

No.

2A-516

IN THE

SUPREME COURT OF THE UNITED STATES

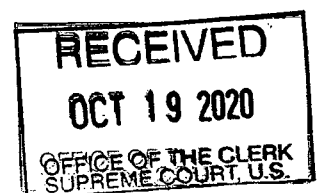
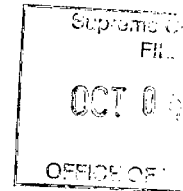
D'ANN S. MCCOY - PETITIONER

VS.

BOUREIMA OUEDRAOGO - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE SUPREME COURT OF PENNSYLVANIA - EASTERN DISTRICT  
PETITION FOR WRIT OF CERTIORARI

D'ANN S. MCCOY  
853 NORTH MOSS STREET  
PHILADELPHIA, PA 19139  
267 972 0291



## **QUESTIONS PRESENTED FOR REVIEW**

1. Has the Pennsylvania Court System violated the constitutional rights of the Appellant, D'Ann McCoy, through communication ex-parte in a matter without notification of the Petitioner - the erroneous credit attributed to critical evidence pertaining to a family court matter - and a clear breach of jurisdiction through the issuing of sua sponte opinions and memorandum pertaining to a case that was already in the process of appeal and outside the jurisdiction of the Court.

(Answer: Yes)

2. Should a Judge be disqualified from participating in a matter if it is found that they are not compliant with the rule of law?

(Answer: Yes)

## **LIST OF PARTIES**

1. D'ANN S. MCCOY - PETITIONER
2. BOUREIMA OUEDRAOGO - RESPONDENT

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## **TABLE OF AUTHORITIES CITED**

### **CASES**

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United States v. Sciuto 521 F.2d 842 (7th Cir 1996)

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### **STATUTES AND RULES**

iv

Rule 302 - Direct Appeals To The Supreme Court (Illinois)

28 U.S. Code 2101(b) - 30 Days Interlocutory Appeal Rule

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 judgments below.

**OPINIONS BELOW**

1. The decision and opinion of the highest state court to review the merits, The Supreme Court Of Pennsylvania, appears at Appendix A to the petition and is unpublished.
2. The decision and opinion of the highest state court to review the merits, The Superior Court Of Pennsylvania, appears at Appendix B to the petition and is unpublished.
3. The decision and opinion of the trial court, The Court Of Common Pleas - Philadelphia County, appears at Appendix C to the petition and is unpublished.

## **JURISDICTION**

The date on which the highest state court decided my case was May 8, 2020, A copy of this decision appears at Appendix A.

A timely appeal was thereafter denied by the Superior Court of Pennsylvania on the following date: 12/18/2019 and decided 12/30/2019, and a copy of the order denying review appears at Appendix B and Appendix C.

The date on which the Court of Common Pleas of Philadelphia County decided my case was November 22, 2019. A copy of the decision and opinion appears at Appendix C.

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The following Constitutional and Statutory Provisions are involved:

1. U.S. Constitutional Amendment XIV - Section 1. [Citizens of the United States.]
2. Pennsylvania Statutes; PA Constitution Article 1 Declaration of Rights §1 Inherent Rights and all relevant family law statutes.



## STATEMENT OF THE CASE

This case has little to do with the specific facts of the case and more to do with the corruption and injustice committed by the Pennsylvania Court System as a whole as it systematically deprives citizens of their rights under the due process of law. Corruption and sly judicial tactics involving the use of legalese and the complex structuring or excuses and scapegoats makes its nearly impossible for the average Pennsylvania citizen to recover claims through the Pennsylvania Court system and litigate their claims to their fullest capacity and potential as they are guaranteed to be able to do so under the 14th Amendment - Due Process Clause<sup>1</sup>. Instead, the Pennsylvania Court System as a whole has devolved into an elitist system that does not allow the average citizen the same rights and justice as others more fluent in the law or with the wealth and resources to hire exceptional attorneys, which is substantially in violation of the philosophy and spirit of the United States which was founded on the principle of liberty and justice for all. These are among the main reasons for the Petitioner's appeal, outside of the specific facts pertaining to their case.

Common Citizen, D'Ann McCoy in the instant family court case is seeking to recover support expectations from the father of a mutual child. Despite objection, the lower Court calculated the net income of the father as their gross income and allowed for the deduction of expenses that were not supported by evidence, resulting in a

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<sup>1</sup> U.S. Constitution Amendment 14 - ... nor shall any State deprive any person of life, liberty, or property without the due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

substantial deprivation of the Plaintiff of their rights, liberty, and / or property without the due process of law.

The rights of the Petitioner were violated in the following ways (1) ex-parte communication taking place between the Court and the Respondent in this matter pertaining to their abilities to comply with child support requirements without notification of the Petitioner (2) the incorrect attribution of credit to critical evidence pertaining to the case such as Gross Income Earned and Net Income Earned in a child support case despite contradictory evidence provided in an erroneous attempt to unjustly assist the opposition that the Court is in more prejudicial favor of and (3) the issuing of sua sponte opinions and memorandum pertaining to matter after it has already been appealed and outside of the jurisdiction of the Philadelphia Court represented by Honorable Judge Elizabeth Jackson. Each of these violations in the due process and rule of law is substantially damaging on the Plaintiff and is merely one example of how the Pennsylvania Court System continuously prejudices individuals from receiving justice they are entitled to which is a serious issue that is greatly impacting on the public interest. It is not sufficient for the Pennsylvania Court System to be as inoperable as it is and the citizens are demanding better by and through this case as well as many others.

