

21-141

Supreme Court, U.S.  
FILED

JUL 13 2021

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# IN THE SUPREME COURT OF THE UNITED STATES

*Jaimee Carole Finley, Appellant,*

*v.*

*Jon Mark Finley, Respondent.*

## PETITION FOR WRIT OF CERTIORARI

*On Petition for a Writ of Certiorari to The United States Court  
of Appeals from the California Supreme Court Supreme Ct. No.  
S267962, Ct of Appeal No. F079228, Super. Ct. No. 8001550*

## REQUEST FOR IMPEACHMENT OF ALAN K. CASSIDY

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**ORIGINAL**

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## Questions Presented for Review

1. If each citizen is protected under the Equal Protection Clause of the 14<sup>th</sup> amendment of the U.S. Constitution, why would any parent, absent compelling state interest, not automatically have their 50/50 equal share in parent time and responsibility with their child?
2. If parental rights could only be compromised with compelling 'state interest,' how is it the mother in this case was stripped parental rights, especially in family court, while pro se, without conviction, and without due process of the law?
3. If every man, under the 5<sup>th</sup> amendment of the U.S. Constitution, is considered innocent until proven guilty, how could he be punished or compromised his basic fundamental parental rights to such a degree without conviction?
4. If the Constitution secured the 10 Rights of a Child, how could any state judge be empowered to override those liberties or even override the Domestic Violence Act by using his own 'discretion'?
5. Is restricting the contact between a parent and their child to only 8 total hours per year considered child abuse?

## **Parties to Proceeding**

6. Jaimee Carole Moore (Finley) is the appellant and biological mother of minor child K.J.F., D.O.B. 8/30/2015.
7. Jon Mark Finley is the respondent and biological father of minor child K.J.F., D.O.B. 8/30/2015.

## **Corporate Disclosure Statement**

8. Stanislaus Superior Court Judge "Alan K. Cassidy" assigned to family court case 8001550. Address 800 11<sup>th</sup> St.; Modesto, Ca. 95354. Phone 209-530-3100.
9. 5<sup>th</sup> District Court of Appeal Justice "Brad Hill" assigned to appeal, case F079228. Address 2424 Ventura St.; Fresno, Ca. 93721. Phone 559-445-5491.
10. Supreme Court of California case number S267962. Address 350 McAllister St.; San Francisco, Ca. 94102-4797. Phone 415-865-7000.
11. Law Office of Lindsey A. Bannerman opposing counsel for respondent's trial.
12. Stanislaus District Attorney's Office "Cristina Magana" assigned investigator.

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## **Basis of Jurisdiction**

12. The Judgement of the California Supreme Court was entered on June 16, 2021. The 5<sup>th</sup> Appellate District Opinion was entered on March 08, 2021. This Court's jurisdiction rests on the Constitution, 28 U.S.C. §1257(a), §1331 & §1332 and U.S. Constitution Article III, §2. The Petition is timely under 28 U.S.C. §2101(c) and US Sup. Ct. Rules 13.1 and 13.3.

## **Constitutional Provisions and Statutes**

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## Statement of the Case

13. This complete statement of facts of this case is all supported by evidence.

14. On January 12, 2016 Jon Finley denied minor K.J.F. as his child and so the court issued an order for paternity testing.

15. On February 7, 2016, a child support hearing was held where Jon Finley told the court that he could not pay child support as he was filing bankruptcy. The court granted his request and froze child support, even though Jon Finley provided no proof that he was actually filing bankruptcy. He actually could not file bankruptcy because the seven years was not up from the last bankruptcy he filed.

16. On March 9, 2016, Alan K. Cassidy awarded mother with sole legal and physical custody of minor K.J.F. due to a finding of **Felony Domestic Violence Conviction perpetrated by Jon Finley against mother for which he was ordered into supervised visitation.**

17. In April of 2016, Jon Finley received a \$40,000.00 check as the first of two installment payments awarded to him from a separate lawsuit.

18. Also in April of 2016, mother and Jon Finley reached an agreement that mother would have minor K.J.F. and Jon Finley would be relieved of current child support (which he did not pay anyway). The law office of Lindsey A. Bannerman said that mother would need to 1) Terminate



current child support with DCFS 2) File a substitute of attorney to remove her attorney. After those two items were completed, Lindsay claimed she would then draft up the agreement which would end the family court case. Right after mother completed her two items of the agreement, Jon Finley and Lindsay A. Bannerman backed out of the agreement and petitioned for sole custody of minor K.J.F. This information was filed on May 11, 2016.

19. On May 3, 2016, mother emailed Jon Finley a 45-day notice of intent to relocate as required by the effective March 9, 2016 custody order. In response, Jon Finley began to make threats to mother against his CPO which mother reported to the Stanislaus Sheriff Department.

20. The Stanislaus Sheriff Department tried to locate Jon Finley, but could not and so they forwarded the report to the Stanislaus District Attorney's Office for prosecution. The Sherriff advised mother to follow up with the Stanislaus District Attorney's Office regarding this report.

21. On May 11, 2016, mother filed a petition for attorney's fees being that she now needed to hire another attorney, since Jon Finley and Lindsey A. Bannerman backed out of the agreement. Mother filed her proof of visitation orientation completion with Sierra Vista as an exhibit to this petition.

