

No. 20-771

ORIGINAL

*In the Supreme Court of the United States*

RE

**Debera Pinette, Petitioner**

v.

**State of Maine, Department of Health and Human Services**

Supreme Court, U.S.  
FILED

MAR 11 2021

OFFICE OF THE CLERK

**ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS**

**PETITION FOR REHEARING**

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**March 09, 2021**

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Pursuant to Supreme Court Rule 44.1, Debera Pinette, hereby respectfully petitions for rehearing of the Court's decision issued on February 22, 2021. Debera Pinette v. State of Maine Department of Health and Human Services, No. 20-771, Pursuant to Supreme Court Rule 44.1 this petition for rehearing is filed within 25 days of this Court's decision in this case.

## REASONS FOR GRANTING THE PETITION

Rehearing should be in favor as there is fundamental errors of law and faulty reasoning in the opinion and I have reason to believe that the court will correct its error in favor of review if it is pointed out. Because there is confusion and disagreement this petition seeks to provide the framework necessary for a rehearing.

In this case, Procedural and Substantial Due Process was not applied. Under the Fourteenth Amendment, the right to Procedural Due Process is implicated where a constitutionally protected liberty or property interest is concerned. The crux of procedural due process is the right to Notice and an opportunity to be heard at a meaningful time and in a meaningful manner. Pursuant to Fuentes v. Shevin, 407 U.S. 67, 80, 92, s Ct. 1983, 1994 (1972). Procedural Due Process, concerns the procedures that the government must follow before it deprives an individual of life, liberty or property. As I mentioned in my Writ of Certiorari, Judge Lawrence wrongly Misinterpreted dates of duration of visits from the Gal's report, this act of misconstruing not only lead to complete misconstruction of Gals words but also left the Judges ruling factually inaccurate and included legal errors. Therefor the Judge did not make all his decisions based on the law. Because of his mistake in law it negatively impacted my position in this case. This Judgement error of misinterpretation was noticed only after his Judgement order was written

on February 02, 2020. Immediately, appropriate motions and appeals were filed in a timely manner to inform the courts of false information and provided them with factual findings such as exhibits as to be true evidence. The false information that the Judge reflects to in his order persuaded his decision opposing Debera for placement with her Grandchildren. Debera has proved burden of proof providing the district court with all documents that reflects true evidence contrary to his belief.

Judge Lawrence also states

in Judgement order he believes foster parent will continue the boys relationship with relatives. This is not the law and he should hold confidence in knowing the truth and the law. Pursuant to Maine Statute, Title 22, Chapter 1071, sub chapter 6, Right to deny the Grandparent but only after the child's adoption. I have been denied visitation since February 06, 2020 as well as other relatives and other siblings to the boys.

In *Rabe v. Washington*, the U. S Supreme Court rules that due process clause of the 14<sup>th</sup> Amendment, which guarantees the right to a fair hearing that follows the rules is violated when a State law fails to explain what conduct is prohibited.

Please protect my rights from interference by the State of Maine.

The Fourteenth Amendment prohibits the State from depriving any person of life, liberty or property without due process of the law.

The Judgement order denied me placement of my Grandchildren using title 19-A Chapter 55, Section 3D against doing so. This title uses factors of duration of time

against family reunification. There were factors that were not in our control nor any fault of mine. Such durations of separation includes Government shutdown 2019-2020, such title should not be enforced during any state of Emergency duration. All of these concerns interfere with my liberty and freedom. Liberty meaning freedom from arbitrary and unreasonable restraint upon an individual. This arbitrary rule is violating the fundamental rights of the people especially in unprecedeted times and has been made impossible and held against unreasonable act of will.

Constitutional rights guarantees a fair process in ALL hearings, guarantees equal treatment under the law.

I have not been treated equally nor fairly according to the Rule of Law. Which ALL persons, institutions, and entities are accountable to laws that are publicly promulgated.

According to Constitution of the State of Maine, Article 1, Declaration of Rights. ALL people are born equally free and independent and have certain Natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring and possessing and protecting property and of pursuing and obtaining safety and happiness.

Seventh Amendment to the United States Constitution and Constitution of the State of Maine Section 20 Trial by Jury was denied. This amendment according to U.S Constitution is part of the bill of rights. This amendment codifies the right to a jury trial in certain civil cases and inhibits courts from overturning a jury's findings

of fact. Constitution of the State of Maine Section 20 Trial by Jury ensures ALL civil suits and ALL controversies concerning property, the parties shall have a right to trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the rights may be heard by him or herself, and with counsel or either, at the election of the party.

Please apply Rule 16 and allow Judgement to be reviewed.

This Petition briefly and distinctly states its grounds and accompanied with certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

### CONCLUSION

Petitioner requests that rehearing be granted and is appropriate for this Court to review Maine's decision to insulate an arguably unconstitutional decision about whether Debera Pinette should be executed from any constitutional scrutiny, because it results in the inconsistent application of the law, Board of Regents of St. Colleges v. Roth, 408 U.S 564, 570, 925, Ct 2701, 2705 (1972). Regarding Fourteenth Amendment context.

And I do further certify under penalty of perjury that the foregoing is true and correct, and this petition is presented in good faith and not for delay and that I have closely examined the record and reproduction of the originals and that the same has been proofread. signed Debera Pinette, Petitioner, pro se CERTIFICATION OF  
COUNSEL FOR THE PETITIONER.

Executed on 03/09/2021

Debera Pinette

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