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No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Thomas Albert Sosnowski, inmate Pro-se PETITIONER
(Your Name)

vs.

Florida Department of Children and — RESPONDENT(S)
Families of Santa Rosa County

ON PETITION FOR A WRIT OF CERTIORARI TO

Florida's First District Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Thomas Albert Sosnowski, DC # 413309
(Your Name)

Jefferson Correctional Facility, 1050 BIG JOE ROAD
(Address)

Monticello, Florida 32344
(City, State, Zip Code)

no phone
(Phone Number)

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THE SUPREME COURT OF THE UNITED STATES

21-5197

THOMAS ALBERT SOSNOWSKI, Petitioner

- VS. -

ORIGINAL

FLORIDA DEPARTMENT OF CHILDREN AND
FAMILIES OF SANTA ROSA COUNTY, Respondent

case number:

On Petition for a Writ of Certiorari to Florida's
First District Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

Petitioner and
Father of R.A.S.,
Minor Child

FILED

JUN 10 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Thomas Albert Sosnowski, Pro-se inmate
DC # 413309
Jefferson Correctional Facility
1050 BIG JOE ROAD
Monticello, Florida 32344

(A)

I. CONSTITUTIONAL QUESTIONS PRESENTED

Considering the fact that the Florida Supreme Court decision in S.M. -vs- Florida Department of Children and Families (DCF) 202 So 3d 769 (FL S.Ct. 2016) states that:

"In looking at the best interest of the child, the legislature has left open the possibility of allowing continued visitation between a biological parent and the child AFTER the parent's rights have been terminated" and also that: "The termination of parental rights does not necessarily mean that all bonds are broken between a parent and child";

① QUESTION:

Is there any way possible that a permanent No Contact Order sanctioned against BOTH my son and I since Sept. 8, 2015 coupled with the maternal half sister of my son being granted as Permanent Legal Guardian of my son until my son's 18th birthday on December 23, 2027 (3 years and 7 months after my latest possible release date from Prison) would not be an action that is just as restrictive, if not more restrictive, than a straight up Termination of my Parental Rights?

Considering the fact that DCF disguised the straight up Termination of my Parental Rights under the euphemism: "No Contact Order" and considering

(B)

the fact that a Termination of my Parental Rights MUST be proven with clear and convincing evidence of abuse, neglect, abandonment, or reckless endangerment simultaneously proven with clear and convincing evidence that any kind of contact between my son and I poses a substantial risk of significant harm to my son simultaneously proven with clear and convincing evidence that I have an alleged behavioral defect that beared directly on the alleged behavior that allegedly endangered my son, despite the fact DCF provided rehabilitative programs for the intended purpose of "curing my alleged behavioral defect" ;

(2) QUESTION :

Shouldn't a permanent No Contact Order sanctioned against BOTH my son and I since Sept. 8, 2015 coupled with the maternal half sister of my son being granted as Permanent Legal Guardian of my son until my son's 18th birthday on December 23, 2027 (3 years and 7 months after my latest possible release date from Prison), shouldn't such an action also be supported by an equal, if not greater, clear and convincing burden of proof necessary to Terminate my Parental Rights?

Considering the fact that DCF disguised the straight up Termination of my Parental Rights under the euphamism "No Contact Order" and considering the fact that DCF requested and was

(C)
granted extensions of the permanent No Contact Order sanctioned against BOTH my son and I during EX PARTE DCF Postdeprivation hearings;

③ QUESTION:

Wouldn't granting DCF's requests for the extensions of the permanent No Contact Order sanctioned against BOTH my son and I since Sept. 8, 2015 during EX PARTE DCF Postdeprivation hearings be just as egregious, if not more egregious, of a violation of BOTH my son's and my 14th Amendment Rights to Family Association as would granting DCF's requests for a straight up Termination of my Parental Rights during EX PARTE DCF Termination of Parental Rights proceedings would be?

④ QUESTION:

Would this also not be an egregious violation of BOTH my son's and my procedural Due Process rights to be heard at a meaningful time and in a meaningful manner to vehemently object to the existence of and to the extension of the permanent No Contact Order?