22. On May 13, 2016, Jon Finley filed a petition for sole custody of K.J.F stating that mother had not completed the visitation orientation with Sierra Vista. Jon Finley further admitted in this petition that he had visitation with minor K.J.F under the supervision of the paternal

grandmother, whom babysat K.J.F. during work hours for a 1-week period when K.J.F.'s daycare provider was on vacation. (This occurred in April, prior to Jon Finley's threats). Here, Jon Finley's false allegations to the court stated that mother was violating the active custody order by not completing the supervised visitation orientation with Sierra Vista. However, Jon Finley knew mother had completed the orientation on May 3, 2016 because mother informed Jon Finley via text message, Sierra Vista informed Jon Finley via appointment set up, and mother also filed proof of orientation completion on May 11, 2016, meaning Alan K. Cassidy *also knew* mothers' orientation was completed. All of this information is on the record. Presiding Judge Jack Jacobsen issued an Order on May 13, 2016, where he crossed out the word "remove" and wrote "do not change the child's residing address," then he initialed next to it. The proof of service reflects that the Order was not served to mother.

23. On May 20, 2016, mother filed a response to Jon Finley's RFO and told the court again, that she completed the visitation orientation with Sierra Vista. Mother also informed the court of Jon Finley's threats. Text messages from Jon Finley to mother were also filed as exhibits with mothers' petition. Some of the messages Jon Finley sent include: "Watch what I do," "I'll take Kynadie from you no matter what," "I just want Kyn and you gone," "Omg I hate your guts," "You are trash," "You will lose her[K.F.] someday mark my words," "We will see who will be in tears when it's all said and done," "I promise you." Father further called mother and told her he was going to kill minor [K.J.F.]

24. On May 20, 2016, mother also filed a request for telephonic appearance to both hearings for June 8<sup>th</sup>, 2016 and June 15, 2016 with a copy of the 45-day notice. These requests were both granted by Presiding Judge Jack Jacobsen on May 26, 2016 and June 1, 2016. Notice these Orders are granted *after* he issued the May 13, 2016 Order.

25. On June 8, 2016, a hearing was held with mother on the phone. Alan K. Cassidy asked where she was and why hadn't she completed her Sierra Vista orientation. Mother told Alan K. Cassidy that it was completed and already filed with the court and that she was in Texas as stated in the telephonic appearance requests. Alan K. Cassidy then told mother he is rescinding the telephonic hearing for June 15, 2016 and ordering her to appear in person. Mother told Alan K. Cassidy that she could not appear in person in 7 days and Alan. K. Cassidy hung up on her. Here, Alan K. Cassidy had no power to restrain travel or a move because he did not have compelling state interest.

26. On June 15, 2016, mother called the court prior to the scheduled hearing and requested a continuance to retain an attorney. Alan K. Cassidy denied the request and held the hearing without mother.

27. This June 15, 2016 hearing was an *Order to Show Cause* hearing for which mother petitioned for attorney's fees. At this hearing, Alan K. Cassidy unlawfully granted sole legal and sole

physical custody of 10-month old minor infant K.J.F. to Jon Finley. Jon Finley was currently on probation for domestic violence, currently in violation of his CPO, and also had an incomplete batterer's course at the time he was granted sole custody of minor baby K.J.F. Additionally, there was no rebuttable presumption submitted as required by California state law family code section 3044 for domestic violence predators, nor any documentation disclosing how this decision would be in the 'best interest' of the child. Jon Finley did not have a right of custody of minor K.J.F. Here, mothers' parental rights were stripped, pro se and without opportunity to be present.

28. During the 4 months from June 2016 – October 2016, mother was in Texas and in Oklahoma. Nobody contacted mother-neither by phone nor by email. Jon Finley did not request visitation through Sierra Vista which was not unusual for Jon Finley. Jon Finley did not respond to any of mothers' text messages about visitation-though he received them because he later turned them over to Stanislaus District Attorney's investigator Cristina Magana which became discovery. Also, in these 4 months, mother continuously reached out to Stanislaus County Victims Services' at the District Attorney's office to follow up on the sheriff report against Jon Finley's threats and was told that the report was "lost." The "lost" report was later found in **November 2016** only when Cristina Magana could no longer deny that it was filed.

29. Jon Finley was awarded his second installment payment from his separate lawsuit which was in the estimated amount of **\$260,000.00**. The following week, on September 8, 2016, Alan K. Cassidy signed a Felony Child Abduction warrant against mother, knowing he excluded mother from the June 15, 2016 hearing. Clearly, this is a conflict of interest. Cristina Magana, then this same day of September 8, 2016, filed felony child abduction charges against mother. Here, Alan K. Cassidy is a former Chief Deputy for the Stanislaus District Attorney's Office where he is known for using his former employer (Stanislaus D.A.) to file charges against parents, that would personally benefit himself.

30. On September 27, 2016, mother called Stanislaus County District Attorney's office again to follow up on the sheriff report regarding Jon Finley's threats. This was the moment mother found out that child abduction charges were filed against her. Investigator Cristina Magana got on the phone and told mother she had been "looking for mother for four months." Cristina Magana further stated that "Jon Finley now has custody of minor K.J.F. and that a warrant for Child Abduction has been issued against mother." Mother questioned what Cristina Magana was talking about and stated that Jon Finley is a convicted batterer. Cristina Magana said she had no idea that Jon Finley was a convicted batterer, nor that mother filed a sheriff report on his threats. Mother gave Cristina Magana the sheriff report number and asked her to investigate the case further. Mother also asked Cristina Magana for a good cause form and Cristina Magana refused to send it. Cristina

Magana then asked for mothers' current location and mother refused to provide it unless Cristina Magana would keep minor K.J.F. safe away from Jon Finley. Cristina Magana refused. Mother requested again that she send a good cause report to her Salida, California residing address. Cristina Magana, again, refused, and so mother told her she would hire an attorney to resolve the matter, then hung up. Cristina Magana later testified in the trial that she could have sent mother a good cause form, but she did not.

