

ORIGINAL

No. 20-7933

FILED
APR 23 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

ERIKA JACOBS — PETITIONER
(Your Name)

vs.
35 WEST APARTMENTS RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

IN THE SUPREME COURT of Oklahoma
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Erika Jacobs
(Your Name)

P O Box 182
(Address)

Willow-Barn, PA 18703
(City, State, Zip Code)

602-434-3107
(Phone Number)

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:

① Charles B. Sexson
6305 Waterford Blvd.
Ste 115
Oklahoma City, OK 73118
404-254-5599

RELATED CASES

NIA

QUESTION(S) PRESENTED

1. Did The Supreme Court of Oklahoma rule on a case presented with same or similar evidentiary material as another appeals or supreme court?
2. Did the Supreme Court of Oklahoma deny Plaintiff's case on a viable merit ful truth or because of racism, malice or conspiracy with the lower State Court? This question is imperative on a national level.
3. Is The Supreme Court of Oklahoma and the State Court of Oklahoma guilty of the violation of 42 U.S. Code? 1985, Conspiracy to interfere with civil rights because of their affiliation with the Defendant 35 West Apartments?
4. Does The Supreme Court of Oklahoma have the right to deny my right to appeal? (Pursuant the appellant followed all protocol and was timely in her submission of her appeal.)

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**: N/A

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 is unpublished.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 is unpublished.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 The Supreme Court of Oklahoma

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 is unpublished.

The opinion of the _____ 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.

JURISDICTION

[] For cases from **federal courts**: N/A

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 Jan. 25, 2021. A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: Jan. 25, 2021, and a copy of the order denying rehearing appears at Appendix A.

[] 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).

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Coppedge v. United States, 369 U.S. 438 (1962)	<u>15-18</u>

STATUTES AND RULES

OKla. Statute title 12 § 990A, see Exhibit D attached
to Statement of Case. 38-40

Uniform Residential Landlord and Tenant Act
[URLLTA] Law and Legal Definition 41

The 7 Steps of an Oklahoma
Civil Appeal

42-45

OTHER

HIA

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitutional and statutory provisions involved in support of the case are:

42 U.S. Code § 1985, Conspiracy to interfere with civil rights

Please see attachment.

42 U.S. Code § 1985. Conspiracy to interfere with civil rights

(2)OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3)DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

(R.S. § 1980.)

STATEMENT OF THE CASE

See attachment

STATEMENT OF THE CASE

1. The Plaintiff timely filed a Petition in error with Oklahoma Supreme Court from the final judgment of the small claims court. A Designation of records must be processed by the lower court in-order for the lower court to forward the information to the Supreme Court of Oklahoma for review. The Plaintiff/Appellant was poverty affidavit in the lower court and this poverty affidavit was requested to be transferred to the Oklahoma Supreme Court pursuant the **DESIGNATION OF RECORDS**. The Petition of Error sent to the Oklahoma Supreme Court from the final judgment of the small claims court was postmarked for Dec. 2, 2020. The Petition was timely filed and could not be submitted until the lower court had processed the Designation of records, in which the lower court did not forward to the Plaintiff until Dec. 1, 2020. The Final Judgment of the lower court was rendered on Nov. 2, 2020 via email from Judge Scott Brockman, it was not mailed. The Plaintiff/Appellant was timely in her submission of her Petition of error; which must include the Designation of records with its submission to the Supreme Court of Oklahoma **POSTMARKED DEC. 2, 2020**. Please see supportive ruling below:

After judgment is entered, the losing party may **appeal the case to the Oklahoma Supreme Court**. The party **appealing** must commence the **appeal** within thirty days after the written order is filed. The rules for **appealing a small claims action**, are the same as the rules for **appealing** any other civil suit.

Please See Exhibit D, attached: The 7 Steps of Oklahoma Civil Appeal

Please See Exhibit D, attached: Okla. Stat tit. 12 { 990A, Sections A, B, and G:

What was the reason for the denial of the transmission of the Plaintiff/Appellant's appeal. The Appellant followed all procedures and was timely in her submission of the Petition of error per the postmarked envelope of Dec. 2, 2020. **Please See Exhibit D, Section B. The Oklahoma Supreme Court would not properly review or adhere to any documents submitted by the Appellant. Why did the Oklahoma Supreme Court not properly review or adhere to any documents**

submitted by the Appellant. Why did the Oklahoma Supreme Court deny the Appellant's right to appeal when all proper documentation was submitted timely. The Oklahoma Supreme Court knew the Appellant was poverty affidavit and the information had been submitted to the Oklahoma Supreme Court by the Small Claims Court. Why did Judge Scott Brokman, small claims court, tell the defendant's attorney not to worry I am not going to give her anything during trial? That is conspiracy and malice any any court arean.