⑤ QUESTION:

Would this also not be a DCF conspiracy to take highly unconstitutional "shortcuts" to Terminate my Parental Rights in order for DCF to avoid the trouble of actually filing a Petition to Terminate my Parental

(D)

Rights; in order for DCF to avoid the trouble of moving to schedule a Termination of Parental Rights proceeding that guarantees the procedural Due Process rights equal to that of a criminal proceeding; in order for DCF to avoid the trouble of being presented with and confronted with overwhelming exculpatory evidence; and in order for DCF to avoid the trouble of proving with clear and convincing evidence whether I ever actually abused, neglected, abandoned, or recklessly endangered my son while simultaneously proving with clear and convincing evidence whether any kind of contact between my son and I actually poses a substantial risk of significant harm to my son while simultaneously proving with clear and convincing evidence whether I actually have an alleged behavioral defect that beared directly on the alleged behavior that allegedly endangered my son, despite the fact DCF provided rehabilitative programs for the intended purpose of "curing my alleged behavioral defect"?

Considering the fact that, in the first Sept. 9, 2015 Postdeprivation hearing, DCF claimed to have the mother of my son, GINA GARZA, * "checked out" at the hospital, meaning that DCF was in full possession of the highly exculpatory Sept. 8, 2015 medical records of Gina Garza PROVING that Gina Garza had a blood platelet deficiency (THROMBOCYTOPENIA) with blood platelet levels that were actually low enough to cause spontaneous bruising;

(E)

⑥ QUESTION:

Can there possibly exist a logical reason as to why DCF would choose to protect Gina Garza's "right to privacy" regarding blood platelet levels that were actually low enough to cause spontaneous bruising (which really are not that private and are very unlikely to cause Gina Garza any harm or embarrassment) when greatly outweighed and trumped by society's vested interest in the prevention of an erroneous or arbitrary and reasonless Termination of my Parental Rights based solely on Gina Garza's false Sept. 8, 2015 MISDEMEANOR Domestic Battery claims?

Considering the fact that DCF disguised the Termination of my Parental Rights under the euphemism: "No Contact Order" based solely on Gina Garza's false Sept. 8, 2015 MISDEMEANOR Domestic Battery claims and considering the fact that DCF was in full possession of the highly exculpatory Sept. 8, 2015 medical records of Gina Garza PROVING that Gina Garza had a blood platelet deficiency (THROMBOCYTOPENIA) with blood platelet levels that were actually low enough to cause spontaneous bruising;

⑦ QUESTION:

Wouldn't DCF be committing the most egregious Brady Violation by deliberately withholding from the

(F)

Courts and myself the highly exculpatory Sept. 8, 2015 medical records of Gina Garza that an expert medical witness would analyze while comparing to pictures of Gina Garza's Sept. 8, 2015 bruises while taking into consideration the degree of severity of violence that Gina Garza alleges to DCF and police on Sept. 8, 2015 with that expert medical witness scientifically determining that and testifying that Gina Garza's Sept. 8, 2015 MISDEMEANOR Domestic Battery claims are blatant fabrications?

Considering the fact that DCF disguised the Termination of my Parental Rights under the euphamism: "No Contact Order" based solely on Gina Garza's false Sept. 8, 2015 MISDEMEANOR Domestic Battery claims;

(8) QUESTION:

Wouldn't DCF be committing just as egregious of a Brady Violation during Postdeprivation hearings by deliberately withholding from the Court and myself the fact that and reasons why previous reports of Domestic Battery made to DCF made by Gina Garza's family were determined by DCF to be false in the July 20, 2015 DCF report, despite the fact that Gina Garza had bruises, because DCF determined that Gina Garza's bruises were caused by her blood platelet deficiency (THROMBOCYTOPENIA) severe enough to cause spontaneous bruising and from Gina Garza falling down many times, due to high ammonia.

(G)

levels in Gina Garza's brain?