31. The following day, mother retained Gurjeet Rai to resolve the matter. Cristina Magana showed up to the courthouse this day of September 28, 2016 and had a conversation about this matter with Gurjeet Rai in the hallway. She confirmed that he was paid and retained on the case. Gurjeet Rai also called the Stanislaus County prosecutor, Megan Anderson, on this day and inquired about the situation. Megan Anderson told Gurjeet Rai that she does not want to charge mother with child abduction, she just wants her to get on calendar in family court.

32. Gurjeet Rai found in the child abduction case discovery, that Jon Finley filed a police report against mother for child abduction. Jon Finley's version of the events were as if he had custody of minor K.J.F all along and as if mother basically broke into his house, hijacked the child, and "fled the state" like an America's Most Wanted fugitive. Clearly, this was not the reality of events. Jon Finley failed to mentioned that mother originally had sole custody and did not know about the change of custody, because Alan K. Cassidy excluded her from

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the June 15, 2016 hearing. Jon Finley failed to mention that he was a convicted batterer, on probation for domestic violence, and in violation of his active CPO-or even that the sheriff was looking for him due to his threats. Jon Finley did not mention that he had a way of getting ahold of mother as she has had the same email address since childhood. Jon Finley did not state that he received text messages from mother inquiring about visitation and he did not respond. Jon Finley failed to mention that mother gave him a 45-day notice of intent to relocate as required by the Orders. Jon Finley failed to mention that he was an absent parent all on his own, never provided any type of support for minor K.J.F., and was ordered supervised visitation due to his abusive behavior. Mother and child were not “missing” and filing false police reports is fraud for which Jon Finley is guilty of.

33. On September 27, 2016, Jon Finley's probation officer advised mother not to release minor K.J.F. to Jon Finley and to allow Gurjeet Rai to resolve the situation. Mother told Gurjeet Rai that she would be traveling to Oklahoma for a job transfer which Gurjeet Rai stated that traveling to Oklahoma would be fine. Additionally, Gurjeet Rai stated that he would begin drafting the RFO and advised mother that when he does receive the court date, she may need to appear in person but he will find out for sure. In the two-week period it took Attorney Gurjeet Rai to draft an RFO to put mother back on family court calendar, mother was pulled over at a traffic stop on her way to McDonald's with minor K.J.F. Mothers plates were ran and the Felony Child Abduction Warrant appeared in the national data base, causing mother to be

arrested and minor K.J.F. to be removed from mother. Here, the arresting officer did not want to make the arrest and attempted to call Stanislaus District Attorney's Office to release the warrant as mothers' attorney was just advised by the prosecutor, Megan Anderson, at Stanislaus District Attorney's Office they would, given mothers attorney was in the middle of resolving the matter at hand. However, Stanislaus District Attorney's Investigator Cristina Magana, instead, refused to release the warrant and told the arresting officer "no, arrest her" on this day of October 14, 2016.

34. Subsequently, mother was taken into custody while minor K.J.F. was removed from mother and placed with Oklahoma Department of Human Services for five days.

35. On this same day of October 14, 2016, Jon Finley messaged mothers' family member a picture of mothers' mugshot where he laughed and bragged about mothers' incarceration stating "Jaimee is done" "Jaimee and your family will never see Kynadie again" and "Kynadie will have a new mom now." Every statement made in this petition is confirmed by evidence on the record. A picture of mothers' mugshot is all over the internet, just google "Jaimee Finley in Oklahoma." The degree of humiliation and abuse inflicted by Jon Finley, Alan K. Cassidy, Lindsey A. Bannerman, and Cristina Magana in this child abduction claim they each equally orchestrated for their own personal benefit, warrants prison time.



36. During mothers' incarceration, minor baby K.J.F. cried for 5 hours straight on the other side of the jail cell wall while Oklahoma Department of Human Services Liz Henniger talked to mother and further investigated the situation. Mother informed Liz Henniger of Jon Finley's threats and his battery conviction. The bailiff came to mothers' cell and stated that this situation was traumatizing for minor baby K.J.F. and if she doesn't calm down, they will bring her into the cell with her mother. Mother, whom was also pregnant at the time, miscarried her baby within hours of the arrest and was forced to wear the same bloody underwear for 3 days straight as jail does not provide basic essentials.

37. On October 15, 2016, mother was brought before an Oklahoma Judge. The judge stated that he would give California authorities 10 days to extradite mother back to California and if they do not come, he will release mother from jail. No bail was set.

38. On the 10<sup>th</sup> day, Stanislaus County Investigator Cristina Magana came to Oklahoma to interrogate mother. Mother was handcuffed to a table during questioning. Mother answered all of Cristina Magana's questions, however, Cristina Magana would not provide mother with any information as to where her baby was.

39. Oklahoma's Human Services Liz Henniger would not release minor baby K.J.F. to Jon Finley, given his abusive behavior. Therefore, Alan K. Cassidy unlawfully issued an order for Oklahoma to release minor K.J.F. to Cristina Magana. Cristina Magana, on this same day, flew

back to California with minor K.J.F. where she passed minor baby K.J.F. to the custody of Jon Finley right there at the Sacramento, California airport. Here, Jon Finley had no right of custody of minor K.J.F. as he was just convicted of felony Domestic Violence against mother, still on probation for domestic violence, had an incomplete batterers course, and in violation of his active CPO. Alan K. Cassidy issued this special order to bypass normal process and procedural due process. Cristina Magana made Liz Henniger believe that minor K.J.F. would be in the custody of California CPS, but that was later found to be a lie. When Liz Henniger found that Cristina Magana lied and actually released minor baby K.J.F. to convicted batterer on probation for domestic violence, Jon Finley, Liz requested for the conviction records. Cristina Magana told Liz Henniger "You can get the conviction records yourself." Liz Henniger then attempted to reach out to California CPS for assistance, but was told they would not cooperate, on the demand of Alan K. Cassidy and Cristina Magana.

