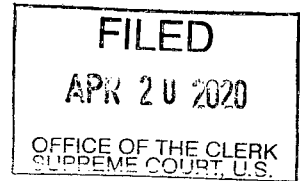


ORIGINAL

No. 20-6128



IN THE

SUPREME COURT OF THE UNITED STATES

ILYA LIVIZ D.L.D. PETITIONER S
(Your Name)

SUPREME COURT OF MASSACHUSETTS
vs.
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

ILYA LIVIZ D.L.D.
(Your Name)

12 HEMENWAY
(Address)

BOSTON, MA 02115
(City, State, Zip Code)

(978) 606-5326
(Phone Number)

QUESTION(S) PRESENTED

DOES 6th & 14th AMENDMENT GRANT A
RIGHT TO A JURY TRIAL WHEN
THE STATE SEEKS TO TERMINATE/PERMANENTLY-
LIMIT PARENTAL RIGHTS?

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:

RELATED CASES

ILYA LIVIZ V. SUPREME JUDICIAL COURT OF MASS.
DOCKET 18-9587

ILYA LIVIZ V. SUPREME JUDICIAL COURT OF MASS.
DOCKET 18-8150

ILYA LIVIZ V. MASS. DEPT. OF CHILDREN & FAMILIES
DOCKET 16-9436

TABLE OF CONTENTS

10 PAGES w/APPENDIX

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	CARE AND PROTECTION OF A MINOR SJC-12793 (MAR. 6, 2020)
APPENDIX B	CARE AND PROTECTION OF A MINOR SJC-12403, 84 N.E.3d 1254 (MASS 2022)
APPENDIX C	478 MASS. 1015 (NOV. 10, 2017)
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER (5)

LASSITER V. DEPT OF SOCIAL SERVICES, 452 U.S. 18, ~~18~~ (1981)

SAMOSKY V. KRAMER, 455 U.S. 745, (1982) (5)

TROXEL V. GRANVILLE, 530 U.S. 57 (2000) (5)

STATUTES AND RULES

OTHER

6th & 14th Amendments

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 _____ to the petition and is

- ☐ reported at _____; 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☐ is unpublished.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 _____ to the petition and is

- ☐ reported at _____; 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 A to the petition and is

- ☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix B to the petition and is

- ☒ reported at 478 MASS 1015 (NOV. 10, 2017); 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 _____.

☐ 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 MARCH 6, 2020.
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 _____.

SAME QUESTION OF LAW ASKED TWICE SEE APP A & B

☐ 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).

OR 28 U.S.C. § 1254(1)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

6th & 14th AMENDMENTS

STATEMENT OF THE CASE

STATES LACK SUBJECT MATTER
JURISDICTION WHEN THEY FAIL
TO OFFER RIGHT TO A JURY
TRIAL WHEN THEY SEEK
TO PERMANENTLY TERMINATE/
LIMIT PARENTAL RIGHTS.

REASONS FOR GRANTING THE PETITION

CONCERNS FUNDAMENTAL
RIGHT TO A JURY TRIAL &
FUNDAMENTAL RIGHT TO PARENT
& FAMILIAL ASSOCIATION

"THAT IS THE DEFENDANT'S INTEREST IN PERSONAL FREEDOM, AND NOT SIMPLY THE SPECIAL SIXTH & FOURTEENTH AMENDMENTS RIGHT TO COUNSEL IN CRIMINAL CASES, WHICH TRIGGERS THE RIGHT TO APPOINTED COUNSEL." SEE LASSITER V. DEPT OF SOCIAL SERVICES, 452 U.S. 18, [5], AT 9P 2 (1981)

"IN PARENTAL RIGHTS TERMINATION PROCEEDINGS, WHICH BEAR MANY OF THE INDICIA OF A CRIMINAL TRIAL, NUMEROUS FACTORS COMBINE TO MAGNIFY THE RISK OF ERRONEOUS FACT FINDING." SEE SANTOSKY V. KRAMER, 455 U.S. 745, 1982 U.S. LEXIS 89, SYLLABUS AT 2(b) (1982)

"THE LIBERTY INTEREST AT ISSUE IN THIS CASE-- THE INTEREST OF PARENTS IN THE CARE, CUSTODY, AND CONTROL OF THEIR CHILDREN-- IS PERHAPS THE OLDEST FUNDAMENTAL LIBERTY INTERESTS RECOGNIZED BY THIS COURT. SEE TROXEL V. GRANVILLE, 530 U.S. 57, 111 S. Ct. at 9P 2 (2000)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ellysa Luy D. L. D.

Date: 5/28/2020