Considering the fact that DCF investigator Shannon Xeureb was making her second or third intrusion into my home on Sept. 8, 2015 and considering the fact that Florida Statutes Section 39.301 (1), Section 39.301 (3), and Section 39.301 (9) (a) (one) PROVE that DCF investigator Shannon Xeureb had the full knowledge of many exculpatory facts from the July 20, 2015 DCF report and from the Sept. 8, 2015 narrative of the October 27, 2015 DCF report PROVING that I always took very good care of my son throughout my son's entire life up to and including Sept. 8, 2015; PROVING that DCF does not possess because there does not exist any evidence that my son was ever abused, neglected, or recklessly endangered at any time throughout my son's entire life up to and including Sept. 8, 2015; and PROVING that Gina Garza was making false Domestic Battery claims to DCF on Sept. 8, 2015 as an extremely unfit mother seeking full custody of my son for financial gain BUT DCF investigator Shannon Xeureb deliberately withheld from ALL TEN!! DCF assist police officers all those exculpatory facts in order for DCF investigator Shannon Xeureb to deliberately deceive the SWAT Team into conducting the extremely unlawful and brutal Sept. 8, 2015 warrantless forced seizure of my son based on a false finding of exigent circumstances regarding my son and based on Gina Garza's false Sept. 8, 2015 MISDEMEANOR Domestic Battery claims;

(H)

⑨ QUESTION:

Wouldn't the extremely unlawful Sept. 8, 2015 SWAT Team warrantless forced seizure of my son render the Sept. 9, 2015 Postdeprivation hearing and possibly all following Postdeprivation hearings as null and void because DCF had more than ample amount of time to pursue to obtain and most likely fail to obtain a proper DCF court order or warrant in order to lawfully seize my son?

Considering the fact that the Sept. 8, 2015 SWAT Team warrantless forced seizure of my son at the behest of DCF investigator Shannon Xevreb was nothing but an unlawfully executed DCF action and blatant 4th Amendment violation and considering the fact that, during the Sept. 9, 2015 Postdeprivation hearing, DCF investigator Shannon Xevreb deliberately withheld from DCF Judge Marc Goodman and myself the same exact exculpatory facts that, on Sept. 8, 2015, DCF investigator Shannon Xevreb deliberately withheld from ALL TEN!! DCF assist police officers in order for DCF investigator Shannon Xevreb to deliberately deceive the SWAT Team into conducting the extremely unlawful Sept. 8, 2015 warrantless forced seizure of my son and considering the fact that, during the Sept. 9, 2015 Postdeprivation hearing, DCF investigator Shannon Xevreb deliberately withheld from DCF Judge Marc Goodman these same exact exculpatory facts in

(I)

order, to deceive DCF Judge Marci Goodman into violating BOTH my son's and my 14th Amendment Rights to Family Association by imposing a temporary No Contact Order between my son and I on Sept. 9, 2015 and in order to deceive DCF Judge Marci Goodman into imposing a permanent No Contact Order between my son and I during an EX PARTE June 9, 2016 Postdeprivation hearing;

(10) QUESTION :

Shouldn't ALL action taken in DCF Postdeprivation hearings, especially the imposition of the permanent No Contact Order sanctioned against BOTH my son and I, be rendered as null and void and vacated by this Honorable U.S. Supreme Court as nothing but egregious violations of BOTH my son's and my 14th Amendment Rights to Family Association and as nothing but straight up human rights atrocities?

Considering the fact that DCF disguised the Termination of my Parental Rights under the euphemism: "No Contact Order" and considering the fact that, from Sept. 9, 2015 and up to the present day, DCF NEVER EVEN ATTEMPTED TO PROVE, with clear and convincing evidence, whether I ever actually abused, neglected, or recklessly endangered my son while simultaneously proving, with clear and convincing evidence, whether any kind of contact between my son and I actually

(J)

poses a substantial risk of significant harm to my son while simultaneously proving, with clear and convincing evidence, whether I actually have an alleged behavioral defect that beared directly on the alleged behavior that allegedly endangered my son or whether my son was ever actually endangered, despite the fact DCF provided rehabilitative programs for the intended purpose of "curing my alleged behavioral defect";

(II) QUESTION:

Shouldn't the permanent No Contact Order sanctioned against BOTH my son and I since Sept. 8, 2015 coupled with the maternal half sister of my son being granted as Permanent Legal Guardian of my son until my son's 18th birthday on December 23, 2027 (3 years and 7 months after my latest possible release date from Prison), shouldn't that action be vacated by this Honorable U.S. Supreme Court as nothing but an egregious violation of BOTH my son's and my 14th Amendment Rights to Family Association and as nothing but a straight up human rights atrocity?