40. Mother was extradited back to California in shackles from her wrists, to her hips, to her ankles by two police officers. These two officers also knew the situation was wrong and the only thing they had to say was "Sometimes the wheels of justice takes years to turn, we are sorry and hope you get your daughter back soon."

41. Mother spent an additional night in Stanislaus County Jail, for a total of 11 nights in jail. October 25, 2016, mother was escorted to her arraignment where bail would be set, again, in shackles and inmate attire. At the arraignment, Family Law Attorney Lindsey A.

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Bannerman, popped up from the stands where the public typically sits, walked up to the prosecutors' bench, through the gates that read "crossing these gates without permission is a felony" and began to tell the judge "Your honor we need a protective order against Ms. Finley for Jon Finley and their minor child." The prosecutor did not ask for the protective order and in fact, the prosecutor appeared annoyed by Lindsey A. Bannerman's unlawful interruption to a criminal hearing she had no business to involve herself in. Remarkably, the judge granted Lindsey A. Bannerman's request without even allowing mother's attorney to respond to the verbal request. Moments later, mother was then escorted to Alan K. Cassidy's family court room.

42. In Alan K. Cassidy's courtroom on this day of October 25<sup>th</sup>, 2016, Alan K. Cassidy smirked when mother walked in. He recalled the \$50,000.00 bench warrant and re-ordered mother "no visitation with minor K.J.F." Alan K. Cassidy then continued the custody matter out for one month to November 17, 2016, knowing mother was scheduled to be released from jail later that day of October 25, 2016. Mother left jail with scabies due to the filthy conditions.

43. On this same day of October 25, 2016, Jon Finley and Lindsey A. Bannerman filed a document with DCFS child support services that stated "Close the child support account and all arrearages as mother is in another state." Here, Lindsey A. Bannerman knowingly filed false information to government agency DCFS by stating that mother was in another state-after just attending mother's criminal arraignment that same morning where the judge ordered mother not to leave the state of

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California. DCFS granted Lindsey A. Bannerman's request without contacting mother or even notifying mother.

44. On November 17, 2016, Alan K. Cassidy ordered Jon Finley sole legal and sole physical custody of minor child K.J.F. and ordered mother into supervised visits at Sierra Vista. Both parties were ordered to complete their orientation within 10 days. Supervised visits are at *Sierra Vista's discretion*. The way the supervised visitation process works is mother would call Sierra Vista to schedule an appointment. Sierra Vista will offer the first available appointment they have and then call Jon Finley to let him know when to bring minor K.J.F. Visits cannot be scheduled unless both parties complete the orientation. Here, Alan K. Cassidy did not list a recommendation on the order for mother to complete so that should could ever move away from supervised visitation.

45. Jon Finley did not complete his orientation until January 17, 2017. This resulted in mother and minor baby K.J.F. having no contact for 4 consecutive months.

46. Mother lost 30 pounds in the first month of not seeing her baby. Her hair fell out. She could barely eat or sleep. She experienced severe headaches, nausea, and stomach pain due to the extreme stress of this experience. The emotional distress and chest pain caused by this case was literally breath taking. Those symptoms have occurred 5 five years now through this abuse.

47. On January 26, 2017, mother petitioned the court to change the custody order as Jon Finley had not been following it, specifically Jon Finley denied all contact to mother with child for 4 consecutive months since the Order was issued. Alan K. Cassidy denied mothers request without reason on March 22, 2017.

48. Meanwhile, Mother attained 3 jobs, working morning, swing, and graveyard 6-days a week. She worked morning shift in an accounting office, swing shift as a waitress at a restaurant, and graveyard billing for a transportation company. Mother did this for 8 weeks until she earned \$9,000.00 to retain criminal defense attorney Tai Bogan.

Lindsey A. Bannerman discussed this family court case with several attorney's in Stanislaus County and so mother could not retain a family lawyer as there was a "conflict of interest." So Tai Bogan, decided to take mothers family court case on too.

49. On March 17, 2016, mothers' child abduction charges were dismissed. The frivolous protective order was also dismissed on this day. After Tai Bogan conveyed the facts of this case to prosecutor Megan Anderson, she stated "Jon Finley is an asshole and I am dismissing this child abduction case." The judge in this criminal case also thought this child abduction claim was frivolously insane. Mother pled to a 'failure to appear to the June 15, 2016 family court hearing' which was also dismissed on March 17, 2017. (This charge is not even listed on the California penal code, it was created solely to appease Alan K. Cassidy's ego). Pay special attention to the verbiage of this charge. Here, mother plead to a 'Failure to Appear,' which read that way on the *Verified Petition for Writ of Certiorari*

Online Case Index years ago. Since the appeal was opened, Alan K. Cassidy had the language changed to solely read "Contempt of Court." He did this to make it appear as if mother took a lesser charge of child abduction. However, the transcripts of this criminal hearing are marked into the trial where the criminal judge specifically states "I will make sure the child abduction is dismissed and that the language of Failure to Appear is included." He also wrote it on the Order.

