

20-5931

IN THE SUPREME COURT OF THE UNITED STATES

RFB

DAVID FRANK PETRANO, et ux.

v.

DARLENE P. BAYLOR

Supreme Court, U.S. FILED DEC 31 2020 OFFICE OF THE CLERK
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PETITION FOR REHEARING

Supreme Court Rule 44(2) authorizes in relevant part that:

Any petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ shall be filed within 25 days after the date of the order of denial ..., but its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

QUESTION PERTAINING TO GROUNDS AUTHORIZED BY RULE 44(2):

Whether a Court must (shall) (1.) recognize if a lawsuit participant has an autism spectrum disorder, and (2.) make fact findings addressing what that person's autism spectrum disorder means in the Court's orders and judgment ?

INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR  
CONTROLLING EFFECT

Florida's Office of State Courts Administrator published Title II Americans With Disabilities Act ("ADA") Guidelines applicable to Florida judges and justices that require expert witness(es) to explain to judges and justice what an autism spectrum disorder is and what it means, and that require different procedures if the lawsuit participant has an autism spectrum disorder. Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, and 28 CFR Part 35 Title II

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Guidelines for the State Courts System of Florida, APPENDIX B: MENTAL ILLNESS, INTELLECTUAL DISABILITY, AUTISM, Prepared by Office of the State Courts Administrator Supreme Court Building 500 South Duval Street Tallahassee, Florida 32399-1900 850-922-5081 [www.flcourts.org](http://www.flcourts.org) **Revised:** **February 2020**, at pg. 23,  
<https://www.flcourts.org/content/download/217587/file/title-ii-guidelines-revised.pdf>.

Petitioners provided a copy of Petitioner Day-Petrano's autism spectrum disorder diagnosis to the Trial Judge and served on opposing counsel.

Petitioner Day-Petrano requested a blanket across-the-board extra time "reasonable modification" to rules of procedure for all deadlines and scheduling of hearing / trial, and for provision of an autism language interpreter / translator.

The Trial Judge refused to respond and took away Petitioners' horse farm real property.

It is well established that the failure to provide an interpreter leaves the person without a legal presence in the lawsuit.

#### OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED

When Petitioners notified the Trial Judge of Petitioner Day-Petrano's autism spectrum disorder, opposing counsel filed a Motion To Appoint A Guardian Ad Litem and Attorney Ad Litem for Petitioners (both Petitioners).

Opposing counsel's theory is that ADA reasonable accommodations, reasonable modifications of rules, policies, and practices, auxiliary aids and services, and/or removal of communication, architectural, and transportation barriers has nothing to do with incapacity / incompetency.

Petitioner Day-Petrano is autistic by reason of her autism spectrum disorder medical diagnosis.

The Trial Judge did not consult or hear any experts to explain what an autism spectrum disorder is and what it means.

The Trial Judge did not apply any different procedures having been notified Petitioner Day-Petrano has an autism spectrum disorder.

The Trial Judge did not provide Petitioner Day-Petrano an autism language interpreter / transcriber.

An autism spectrum disorder means the autistic person. Petitioner Day-Petrano, has delayed information processing because she cannot process multiple information simultaneously but must process all the details of information sequentially before she can understand the meaning. Further, while autistics, Petitioner Day-Petrano, can process static information well enough even to pass a bar exam, at the same time cannot (by the physical wiring of the autistic brain) process dynamic information for hours or days after perceiving it. Autistic people, Petitioner Day-Petrano, understand the literal words spoken and written and do not and cannot “interpret” the hidden meaning between the words on the basis of grasping “the backdrop” of “the big picture” from one or two details and/or “reading” facial expressions, gestures, body language, social context, of the fluctuation in the voice.

In sum, autistic Petitioner Day-Petrano communicates literally and sequentially in order to understand the meaning, in contrast to the non-autistic Trial Judge and opposing lawyer communicating inferentially and simultaneously, resulting in misinterpretations on both sides (an inevitable result of the physical wiring of the autistic brain).

Petitioners have a Due Process right to meaningfully understand what is being written in opposing lawyer’s pleadings and the Trial Judge’s Orders and instructions and what is being spoken in hearings and at trial in this lawsuit and in any lawsuit.

An autism spectrum disorder, absent the provision of the Title II ADA relief Petitioners requested, prevented Petitioner Day-Petrano from being provided with meaningful notice, and a meaningful opportunity to be heard in a meaningful time and a meaningful manner in this lawsuit.

Further, absent blanket extra time for delayed and sequential processing and provision of an autism language interpreter / translator, Petitioner Day-Petrano

would not be able to get effective assistance of any counsel in this or any lawsuit, either.

These circumstances of an autism spectrum disorder would necessarily define Petitioner Day-Petrano as incompetent absent the use of the different procedures Florida's implementing Title II ADA Guidelines require for lawsuit participants with an autism spectrum disorder – blanket extra time and provision of an autism language interpreter / translator.

Without the blanket extra time and provision of an autism language interpreter / translator, Petitioner Day-Petrano was denied legal presence in this lawsuit and such lack of legal presence made a “Takings” of her home and horse farm real property.

This is so because ADA reasonable accommodations, reasonable modifications of rules, policies, and practices, auxiliary aids and services, and/or removal of communication, architectural, and transportation barriers have everything to do with removing a lawsuit participant's incapacity / incompetency.

Petitioners always lose every case because Petitioner Day-Petrano is autistic. Petitioners are not alone. That's why Florida's Title II ADA Guidelines SAY autism spectrum disorders require different procedures required by federal law, Title II of the ADA.

Autism spectrum disorders are a matter of public importance for every civil and criminal case, administrative proceeding in every court in this Country. .

Dated: December 31, 2020

Respectfully submitted,

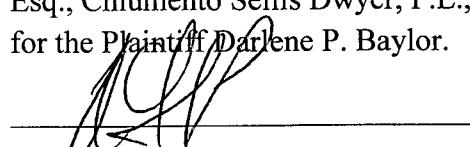
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2020 I deposited a copy of this Petition for Rehearing in the U.S. Mail first class postage prepaid addressed to: Ronald A. Hertel, Esq., Chiumento Sellis Dwyer, P.L., 145 City Place, Suite 301, Palm Coast, FL 32164, counsel for the Plaintiff Darlene P. Baylor.



David F. Petrano