Considering the fact that the unlawful Sept. 8, 2015 SWAT Team warrantless forced seizure of my son and the Sept. 9, 2015 DCF Court order forcing my son into State custody were BOTH based solely on Gina Garza's false Sept. 8, 2015 MISDEMEANOR Domestic Battery claims and considering the fact that Gina Garza

(K)

was not in attendance at the Sept. 9, 2015
Postdeprivation hearing;

(12) QUESTION :

Would this not be an egregious violation of my 6th Amendment Confrontation Clause rights to harshly cross-examine Gina Garza : (1) about Gina Garza's blood platelet deficiency (THROMBOCYTOPENIA) that WAS severe enough to cause spontaneous bruising (2) about the fact that DCF was already in full possession of Gina Garza's medical and mental health records PROVING that Gina Garza was a suicidal, extreme chronic alcoholic with advanced stage Cirrhosis of the Liver that was Baker Acted for alcohol related psychosis only 3 1/2 months before Sept. 9, 2015 (3) about Gina Garza testifying to DCF, in the July 20, 2015 DCF report, that I would never hit her, that I would only protect her, and that I would never hurt her, and (4) about the May 24, 2015 DCF abuse hotline reporter (Gina Garza's mother) and I BOTH informing DCF, in the July 20, 2015 DCF report, that Gina Garza has already made threats to me that she would make false Domestic Battery claims against me, and (5) about the Sept. 1, 2015 and Sept. 2, 2015 failed attempts that Gina Garza's family made at having me arrested on false Domestic Battery claims in addition to previous reports of Domestic Battery made to DCF made by Gina Garza's family and determined by DCF to be false in the July 20, 2015 DCF report, despite the fact Gina Garza had bruises?

LIST OF PARTIES INVOLVED

Below are the parties involved that 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 R.A.S., born December 23, 2009, is my son and one and only child. I, the Petitioner, Thomas A. Sosnowski, am respectfully requesting this Honorable U.S. Supreme Court VACATE the permanent No Contact Order sanctioned against BOTH my son and I since Sept. 8, 2015 as well as REVERSE the June 25, 2020 Order granting the maternal half sister of my son Permanent Legal Guardianship of my son until my son's 18th birthday on December 23, 2027, which is 3 years and 7 months AFTER my latest possible release date from Prison for Battery on a Law Enforcement Officer and Resisting an Officer with Violence charges.
- ② Brittany Marie Hebda-Hightower, born June 15, 1992, is the maternal half sister of my son granted Permanent Legal Guardian of my son on June 25, 2020.

Both parties above reside at the same address unknown to me.

RELATED CASES

- ① Brokaw - vs - Mercer County 235 F.3d 1000
(7th circuit 2000)
- ② Wallis - vs - Spencer 202 F.3d 1126
(9th circuit 2000)
- ③ Morris - vs - Dearborne 181 F.3d 657
(5th circuit 1999)
- ④ Good - vs - Dauphin County Social Services for Children
and Youth 891 F.2d 1087 (3rd circuit 1989)

The egregiousness of the Constitutional Rights and Human Rights violations and atrocities perpetrated against BOTH my son and I perpetrated by the Respondents and Brittany Marie Hebda - Hightower should NEVER have happened in this modern, civilized Nation in the 21st Century and anything similar should NEVER again happen to anybody else in this modern, civilized Nation in the 21st Century. This instant case of mine far surpasses the multitude of other cases that I have researched in terms of human rights violations that "Shock the Conscience" where the Plaintiffs have prevailed in a 42 U.S.C. Section 1983 Federal Civil suit.