HISTORY

There was apparent discrimination, malice and conspiracy demonstrated at the trial, Oct 5, 2020, with Judge Scott Brockman. In which now Judge Scott Brockman states there was no court reporter and that the hearing was not taped. The United States Supreme Court needs to request and listen to the tape of the hearing which was done via phone because of COVID-19 to understand one of the reason as to why the Supreme Court of Oklahoma and The Small Claims court of Oklahoma is in violation of 42 U.S. Code { 1985. Conspiracy to interfere with civil rights. Judge Scott Brockman was recused and brought up on violation of judicial ethics by the Plaintiff. Judge Scott Brockman refused to wait on an answer in reference to his recusal and ruled on a motion to vacate judgment with retaliation and malice. The clerks were conspiring against the Appellant and had to be brought up for review to the judge earlier on in the trial. Please review all documentation; it was very hard for the Plaintiff to pursue the case with adversaries on all sides.

This case involves breach of contract of the lease by the apartment complex 35 west. The Plaintiff moved into an apartment that had not been properly inspected or prepared for the Plaintiff. The leasing office, managers, and corporate did not address the repair issues properly to make it habitable for the Plaintiff. Thus, the Plaintiff filed suit for constitution for the loss suffered during her residency at 35 west. The poor condition of the apartment affected the Plaintiff's vision, allergies, and caused stomach aches and etc.

The hearing was held on Oct 5, 2020 in an unethical manner. I, Erika Jacobs, was on the phone for the hearing. Yet, I heard the Defendant's attorney and or Defendant motion to the Judge and mumble something. The Judge responded to the Defendant's, and I quote, "Don't worry I am not going to give her anything". Judge Scott Brockman statement of her was for me the Plaintiff, Erika Jacobs. I was in disbelief and requested my case be appealed and etc. It was apparent that Judge Scott Brockman was biased in favor of the Defendant. Judge Brockman did not ask the Defendant's any pertinent question as to the Plaintiff's complaint. Judge Brockman basically infers to the Plaintiff as a liar in the order and was only interested in the lease during the hearing in opposition of upholding the laws that forbid the treatment of the Plaintiff by the Defendant. In support of the Plaintiff's claim, the judge suggests in the last paragraph of page 3 order that the Plaintiff does not understand what uninhabitable means. Uninhabitable is not a SAT word; thus, it is not a word of challenge and is easily understood. The Plaintiff requested an appeal due to the unethical behavior of the judge and the misconstrue of evidence and law reach renders this entire hearing as a mistrial

Judge Scott Brockman states in order that the Plaintiff refused to notify the defendant of the hearing via certified mail. Judge Scott Brockman also pretends as if he does not know why the case was not heard by Judge Stice. Judge Brockman is aware of the issues he pretends to be anonymous to in his order.

13(a)

REASONS FOR GRANTING THE PETITION

The petition should be granted because of imperative national importance it has for all parties seeking an appeal and have followed all proper procedure in the appeal process. Yet, are hindered by the courts affiliation with the defendant which violates 42 U.S. Code § 1985. Conspiracy to interfere with civil rights(B).

I, Erika Jacobs, Appellant have performed all necessary procedures for a proper and orderly appeal and was denied the appeal right due to conspiracy and malicious behavior of the courts. Please see Exhibits A-C, attached. Case: *Copperidge v. United States* 369 U.S. 438 (1962) To include Uniform Residential Landlord and Tenant Act [URLTA] Law and Legal Definition.

Coppedge v. United States, 369 U.S. 438 (1962)

Syllabus **Case**

U.S. Supreme Court

Coppedge v. United States, 369 U.S. 438 (1962)

Coppedge v. United States

No. 157

Argued December 12, 1961

Decided April 30, 1962

369 U.S. 438

Syllabus

Tried and convicted in a Federal District Court, petitioner applied to that Court under 28 U.S.C. § 1915 for leave to appeal *in forma pauperis*. The District Court denied the application and certified that the appeal was not in good faith. Petitioner then filed a similar application in the Court of Appeals, which appointed counsel for petitioner. Such counsel filed a memorandum in support of the application, contending, *inter alia*, that the indictment had been procured by perjured testimony and that petitioner had been unable to prove this charge because of the refusal of the District Court to permit him to examine the transcript of the grand jury proceedings. The Court of Appeals ordered that a transcript of the trial proceedings be furnished to petitioner, and that the application to appeal *in*

forma pauperis otherwise be held in abeyance. After the transcript had been prepared, the Government filed a detailed memorandum opposing the application, and petitioner filed another memorandum based upon the transcript, urging the same questions and others which he claimed showed that his appeal was not frivolous. After considering the petition and the memoranda in support and in opposition, but without hearing arguments, the Court of Appeals denied the petition without opinion.

Held: the summary disposition of petitioner's application was not justified. Pp. 369 U. S. 440-454.