50. On March 30, 2017, Mother filed a preemptory challenge to recuse Alan K. Cassidy. This request was denied.

51. Jon Finley continued to deny mother visitation. On April 4, 2016, after mothers' child abduction charges were dismissed, mother petitioned the court to change the custody order again. Jon Finley and Lindsey A. Bannerman did not appear to this hearing. Alan K. Cassidy did not allow mother to speak a word and he stated "I see no merit in changing the custody order; this hearing is dismissed"-this hearing occurred on June 21, 2017,

52. On July 26, 2016, a fourth custody hearing was held for mothers' petition to change the custody order after Jon Finley denied mother 17 visits. Jon Finley responded with a medical report disclosing a vaginal tear on 2 year old K.J.F. for which Jon Finley accused mother of, until all evidence pointed to Jon Finley being guilty of the child's vaginal tear.

53. To further explain, Liz Henninger was the first person in contact with minor child K.J.F. when mother was jailed under the child abduction

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warrant. Liz Henninger physically examined minor child K.J.F. within minutes after mothers' custody, specifically the vaginal region, and there was no vaginal tear on the child on this day of October 14, 2016. This is stated on the record.

54. Kaiser Permanente medical records present that there was no vaginal tear on minor child K.J.F. during a physical exam conducted on March 14, 2017.

55. Sierra Vista reported several times between the months of March 2017 and July 2017, Jon Finley requested 'Mother not be allowed to change the child's diaper during her *supervised* visits due to potty training.' Visiting dates of these requests by Jon Finley include: 4/4/2017, 4/20/2017, 5/1/2017, and 7/27/2017. (I CT 177-180, 185) The unusual fact here is on visit 4/14/2018 (*one year later,*) the visit report presents that the child is *still in diapers and not 'potty trained.'*

56. On July 13, 2017, 9 *months after mothers' custody*, Kaiser Permanente Pediatrician, Dr. Gupta, reported a tear on minor child K.J.F.'s vagina for which she reported "Sexual abuse cannot be ruled out".

57. Jon Finley denied the fact that another superior court ordered 'he is not allowed to be around his stepdaughter Madison' as filed throughout this case.

58. *A 2-year old baby girl whom is in diapers should not have any vaginal tears. All evidence marked into the trial proves minor child K.J.F.'s vaginal tear could have only possibly occurred in Jon Finley's custody.*  
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Alan K. Cassidy refused to Order a CPS investigation against laws, despite the mediator Trent Tilby recommending further investigation on the matter. Instead, Alan K. Cassidy stated that "the child is thriving in Jon Finley's custody" though no evidence validated this statement. The July 13, 2017 medical report clearly reflects "Child has a vaginal tear and sexual abuse cannot be ruled out. Additionally, child is diagnosed with 'separation anxiety.'"

59. At the point up to October 12, 2017, mother had petitioned the court for relief 4 times and also completed a mediators' evaluation; 1) When Jon Finley disabled mother and child's visitation for 4 months straight 2) When mothers charges, for which put her on supervised visitation, were dismissed 3) After Jon Finley cancelled/denied numerous visits between mother and child 4) When K.J.F.'s doctor reported a vaginal tear during Jon Finley's custody. Each of these petitions had significant grounds to modify the custody order and were all denied by Alan K. Cassidy without reason. Due to the unorthodox events that occurred in Alan K. Cassidy's courtroom, mother set a trial to appeal for relief in a higher court as each attorney who knew about this case (which is most of Stanislaus County) advised her to appeal.

60. On October 12, 2017, Alan K. Cassidy refused to order an investigation on minor K.J.F.'s vaginal tear and so mother set a trial for all matters, including moving minor child K.J.F. to Utah during mothers parent time. At this October 12, 2017 hearing, Alan K. Cassidy did make one minor change to the custody order which was for mothers visits to occur once per month for a double (90 minute) Saturday visit,

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*pending trial*. This request was made by mothers' attorney because Jon Finley had denied numerous visits to the point that visits were only occurring every 2-4 months in frequency.

61. April 11, 2018, *six months later*, the first trial day occurred. 10 minutes before the trial began, Jon Finley and Lindsey A. Bannerman asked mother and Tai Bogan to stipulate to their offer. The offer consisted of mother having to pay Jon Finley a \$10,000 bond, mother completing an additional 6-months of supervised visitation through Sierra Vista before Jon Finley's mom would then supervise mother once per month for 6 hours visits where mother "would not be allowed to take pictures or videos of her own child." Mother rejected the offer and proceeded to trial. During this trial hearing, Alan K. Cassidy, in bad faith, sanctioned mother \$3,000 in attorney's fees. Prior to the hearing, mothers' attorney Tai Bogan petitioned a one-month continuance to obtain out-of-state reports from Oklahoma DHS. Oklahoma DHS changed their policy on how they can release confidential records which required much more than a basic subpoena so that was the reason for requesting a one month continuance. Mother had to retain an Oklahoma attorney to set a hearing with a judge for permission to release records from DHS. The process was expensive and also time consuming, however mother did it because the information proves the case. As an ultimatum and effort to keep the record from the trial, Alan K. Cassidy, sanctioned mother \$3,000 in attorney's fees and stated on the record "do you want the record or not." Mother paid the attorney fee sanction the following day and also obtained the Oklahoma DHS

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records. Alan K. Cassidy continued the trial out 5 more months, before altogether omitting the deposition of Oklahoma DHS worker Liz Henneger as evidence in the trial.

62. On September 10, 2018, the actual first day of trial was heard. The record reflects that during the hearing, Alan K. Cassidy acted as an opposing attorney and not a judge. Alan K. Cassidy argued with Tai Bogan, belittled Tai Bogan, attempted to make the facts “messy.” Alan K. Cassidy did the best he could in keeping as much information about his misconduct and procedural misconduct in this case, off of the record. He did this by denying witnesses, denying evidence, coaching and leading witnesses, practicing law for the other party, objecting to examination questions for which Tai Bogan was permitted to ask, per court rules. All of the attorney’s who came to watch this trial were shaking their heads and their jaws were dropped by Alan K. Cassidy’s behavior.