II. TABLE OF CONTENTS (L)

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VI.	Jurisdiction	Pages One to Two
VII.	Constitutional Provisions Involved "Nature of Relief Requested"	Pages Two to Three
VIII.	Statement of Facts	Pages 4-39
IX.	<u>Reasons for Granting the Writ</u> "In order to avoid future erroneous, arbitrary, and reasonless Terminations of Parental Rights disguised under the euphemism: (permanent) "No Contact Order", this most Honorable U.S. Supreme Court should apply the "clear and convincing" burden of proof necessary to Terminate Parental Rights announced in <u>Santosky-v- Kramer</u> 455 U.S. 745, 71 L. Ed. 2d 599, 102 S.Ct. 1388 (1982) and considering the fact that a perma- nent No Contact Order sanctioned against BOTH Father and Son since Sept. 8, 2015 is just as restrictive as an actual Termination of Parental Rights; this Court should make mandatory application of that same exact "clear and convincing" burden of proof in order to Constitutionally enforce a permanent No Contact Order sanctioned against BOTH Father and Son since Sept. 8, 2015."	Page 40
X.	CONCLUSION	page 40
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III. TABLE OF AUTHORITIES (M)

STATE OF FLORIDA CASE LAW

Blake - vs - State of Florida 180 So 3d 89 (FL S.Ct. 2014)
appears on page 27 of the Petition.

Dermio - vs - State of Florida 112 So 3d 551 (FL 2nd
DCA 2013) appears on page 10 of the Petition.

In the interest of J.R.G. 624 So 2d 273 (FL 2nd
DCA 1993) appears on page 39 of the Petition

In the interest of Roman Alexander Sosnowski (my son)
Santa Rosa County, Florida Circuit Court
Juvenile Division case number 15-DP-57
appears on page 37 of the Petition

S.M. - vs - Florida Dept. of Children and Families (DCF)
202 So 3d 769 (FL S.Ct. 2016) appears
on page A of the Petition

Gosnowski - vs - State of Florida, Florida's First
District Court of Appeals misdemeanor case
number 1D21-0139, pending appears on
page 20 of the Petition

State of Florida - vs - Sosnowski; Santa Rosa County,
Florida Circuit Court Felony Division case
number 2015 CF 1155 appears on pages
24 and 38 of the Petition.

III. TABLE OF AUTHORITIES (N)

Vanslyke -vs- State of Florida 936 So 2d 1218
(FL 2nd DCA 2006) appears on page 6 of
the Petition.

FEDERAL CASE LAW

Kirkpatrick -vs- County of Washoe 843 F.3d
784 (9th circuit 2016) appears on page 23
of the Petition.

Kovacic -vs- Cuyahoga County Dept. of Children
and Family Services 724 F.3d 687 (6th
circuit 2013) appears on page 7 of the Petition.

Marks -vs- Hudson 933 F.3d 481 (5th circuit 2019)
appears on pages 12 and 13 of the Petition.

Michael C. -vs- Gresbach 526 F.3d 1008
(7th circuit 2007) appears on page 28
of the Petition.

Payton -vs- New York 455 U.S. 573, 63 L. Ed 2d
639, 100 S. Ct. 1371 (1980) appears on
page 32 of the Petition.

Rogers -vs- County of San Joaquin 487 F.3d
1288 (9th circuit 2007) appears on pages
5, 23, and 24 of the Petition.

III. TABLE OF AUTHORITIES ①

Sosnowski (me) - vs - Mark Inch, Florida Secretary Department of Corrections 3:20 cv 05976 LC - MAF (N.D. Florida, pending) appears on the ~~Preliminary Statement~~ and page 21 of the Petition. ~~Prelim. State is on page 1.~~

U.S. - vs - Butler 405 Fed. Appx. 652 (3rd circuit 2007) appears on pages 9 and 10 of the Petition.

U.S. - vs - Gomez - Moreno 479 F. 3d 350 (5th circuit 2007) appears on page 10 of the Petition.

U.S. - vs - Najar 451 F. 3d 710 (10th circuit 2006) appears on page 7 of the Petition

Watson - vs - City of San Jose 765 Fed. Appx. 248 (9th circuit 2019) appears on page 25 of the Petition.