Rule 2101 in the U.S. Code pertaining to the U.S. Supreme Court allows the filing for interlocutory appeals if they are applicable which is the authority cited for the instant appeal.

While this is not a case arising out of a "Final Order" - the order appealed in this matter is of significant impact on the litigation that it is ultimately conclusive and the matter will not be able to be continued or furthered without resolution.

As a result, the Petitioner is requesting relief from this Honorable Court through the instant petition.

The Supreme Court of Pennsylvania Eastern District denied Petitioner's Petition for Leave to File to file Petition for Allowance of Appeal Nunc Pro Tunc despite the fact Petitioner cited Pennsylvania Supreme Court Rules Pa.R.A.P 1114(a),b6 and (b7) and petitioner attached the Supreme Court of Pennsylvania rules as an Exhibit to the Petition which further reveals the atrocious erroneous acts of corruption of the entire Pennsylvania Judicial System which prevents Petitioner from receiving justice in her entire state. The Superior Court went even further to infringe upon the due process rights of the Petitioner without reviewing the docketing statement and rule to show cause or notifying the Petitioner of any action taken. Admitted by the Clerk that Ex-Parte communications have taken place pertaining to the matter resulting in the action taken which substantially violates the due process rights of the Plaintiff in the form of receiving notice of communications and actions taken in matters pertaining to them. The practices and policies of the Pennsylvania Supreme Court and its inferior Courts have devolved entirely from adequate due process of law for which the Plaintiff is respectfully requesting relief. There is no greater burden on a single mother than to have to litigate an entire case on their own - entirely disadvantaged without an attorney - and then to take

this disadvantage even further by the actions of the lower courts. It is a requirement under the Due Process clause of the U.S. Constitution to correctly and properly carry out the law which is not taking place with the Pennsylvania Court System. Furthermore, it is a requirement of the Due Process clause to notify the Plaintiff of any and all communications and actions taken pertaining to a legal matter involving them, which is another defect within the Pennsylvania Court System as a whole. These defects are substantially contrary to the public interest and rule of law which qualifies this case for consideration by the Supreme Court of the United States which is what the Petitioner is asking for in the instant petition.

## **REASONS FOR GRANTING THE WRIT**

There are various reasons why the Supreme Court may grant a writ which includes (1) when the case has to do with the population as a whole.

In this case, the Writ for Certiorari is not just about the decisions that pertain to this case and the manner in which they were processed by the court in a way that constitutes numerous violations of the due process of law.

Furthermore, the manner in which the Pennsylvania Court System carries out these violations of due process is continuous and systematic - the Pennsylvania Court System has been using legal incorrectness hidden under a vast amount of excessive wording and defective reasoning inconsistent with actual written law - knowing that the average citizen is not likely to have the means to withstand and go through with the appeal process. There is no greater violation that can be complained of on appeal that an entire State Court system in the United States, the Commonwealth of Pennsylvania Court system, continuously and systematically depriving the citizens of their rights to equal and open access to the courts - by unequally and incorrectly applying written law to cases in a way that disadvantages the average person and makes it so that they are unable to use the legal system effectively.

The matters complained of in this appeal show just how far from the rule of law that the Pennsylvania Court System has diverged from the standard rule of law, making this as straightforward of a certiorari case as possible. The likelihood for success on the merits for the Petitioner is high pertaining to their specific matters and even higher

pertaining to their Due Process claims. The substantial public importance of the citizenry being able to access the Court System without bias or undue complexity is a matter of substantial public importance and there is no reason that the Pennsylvania Court System should be so rigid in the year 2020 when information is more freely available than ever before

The Pennsylvania Court System as a whole has diverged substantially from the rule of law in a manner that is unacceptable and so it is respectfully requested that this Honorable Court GRANT this Petition for Writ of Certiorari to remedy these injustices.

**CONCLUSION**

This Court should Grant Certiorari

Date: 10/4/2020

Respectfully Submitted

D'Ann S. McCoy

D'ANN S. MCCOY

853 NORTH MOSS STREET

PHILADELPHIA, PA 19139

(267) 972 0291

## **INDEX TO APPENDICES**

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County**

**APPENDIX E- Memorandum in Lieu of an Opinion**



**APPENDIX A - Decision And Opinion Of The Supreme Court Of Pennsylvania**



# Supreme Court of Pennsylvania

Eastern District

John W. Person Jr., Esq.  
Deputy Prothonotary  
Patricia A. Johnson  
Chief Clerk

468 City Hall  
Philadelphia, PA 19107  
(215) 560-6370  
[www.pacourts.us](http://www.pacourts.us)

May 8, 2020

D'Ann S. McCoy  
853 North Moss Street  
Philadelphia, PA 19139

RE: McCoy, D., Pet. v. Ouedraogo, B.  
No. 20 EM 2020  
Lower Appellate Court Docket No: 3340 EDA 2019  
Trial Court Docket No: No. 12-12310

Dear D'Ann S. McCoy:

Enclosed please find a certified copy of an order dated May 8, 2020 entered in the above-captioned matter.

Very truly yours,  
Office of the Prothonotary

/ah

Enclosure

cc: The Honorable Elizabeth Jackson, Judge  
David Michael Kaplan, Esq.