(a) A person convicted in a Federal District Court of a federal offense is entitled to appeal as a matter of right, and he need not petition the Court of Appeals for the exercise of its discretion to allow him to bring the case before it. Pp. 369 U. S. 441-442.

(b) If a defendant is unable to pay the fee for docketing his appeal in the Court of Appeals or to pay the cost of preparing a transcript of the record of the proceedings in the trial court, he cannot perfect his appeal except by applying under 28 U.S.C. § 1915 for leave to appeal *in forma pauperis*. Pp. 369 U. S. 442-444.

(c) The sole statutory language to guide the District Court in passing upon such an application is that "An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." P. 369 U. S. 444.

Page 369 U. S. 439

(d) The requirement that an appeal *in forma pauperis* be taken "in good faith" is satisfied when the defendant seeks appellate review of any issue that is not frivolous. Pp. 369 U. S. 444-445.

(e) When a defendant applies to a Court of Appeals for leave to proceed *in forma pauperis*, the District Court's certification that the application is not "in good faith" is entitled to weight, but it is not conclusive. Pp. 369 U. S. 445-446.

(f) If it appears from the face of the papers filed in the Court of Appeals that the applicant will present issues for review which are not clearly frivolous, the Court of Appeals should grant leave to proceed *in forma pauperis*, appoint counsel to represent the appellant, and proceed to consideration of the appeal on the merits in the same manner that it considers paid appeals. P. 369 U. S. 446.

(g) If the claims made or the issues sought to be raised by the applicant are such that their substance cannot adequately be ascertained from the face of the application, the Court of

En 1996 se creó la Comisión de Desarrollo Rural y Desarrollo Sustentable, la cual tiene como finalidad impulsar la creación de estrategias y planes para el desarrollo rural y la conservación del medio ambiente.

long abbeys: 1500 ft. a. s. l.

यहाँ तक की जांच करने का अधिकार विधानसभा को है। विधानसभा की जांच का अधिकार विधानसभा को है।

(d) It is a responsibility of the manager to see that the test for acceptance is conducted in accordance with the requirements of the specification.

Isenção de bens e direitos de sucessão é de natureza tributária e não patrimonial (art. 1º, § 1º, da LDB).

Contra i pubblici consigli che hanno voluto che la legge fosse approvata.

Appeals must provide the would-be appellant with the assistance of counsel and with a transcript of the record sufficient to enable him to attempt to make a showing that the District Court's certificate of lack of good faith is erroneous. P. 369 U. S. 446.

(h) If, with such aid, the applicant then presents any issue for the court's consideration which is not clearly frivolous, leave to proceed *in forma pauperis* must be granted. P. 369 U. S. 446.

(i) An indigent defendant is entitled in all respects to the same right of appeal as a defendant who is able to pay the expenses of his appeal. Pp. 369 U. S. 446-447.

(j) On an application for leave to appeal *in forma pauperis*, the burden is not on the applicant to show that his appeal has merit in the sense that he is bound, or even likely, to prevail ultimately; the burden is on the Government to show that the appeal is so lacking in merit that the court would dismiss the case as frivolous on the Government's motion had the case been docketed and had a record been filed by an appellant able to pay the expenses of complying with these requirements. Pp. 369 U. S. 447-448.

(k) If it is the practice of a Court of Appeals to defer rulings on motions to dismiss paid appeals until the court has had the benefit of hearing argument and considering briefs and an adequate record, it must accord the same procedural rights to a person applying for leave to proceed *in forma pauperis*. P. 369 U. S. 448.

(l) In passing upon applications for leave to appeal *in forma pauperis*, the Courts of Appeals should have due regard for the

Page 369 U. S. 440

facts that Federal Rule of Criminal Procedure 39(d) requires that, in setting appeals for argument, preference shall be given by the Courts of Appeals to appeals in criminal cases, and that the purpose of this requirement is to meet the need for speedy disposition of such cases. Pp. 369 U. S. 448-450.

(m) Although there have been many proceedings and much delay in disposing of this case, the petitioner has not yet received the plenary review of his conviction to which he is entitled, since he has not yet received the benefits of presenting either oral argument or full briefs on the merits to the Court of Appeals. Pp. 369 U. S. 450-453.

(n) On the record in this case, taken as a whole, it cannot be said that petitioner's claims are so frivolous as to justify the summary disposition of his case which was ordered below. Pp.

369 U. S. 450-451

Judgment vacated and case remanded for further proceedings.

Oral Argument - December 12, 1961 (Part 1)

Oral Argument - December 12, 1961 (Part 2)

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CONCLUSION

The case should be remanded back to Oklahoma Supreme Court for its reinstatement of the appeal to be decided by the Court of Appeals for case *de novo*, with the appointment of a new state court judge in superior court. The petition for a writ of certiorari should be granted.

Respectfully submitted,

Eric F. Avery

Date: April 20, 2021