STATE OF FLORIDA STATUTES

Florida Statute Section 39.206 (2) appears on pages 5 and 17 of the Petition.

Florida Statute Section 39.301 (1) appears on pages 11 and 12 of the Petition.

Florida Statute Section 39.301 (3) appears on pages 11 and 12 of the Petition.

III. TABLE OF AUTHORITIES (P)

Florida Statute Section 39.301(9)(a)(one) appears on pages 11 and 12 of the Petition.

Florida Statute Section 838.022(1)(a-c) appears on page 37 of the Petition.

Florida Statute Section 839.13(2)(c) appears on pages 19 and 38 of the Petition.

Florida Rules of Juvenile Procedure, rule 8.305(c)(8) appears on page 34 of the Petition.

UNITED STATES CONSTITUTION

4th Amendment appears on pages 10, 12, 19, 28, 31, and 32 of the Petition.

14th Amendment Right to Family Association appears on pages 6, 12, and 19 of the Petition.

14th Amendment Right to Equal Protection Under the Law appears on page 6 of the Petition.

①

IV. PETITION FOR WRIT OF CERTIORARI

Thomas Albert Sosnowski, an inmate currently incarcerated in Jefferson Correctional Facility in Monticello, Florida 32344, acting Pro-se and unskilled in the Science of Law, respectfully petitions this Honorable U.S. Supreme Court for a Writ of Certiorari to review the judgment of Florida's First District Court of Appeals.

V. OPINIONS BELOW

The decision by Florida's First District Court of Appeals denying Mr. Sosnowski's Direct Appeal and Per Curiam Affirming the June 25, 2020 Santa Rosa County, Florida Circuit Court Juvenile Division Order is reported as :

T.A.S., FATHER OF R.A.S., MINOR CHILD
- VS. -

FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES as case number : 1D20-2263

Direct Appeal was denied on November 25, 2020 without a Written Opinion. Motion for Rehearing En Banc was denied on January 12, 2021 without a Written Opinion (see Appendix A)

VI. JURISDICTION

(2)

According to Castillo-vs-State of Florida 630 Fed. Appx. 1001 (11th circuit 2015), "In the context of exhaustion, the Florida Supreme Court has ruled that it does not have jurisdiction to review Per Curiam (without Written Opinion) decisions of the District Courts of Appeal that merely affirm" (see Appendix A). According to Kanth-vs-Lubeck 123 Fed. Appx. 921 (10th circuit 2005), "The Rooker-Feldman Doctrine is a jurisdictional prohibition based on 28 U.S.C. Section 1257 which holds that, with the exception of Habeas Corpus, Federal review of State Court judgments can be obtained only in the U.S. Supreme Court." Considering the above case law, I, the Petitioner, Thomas A. Sosnowski, invoke the jurisdiction of this Honorable U.S. Supreme Court under 28 U.S.C. Section 1257, having timely filed this foregoing Petition for a Writ of Certiorari within 150 days (see Exhibit One, next page) of the judgment of Florida's First District Court of Appeals on January 12, 2021 (see Appendix A).

VII. CONSTITUTIONAL PROVISIONS INVOLVED

4th Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularity describing the place to be searched, and the persons or things to be seized."

* Exhibit One *

(ORDER LIST: 589 U.S.)

THURSDAY, MARCH 19, 2020

ORDER

In light of the ongoing public health concerns relating to COVID-19, the following shall apply to cases prior to a ruling on a petition for a writ of certiorari:

IT IS ORDERED that the deadline to file any petition for a writ of certiorari due on or after the date of this order is extended to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. See Rules 13.1 and 13.3.

IT IS FURTHER ORDERED that motions for extensions of time pursuant to Rule 30.4 will ordinarily be granted by the Clerk as a matter of course if the grounds for the application are difficulties relating to COVID-19 and if the length of the extension requested is reasonable under the circumstances. Such motions should indicate whether the opposing party has an objection.