63. Day 2 of the three-day trial occurred the following day, on September 11, 2018. During this hearing, all of mothers’ former attorneys sat in to watch and witness Alan K. Cassidy’s misconduct. Alan K. Cassidy did, multiple times, cut off mothers’ testimony-even threatened to strike the whole testimony. Alan K. Cassidy did slam his pen down in anger as more evidence was put on the record. Alan K. Cassidy did roll his eyes, turn in his chair in the opposite direction for long periods of time with his hands ontop of his head to express anger, he even closed his eyes for periods of time as if to attempt to refrain from exploding with anger. All of Alan K. Cassidy’s conduct was nothing

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less than inappropriate. The trial was continued by Jon Finley for another day so that he could pay the mediator subpoena fee to testify.

64. On January 22, 2019, which was continued out another 4 months by Alan K. Cassidy, the third trial day was heard. Here, the mediator did not show and that was because Jon Finley did not pay the subpoena fee and so the continuance was unnecessary. Alan K. Cassidy did not sanction Jon Finley for his negligence with the courts time. During this trial date, Alan K. Cassidy blocked almost every question attorney Tai Bogan asked Jon Finley on the stand. Alan K. Cassidy would not allow any domestic violence facts to be discussed. Alan K. Cassidy, in fact, called on a recess during Jon Finley's examination because Jon Finley was getting caught up in his lies. When Jon Finley was revealing more than Alan K. Cassidy wanted, Alan K. Cassidy interrupted the examination and stated "If Mr. Finley can recall, if Mr. Finley can remember" as a hint. Jon Finley then stated "Oh ya! I don't remember!"

65. On February 1, 2019, Lindsey A. Bannerman submitted her closing brief for which she at this point asked the court "to make a finding of child abduction." Here, the child abduction claim had occurred and dismissed years prior at this point and it was not a part of the "scope of the trial" either and so the request was technically invalid. However, Alan K. Cassidy approved her request.

66. Mothers attorney, Tai Bogan, submitted his closing brief on February 8, 2019.

67. Six weeks later, before Alan K. Cassidy's paycheck would be withheld, he issued the trial decision. What was interesting here is, Jon Finley was stating the date that Alan K. Cassidy would issue the decision long before it was issued-nobody else knew this information. Tai Bogan, many times, ask the court if the decision had been issued over the weeks and was told it had not. When the decision was finally issued, Tai Bogan was never served a copy. In fact, a month later after the decision was issued, Tai Bogan found out because Lindsey A. Bannerman ran into him in the court hallway and stated "I beat you!" This appeared to be another one of many tactics of Alan K. Cassidy's to deter the appeal.

68. On May 14, 2019, Alan K. Cassidy denied mothers fee waiver request for appeal costs. The appellate court did overturn this order.

69. On June 19, 2019, the appellate court found that Alan K. Cassidy removed 1 page of the deposition of Oklahoma DHS worker Liz Henneger out of the exhibit records stored in his department, during the designation of record. The 1 page contained the fact that minor K.J.F. did not have a vaginal tear at the time she was removed from her mothers' custody. This tampering of records of the evidence committed by Alan K. Cassidy is a federal offense. Alan K. Cassidy also had Jon Finley's battery conviction dismissed in the criminal court along with his CPO dismissed during the same time. Alan K. Cassidy did this to cover up the fact that he gave Jon Finley custody of 10-month old infant K.J.F. while Jon Finley was on probation for domestic violence and in violation of his CPO. Jon Finley's criminal case number is 1483252.

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70. The appellate process went on for a duration of 22 months. 17 of those months were delayed by the appellate court as they withheld issuing an Opinion for nearly two years. Justice Brad Hill granted Jon Finley one-60 day extension, though mother objected to the extension with evidence that visitation was being withheld from her by Jon Finley and that granting an extension would cause further harm. Appeals on murder do not even last this long.

71. When Brad Hill issued the Opinion, he never did provide a justification for why mother and child's rights are compromised to this degree, but he did downplay facts for his friend Alan. K. Cassidy.

1) First, Brad Hill, attempted to claim that mother did not complete the orientation through Sierra Vista. However, he augmented the record to include proof of mothers' orientation completion. Not only that, the record reflects a visitation appointment for which could only be set after orientation was complete.

2) Brad Hill then attempted to give mother an appearance that "she is fraudulent" based off of a document filed on October 19, 2016. Here, mother neither signed nor filed a perjured document and could not have possibly done so because Alan K. Cassidy held her in jail for 11 days in Oklahoma during this same time. Brad Hill stated no other ramification for why mother is not entitled to custody of her child.

72. Brad Hill wrote an Opinion berating mother for not writing these issues to a standard of an attorney, even though Jon Finley gave two-

word responses that screamed guilt all over the place. Brad Hill said nothing about Jon Finley's writing style.

73. Finally, the most corrupt action Brad Hill took in this occurred between the months of October 2020 through March 2021. On October 9, 2020, the appellate court sent a form for Oral Argument with a note that read "*The Court has concluded the issues in the above-captioned case are sufficiently set forth in the briefs and record, and, therefore, the case can be submitted without oral argument...If Oral argument is requested, the case will be scheduled for argument on the December 2020 calendar.*" Off the bat, this form appeared unusual because most parties who request Oral Argument are scheduled out another year, not two months. This appeared to be more misconduct by the court and so mother waived Oral Argument altogether. One week later, on October 21, 2020 the appellate court then issued another Order for the Superior Court to augment the record. (Remember, the record was supposedly "sufficient" just a week prior.) Here, Brad Hill also asks for documents pertaining to Jon Finley's domestic violence. However, later on in the Opinion, Brad Hill writes 1 footnote stating that 'he cannot discuss any domestic violence matters.' Brad Hill cannot discuss the domestic violence documents that he just augmented from the superior court? This augmentation delayed the appeal 5 more months, where the Opinion was finally issued on March 8, 2021. The domestic violence documents included statements of abuse Jon Finley inflicted on his 4 ex wives.

