the exposition of statutes that the intent of the law, if it can be clearly ascertained, shall prevail over the letter, and this is especially true where the precise words, if construed in their ordinary sense, would lead to manifest injustice."

**5. U.S. v. Powers, 59 S.Ct. 805 (1939):**

"There is a presumption against a construction which would render a statute ineffective or inefficient, or which would cause grave public injury or even inconvenience."

**6. S.L.H. v. State Fund [12/28/00] 2000 MT 362**

S.L.H. v. State Compensation Mut. Ins. Fund,  
2000 MT 362, ¶ 17, 303 Mont. 364, 15 P.3d 948, 303  
Mont. 364 (2000).

To avoid an absurd result and to give effect to a statute's purpose, statutes are read and construed as a whole.

**7. Fliehler v. Uninsured Employers' Fund, 2002 MT 125**

Statutory interpretation is a "holistic endeavor" that must consider the statute's text, language, structure, and object. The Court will read and construe a statute as a whole to avoid an absurd result and to give effect to a statute's purpose.

**8. Re: Colon [12/12/02] 2002 MTWCC 63**

Statutes should be construed to avoid absurd results.

Official reports of opinions.

In the Appendix.

Basis of jurisdiction

Petition for writ of certiorari  
denied by California Supreme Court  
3/10/2021

Statutory provision—no citation..

If statutes are drawn into question—

N/a.

Just a rant in one footnote,  
where they are explicitly left for someone else  
to address.

Authorities

Due process clause, full faith and credit clause, and  
equal protection clause--of CA, MN, and US constitutions;  
UIFSA statutes both federal and state of CA and MN;  
CA and MN Code of Civil Procedure, Evidence code, Family  
code, and rules of court; Magna Carta; common law  
notions of basic “fairness”; and common sense.

## Statement of the case

James A. Sawyer  
Computer Scientist.  
Supported four boys total, now three,  
two of the marriage.

Minnesota.  
Divorced, final decree 1/1989.

The company I worked for closed five months later, without notice, and without having paid several invoices. Six weeks to find and interview for positions on both coasts, sell the house, pack, obtain clearance, drive cross country, rent a studio apartment for more than the previous mortgage for 3 br house, start work, work three weeks, and get my first check.

Meanwhile, Rosemary opened a child support case in Ramsey County, three days before cashing a child support check from me, sent the same day I received my first check.

4/1991  
Wage assignment – Santa Clara 1991  
Wage assignment runs through 2002,  
Collecting X out of Y dollars of total obligation.  
Ongoing ended either 3/99, or 8/99.  
Balance actually crossed zero early, in 99,  
except a \$100/mo obligation that continued through 2002.

3/1999  
When I discovered that Jamison was not living at his Mother's, I moved him to California with me, and asked my attorney to notify the court. Rosemary did not object.

Jamison remained with me through March of 2002, emancipated in March, at eighteen, and moved back to Minneapolis a short while later.

In 2006, I asked my attorney for help straightening out the child support issue, since it ended in every respect in 2002, but was still being enforced.

I discovered it wasn't the same order—there was another order, first registered in 2005, without my knowledge. It had come from a completely illegitimate hearing in 2001, contradicting or ignoring the Santa Clara order of 4/1991.

I have been fighting this ever since.

In 2018, it was re-registered in CA, and I filed a motion to block that registration, arguing that the MN court was without competent jurisdiction, the judgment was obtained by fraud, and that payment had been made, and overpaid.

Opposing council prevented an examination of the actual account history, so I argued instead, on the basis of their submissions alone, that the amount claimed (\$89k) could not possibly be correct. Then I showed that I would be entitled to several additional credits and offsets (missing from opposing counsel's evidence), all of which together demonstrating that the claim was impossibly wrong, and that adding together just what I had shown would be enough to result in overpayment, thus there could be no arrears at all. I expected the judgment would finally be set aside, and we'd get a proper accounting at a later hearing, using actual evidence and reconciling against DCSS records, once the bogus arrears were done away with.

The court seems to have mis-understood the jurisdictional argument to be about subject matter jurisdiction, and denied that. Having then no reason to understand the likelihood of fraud in a hearing without me and without notice, denied that.

Next, the court mistook the “using just their records, plus a few independent facts” argument as instead a request for equitable relief against the claimed arrears, and ordered a reduction based on that.

I appealed those errors.

Opposing council appealed the reduction.

Appellate court mis-understood the jurisdiction argument as having to do with non-residence in MN, and denied that.

Then went on to ignore the rest of my due process argument, and lost its way in an argument supporting the trial court’s authority to make equitable decisions, but if it does, needing to request evidence that would serve that purpose, and instead took up opposing councils completely fallacious full faith and credit argument, and then unencumbered by the illegitimate nature of the judgment, overturned the reduction, and affirmed everything else.

None of this is particularly uplifting, of course, and while I’d certainly like to see all that’s been taken from me returned, the greatest concern is to see such an outrageous denial of due process, apparently gotten away with because no one in a position to do something about it seems to know what violation of due process actually means. Which is not fair.

All of this leaves us with a published opinion that (mistakenly and accidentally) gives support to one State agency blatantly violating due process; another State agency blatantly defying court orders; then together hiding those offenses under a full faith and credit blanket; and although proven on the record, ignoring that too, since what the hell, it was all under color of law.<sup>1</sup>

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<sup>1</sup> That same opinion also seems to have denied that a court of equity either has or should have the authority to make decisions upon a

Fifteen years with my finger in the dyke, defending myself, the Constitution and the idea of a rational, reasonable, fair and decent rule of law from such simple mistakes, failures, or attacks, whatever their source and motivation, is wearing.