IT IS FURTHER ORDERED that, notwithstanding Rules 15.5 and 15.6, the Clerk will entertain motions to delay distribution of a petition for writ of certiorari where the grounds for the motion are that the petitioner needs additional time to file a reply due to difficulties relating to COVID-19. Such motions will ordinarily be granted by the Clerk as a matter of course if the length of the extension requested is reasonable under the circumstances and if the motion is actually received by the Clerk at least two days prior to the relevant distribution date. Such motions should indicate whether the opposing party has an objection.

③

14th Amendment: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without Due Process of Law; nor deny to any person within its jurisdiction the Equal Protection of the Laws."

NATURE OF RELIEF REQUESTED

I, the Petitioner, Thomas A. Sosnowski, respectfully request that this most Honorable U.S. Supreme Court **BOTH VACATE** the permanent and extremely unconstitutional "No Contact Order" sanctioned against both my son and I since September 8, 2015 and also **REVERSE** the June 25, 2020 Santa Rosa County, Florida; Circuit Court, Juvenile Division ORDER granting Brittany Hightower as Permanent Legal Guardian of my son until my son's 18th birthday on December 23, 2027, despite the fact that my latest possible release date from Prison is May 19, 2024 and possibly much earlier with a meritorious Section 2254 Petition for Writ of Habeas Corpus filed on February 24, 2021 in the U.S. District Court for the Northern District of Florida, Pensacola Division as case number 3:20 cv 05976-LC-MAF. Gina Garza is my ex-wife and mother of my son. Gina Garza has been dead since November 2019.

VIII. STATEMENT OF FACTS (4)

- Events leading up to the September 8, 2015 Warrantless forced seizure of my son resulting in the permanent No Contact Order sanctioned against BOTH my son and I since Sept. 8, 2015 under attack in this Petition.

On the Sept. 8, 2015 date of the SWAT Team warrantless forced seizure of my son resulting with the wrongful criminal convictions of Battery on a Law Enforcement Officer and Resisting an Officer with Violence, leading to my present Prison sentence, I lived on a quiet side street in the virtually crime free town of Gulf Breeze, Florida 32563 in a family friendly neighborhood in a fully paid for 1500 square foot brick home with an entirely fenced in backyard and entirely fenced in frontyard. Up to Sept. 8, 2015, I had lived my entire 43 1/2 year life free of any criminal allegations of and free of any criminal record of any threats or acts of violence against any man, woman, or child. Since my 18th birthday on April 29, 1990, I had been convicted of only 6 misdemeanors in the 25 1/2 year period leading up to Sept. 8, 2015 with adjudication withheld on 3 out of those 6 misdemeanors. Up to Sept. 8, 2015, I never have been accused or charged with any felonies and the most recent misdemeanor prior to that was committed on about September 20, 2004.

On Sept. 8, 2015, Florida's Department of Children and Families (DCF) was conducting their 4th bogus welfare check at my home in only 3 1/2 months as

(5)

if 3 bogus DCF welfare checks between May 25, 2015 and July 17, 2015 was nowhere near enough DCF harassment. According to Exhibit K and M, in the July 20, 2015 DCF report, DCF determined that there was NO INDICATOR of domestic violence, NO INDICATOR of child abuse, and NO INDICATOR of child neglect in ALL FOUR OUT OF FOUR separate allegations of abuse or neglect made by Gina Garza's mother. According to Rogers -vs- County of San Joaquin 487 F.3d 1288 (9th circuit 2007), "An official's prior willingness to leave children in their home militates against a finding of exigency, as does information that the abuse occurs only on certain dates or at certain times." In violation of Florida Statute Section 39.206 (2), which mandates felony prosecution of those individuals that made reports of abuse or neglect that DCF determined that there was NO INDICATOR of, DCF refused to initiate felony prosecution of Gina Garza's mother (HILDA TYLER) for making ALL FOUR OUT OF FOUR separate allegations of abuse or neglect that DCF determined that there was NO INDICATOR of in the July 20, 2015 DCF report. By refusing to initiate felony prosecution of Hilda Tyler, DCF actively encouraged Gina Garza's family to make even more false reports of domestic violence to DCF on Sept. 8, 2015, WITH ABSOLUTELY NO FEAR OF CONSEQUENCE, with full custody of my son and exclusive use of the home that is only in my name AS THE REWARD for Gina Garza for Gina Garza's family committing the numerous felonies of making false reports of abuse or neglect to the DCF abuse.