74. During the California Supreme Court Process, this case was continued on the courts own motion. 20 cases filed before this case and 20 cases filed after this case were all denied. This was the only case that was extended, before denied. The ironic part is, it was extended past June 5, 2021 which is the date that Jon Finley's 5-year domestic violence period lapsed. In other words, by California Family Codes 3044, Jon Finley had no right of custody of minor K.J.F the entire 5 years that he has had sole custody. However, all courts, including the Supreme Court delayed the case to allow the 5-year period to lapse, before altogether denying the petition for review.

75. For approximately five years, California Courts have dragged out child custody proceedings, putting minor child K.J.F. at risk and harm, while also damaging mother by unlawfully removing and concealing minor K.J.F. from her biological mother. Specifically, mother and minor K.J.F. have only be allowed 39 total hours of visitation over the course of 5 years as a result of Jon Finley, Alan K. Cassidy, Lindsey A. Bannerman, and Stanislaus District Attorney's Offices' Cristina Magana's criminal conduct.

76. During the court process, mother sought relief from Stanislaus District Attorney's Office. Since March 17, 2018, mother reported 58 visits she was deprived by Jon Finley. Investigator Cristina Magana is also the "investigator" on this matter. Cristina Magana has failed to investigate, committed procedural misconduct, and assisted and abetted Jon Finley in carrying out his crimes of depriving visitation to mother. Jon Finley even goes as far as openly messaging mother that Cristina

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Magana tells him he does not have to do visitation if he doesn't feel like it.

77. The deprived, cancelled, and denied visits by Jon Finley are recorded by a third-party government agency, Sierra Vista, whom coordinates and supervises visits. In February of 2020, parties were ordered to conduct visitation virtually as the supervising agency had closed for 1.5 years due to Covid. Unfortunately, this meant that Jon Finley and mother would have to have contact over the phone which never occurred when Sierra Vista was open. During that year and a half, all virtual visits were video recorded by mother and reported to Cristina Magana. The video recordings disclose Jon Finley not answering mothers calls to minor K.J.F., Jon Finley hanging up on mother for no reason (calls lasting an average of 2 minutes per month), Jon Finley coaching minor K.J.F. on what to say to mother, his wife (Danielle Finley) slamming objects in the background while screaming "Fucking Bitch" at mother-for no reason, and all while minor K.J.F. is sitting there confused and afraid. Jon Finley's abuse does not get anymore clearer than a video.

78. To date, mother and child have only visited each other a total of 39 hours in 5 years as a result of Jon Finley depriving visitation. All time is account for. There is no excuse or justification for what Jon Finley has done or what Alan K. Cassidy and Cristina Magana have allowed. Jon Finley has withheld minor child K.J.F.'s medical and school information from mother for years. In fact, mother has not known even where her baby child has lived for years because Jon Finley withholds

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all information against Orders. Sierra Vista logs show the child is asking mother "who she is" and that she is being taught that Danielle Finley is her mom. Sierra Vista records show mother always scheduled visits with minor K.J.F. and Jon Finley denied the requests. Sierra Vista has never witnessed anything negative on mothers' part, all visitation notes are positive. However, many notes on Jon Finley and Danielle Finley's behavior indicates that the wrong parent is on supervised visits.

79. Since February 2021, mother and minor K.J.F. have had absolutely no contact with each other. The reason there is no contact between mother and minor K.J.F. is because Jon Finley has altogether denied mother access to minor K.F.J-whom is now 6 years old. This is what happens when the court enables abusers like Jon Finley. Abusers continue abusing and their abuse increases, especially when Judges deny petitions for relief.

80. Despite everything mother has gone through in these 5 years, she maintained a very "professional" attitude throughout. Mother has never retaliated nor engaged in behavior that would be considered inappropriate. In fact, still to this date, Jon Finley and the court have absolutely nothing negative against mother. There is absolutely no justification, for why minor child K.J.F. is withheld from her biological mother.

## Legal Argument

### Wrongful Removal of a Child

1. Alan K. Cassidy had no power to restrain travel or even a move, absent compelling state interest, leaving the court without ground to strip custody from mother in the first place, then further place minor K.J.F. in the custody of convicted batterer Jon Finley, whom had no right of custody. A courts' decision must not infringe on a parent's fundamental right to travel and/or relocate temporarily and/or permanently without factoring the "child's best interest." The United States Supreme Court has long recognized that there exists a protected constitutional right for citizens to travel freely between the states. (See, Jones v. Helms 452 U.S. 412, 417-18(1981). ("It of course, well settled that the right of a United States citizen to travel from one state to another and to take up residence in the state of his choice is protected by the Federal Constitution."); Saenz v. Roe, 526 U.S. 489(1999) (Likewise, recognizing constitutional right to travel) A party's constitutionally protected right to travel can only be infringed upon if there exists a compelling state interest. (See, Jones v. Helms 452 U.S. 415-16.) This potential infringement is compounded by another constitutional right implicated in relocations cases the natural parent's fundamental liberty interest

in the care, custody, and control of his or her children. (See, Troxel v. Granville, 530 U.S. 57); Santosky v. Kramer, 455 U.S. 745(1982).