All I want, and still need, is a kindred soul, somewhere of position, who is willing to look, read, understand, and lend a hand—just enough to eventually be heard, to confront the accusations of whoever will claim them, to engage with the facts in a fair fight, represented by an attorney, or not, to argue my case orally or in writing, according to the local custom, and to do so before an unbiased court of competent jurisdiction, a decision based on the evidence in the record, after having had proper notice, conducted in a proper former, with a court reporter.

Because I can and will easily accept and enjoy  
or endure whatever comes as result of such a process.  
Or I will decide to appeal, if there is sound reason for  
doing so, having had an honest day in court.  
But no less, not one iota. It simply wouldn't be right.

Rights endure.

Rights are transportable.

Rights are enforceable.

Rights can be protected, or lost to all.  
Nothing is more important.

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consideration of what is equitable, but I'll leave that for someone else to worry about, along with what appears to me to be stupendously unequal protection, last seen hanging around in the choice of laws provision of UIFSA, somewhere near the also likely to be infringing twenty day rule.

Reasons for allowing the writ:

- I. Certiorari should be granted on the first question, addressing the durability and enforcement of due process,
  - a. because rights must be durable,
  - b. because rights must be enforceable,
  - c. because the opinion of the lower court affirmed deviation from the rules of evidence, affirmed deviation from codes of civil procedure, required exercise of discretion exceeding authority, ignored the proven violation of due process, with no basis of support found anywhere in the record, affirmed the continuing extraction of property occurring without notice, or hearing, or just cause, determined in secret, upon nothing in the record, producing no accounting of source or of method, in defiance of their own published policy, in defiance of multiple requests, and in defiance of court order, and all this asserted in brief, with citation of transcripts, and all of it found in the record,
  - e. because the decision appealed from mistook the description of incompetent jurisdiction to be referring to "subject matter jurisdiction", and so ruled against,
  - f. because the decision appealed from was wrong, since it mistook the due process issue, and did not follow this to the obvious opportunity for fraud, which occurred but cannot be proved for the same reason it occurred—I wasn't there, and could not confront, cross, object, testify, or submit evidence to rebut.
  - g. because the opinion on appeal mistook our description of incompetent jurisdiction to be referring to 'jurisdiction of a foreign party' and so ruled against,

- h. because the issue of incompetent jurisdiction is found not in the fact that an attorney was present, but rather in the fact that I myself was not present, that no notice or motion was ever served, and that the "determination of arrears" was conducted in chambers, without transcript.
- h. because the mistaken opinion on appeal is published,
- i. because the logical consequence of the opinion would prevent reasonable men from supporting the belief that our system of justice while not perfectly just, is in any case 'fair'.
- j. because the logical consequence might weaken the public trust, exacerbate unrest, or threaten the peace and security of people accustomed to the idea of basic fairness in the common pursuit of their daily lives.
- k. because the outcome is of far reaching effect, and of interest and concern to everyone, everywhere..
- l. because every element of procedural due process is present.
- m. every element has been violated, more than once,
- n. the decision below has little dependence on facts of particular occurrence in this specific case
- o. reversal does not itself determine an outcome, (absent a finding with reference to US42), and may strengthen acceptance of the final result, for one or both parties, regardless of outcome.
- p. all of which makes this an excellent vehicle showcasing a (unanimous?) decision, with multiple concurring opinions, extolling the virtues of democracy and a meaningful rule of law, explaining all the parts of due process, and what can happen when there isn't any. For the legal, educational, and foreign policy opportunities thereof, at very little additional cost.
- q. no other court can effect a correction,

II. Certiorari should be granted on the second question, regarding precedence of conflicting interests, because:

- a. due process is a right.
- b. due process establishes trust and validity
- c. violation of due process invalidates a result.
- d. full faith and credit conveys whatever properties are present in a result to sister states.
- e. full faith and credit can convey trustworthy and valid results to sister states.
- f. full faith and credit can also convey untrustworthy and invalid results to sister states.
- g. so a receiving state must be required to verify the trustworthiness and validity of what it receives.
- h. shortcuts taken can destroy trust and validity.
- i. due process concerns must take precedence.
- j. the lower courts are incorrectly giving full faith and credit precedence.: they accept it because it was sent. the result is unknown validity.

III. Certiorari should be granted on the third question, regarding modification

- a. because finding that a duty exists is a permanently anchoring antecedent fact, answering the question "Has X occurred?" with either no -> no action is required or yes -> action Y is required
- b. whereas the computation of an account balance produces only a momentary consequent fact, which is measuring progress so far; is expected to change over time; is mechanically reproduced; is mechanically updated; and is subject to routine mechanical error.
- c. changing an antecedent fact invalidates every related consequent fact
- d. changing a consequent fact has no effect on the antecedent
- e. the comments in committee make it clear

that the intent was to allow correction of mechanical errors and simple updates without requiring excess court appearances, formal notices, and formal transcriptions of all the minutia.

- f. Every business also addresses the same issues of error correction, and reconciliation of receipts,

## Conclusion

The petition for a writ of certiorari should be granted for the foregoing reasons.

## Appendix

1. Opinion of Court of Appeal 2020
2. Trial court findings 2018
- 3 Transcripts
  - a.
  - b. my testimony
  - c. after hearing, mixing issues
  - d.
4. Memorandum of Law for Summary Judgment
5. Opinion of Minnesota Court of Appeal
6. Magistrate order of 2/1/2001
7. Santa Clara order of 4/1/1991

You want the transcript of testimony.

A quick read.

But the real point is, none of the rest should be looked at for anything resembling an understanding. It is in there, but exceptionally difficult to reach, and time consuming, especially after the fact, and most can be ignored.

That way, you won't get lost in the noise.

You can focus on the key issue, which is:

that item #6, the order of 2001,  
was the result of an extraordinary violation  
of the right to due process.