### **Punishing a citizen without Conviction**

2. Alan K. Cassidy had no right to issue such a restrictive custody order limiting mothers contact with minor child K.J.F. to this degree, especially for an ongoing period of 5 years, when the child abduction charges were dismissed. (U.S.C. Amend, 5 & 14).

### **Concealment of a Child from their Parent**

3. Alan K. Cassidy did sever mothers' parental rights for an ongoing period of 5 years without conviction of child abduction, but only an allegation of child abduction dubbed with fraud for which he actively participated in. Alan K. Cassidy did violate mothers Fundamental right to protect her child from harm by stripping mother of custody and then concealing minor K.J.F. from mother for an ongoing period of 5 years while knowing the severe circumstances of Jon Finley's abuse. A parent's right to care, custody, and management of a child is a fundamental liberty interest protected by the federal Constitution that will not be disturbed except in extreme cases where the parent acts in a manner incompatible with parenthood. (Santosky v. Kramer, supra 455 U.S. at 753; Stanley v. Illinois, supra 405 U.S. at 651. That manner, or state interest, must cause imminent danger to

the child to a degree that it could reasonably result in death. This was certainly not the case with the claim of child abduction. (U.S.C Amend 5 &14).

### **Child Endangerment and Child Abuse**

4. Alan K. Cassidy did, three times, infringe on minor child K.J.F.'s right to safety and freedom from abuse when he disregarded the Domestic Violence Act and the 10 Rights of a Child. [1. Once when granting convicted batterer Jon Finley, a parent without a right of custody, sole physical and legal custody of minor K.J.F.; 2. Twice, when disregarding the child's medical reports of sexual abuse and separation anxiety; 3. and the third time-by completely destroying the mother/child bond by completely annihilating mothers' custody and visitation rights, causing immense irreparable damage]. If it wasn't for Alan K. Cassidy, minor K.J.F. would have never had a vaginal tear, she in fact would have never known any form of abuse Jon Finley commits, and minor K.J.F. most definitely would not be confused as to who her mother is. Alan K. Cassidy is responsible for the damage he caused my daughter as he willfully enabled Jon Finley for years. (Convention on the rights of the child (1989)(DVPA, 1989).

## **Due Process Violations in Offense to Mothers' Parental Rights.**

5. Too often in family court, parents are stripped of their parental rights without even a conviction of doing something wrong. Family court is made up of a standard of proof so low, that simply an allegation by another parent will terminate the others parental rights. Even when the allegation is completely frivolous, such as the child abduction allegation in this case, the judge is given "complete discretion" to order whatever he wishes. This termination of rights is not an official Order of terminated parental rights as typically seen in juvenile court where there is due process of the law. Instead, family court state judges issue papers called "temporary orders" to leave an appearance that one parent still has all of their parental rights intact, when in fact, they don't. Here, Alan K. Cassidy issued an extremely restrictive custody order refusing to list a 'recommendation' for mother to complete that could allow modification of the order in the future; making for a termination of her parental rights. This is essentially a loophole for lawyers and judges to bypass due process. The court cannot expect mother and child to continue having no contact with each other or even 8 hours per year visitation. Mothers and Fathers fall victim to this operational tactic every single day which is completely unconstitutional and it's destroying children. (Due Process/Equal Protection Clause of the U.S.C. Amend 5 & 14). Parents have a constitutionally protected interest in the

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companionship, care, custody and management of their children.  
(Troxel v. Granville, 530 U.s. 57, 65 (2000); James v. Rowlands,  
606 F. 3d 646, 651 (9<sup>th</sup> Cir. 2010). This is a fundamental right that  
is thus necessarily subject to strict scrutiny. See, e.g., Washington  
v. Glucksberg, 521 U.S. 702, 721 (1997); Reno v. Flores, 507 U.S.  
292, 302 (1993) [Fourteenth Amendment “forbids the government  
to infringe...’fundamental’ liberty interests at all, no matter what  
process is provided, unless the infringement is narrowly tailored  
to serve a compelling state interest”].

### **All of these apply to the case:**

*Article XI U.S. Constitution: Federal Powers. All laws must agree with the U.S. Constitution*

*Child Abuse Prevention, 42 U.S.C.; Ch 67*

*Civil Rights of Children, 42 U.S.C. §1983*

*Convention on the Rights of Children, UN General Assembly (November 20,1989)*

*Recognition, Enforcement, and Cooperation on respect of Parental Responsibility and Measures for the Protection of Children*

*The Children’s Bureau, 42 U.S.C.; Ch 6*

*The Domestic Violence Prevention Act*

*The Due Process Clause of the U.S.C. Amend 14*

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*The Equal Protection Clause of the U.S.C Amend 14*

*Uniform Parentage Act*

*Uniform Child Custody Jurisdiction Act*

*104<sup>th</sup> Congress 1<sup>st</sup> Section, S. 984*

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## Reason for Granting the Writ

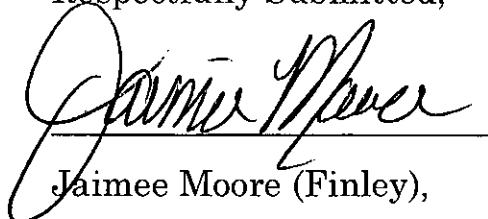
There is no way that having a relationship with your own child could legally be this impossible nor could Alan K. Cassidy's conduct even be viewed as anything other than criminal. The U.S. Attorney General has declared that Family Court needs Reform; there is certainly minimal case law on parental rights although there are millions of parents and children suffering similar injustices.

## Conclusion

The Court should grant the petition for a writ of certiorari and/or impeach Alan K. Cassidy.

Date: July 9, 2021

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jaimee Moore", written over a horizontal line.

Jaimee Moore (Finley),

Appellant.

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