(6)

hotline in support of an extremely unfit mother seeking full custody of my son for financial gain. Considering the fact that DCF refused to initiate felony prosecution of Hilda Tyler for making 4 consecutive reports of abuse and neglect that DCF determined to be false in the July 20, 2015 DCF report and considering the fact that the State MAY NOT selectively deny BOTH my son and I Equal Protection Under the Law, DCF violated BOTH my son's and my 14th Amendment Rights to Equal Protection Under the Law when DCF chose to protect Gina Garza's family members from multiple felony prosecutions while DCF refused to protect BOTH my son and I from the upcoming Sept. 8, 2015 human rights atrocities and blatant Official Misconduct committed by DCF CPI Shannon Xeureb leading to DCF disguising an absolutely reasonless Termination of my Parental Rights under the euphamism: "No Contact Order" in blatant violation of BOTH my son's and my 14th Amendment Rights to Family Association.

According to Exhibit I, a Sept 8, 2015 tip placed to the DCF abuse hotline with DCF having a 24 HOUR RESPONSE PRIORITY time to ONLY investigate 3 week old allegations of domestic violence AND NO MORE does not come anywhere even close to indicating exigent circumstances regarding my son. According to Vanslyke -vs- State of Florida 936 So 2d 1218 (FL 2nd DCA 2006), "The fact that DCF, itself, classified the report of abuse as one which did not require immediate investigation is consistent with the conclusion that there was not an immediate need for police assistance and that the police did not lack time to secure a warrant." According to

⑦

Kovacic -vs- Cuyahoga County Dept. of Children and Family Services 724 F.3d 687 (6th circuit 2013),

"Circumstances cited by the social workers' reliance on weeks old incidents ... do not constitute exigent circumstances as a matter of law." According to

U.S. -vs- Najjar 451 F.3d 710 (10th circuit 2006),

"911 calls are the predominant means of communicating emergency situations. Such calls are distinctive in that they concern contemporaneous emergency events, not general criminal behavior."

According to Exhibit T, the Sept. 8, 2015 narrative of the October 27, 2015 DCF report actually contradicts itself on whether there actually even exists 3 week old allegations of domestic violence because the Sept. 8, 2015 narrative states: "The mother stated that there has not been any violence just verbal and mental abuse." According to Exhibit T, the

Sept. 8, 2015 narrative of the October 27, 2015 DCF report indicates that there are absolutely no reports of child abuse, child neglect, or reckless child endangerment made to DCF on either Sept. 7, 2015 or on

Sept. 8, 2015. It is well established Constitutional law that any justifiable warrantless forced seizure of a child under the Emergency Aid Exception to the warrant requirement must first be supported by reports of child abuse, child neglect, or reckless child endangerment.

According to Exhibit T, the Sept. 8, 2015 narrative PROVES that, DCF Child Protective Investigator (CPI), DCF CPT Shannon Xeureb had the full knowledge that I NEVER threatened to dismember DCF CPIs during any one of the three DCF welfare checks at my home

⑧

prior to Sept. 8, 2015 because the Sept. 8, 2015 narrative states: "DCF has been to their home 3 times, thus far, without incident." meaning NO threats to DCF CPIs. According to Exhibit S, the Sept. 2, 2015 police report PROVES that the police had the full knowledge that I NEVER threatened to dismember DCF CPIs during any one of the three DCF welfare checks at my home prior to Sept. 8, 2015 because the Sept. 2, 2015 police report states:

"DCF has been to their home 3 times, thus far, with no incidents." meaning no threats to DCF CPIs.

DCF will NEVER be able to provide documented proof that DCF came to my home AFTER the Sept. 2, 2015 police report that states: "DCF has been to their home 3 times, thus far, with NO incidents" meaning no threats to DCF CPIs, BUT

BEFORE 4:03 P.M. on Sept. 8, 2015 when DCF CPI Shannon Xeureb and TEN!! DCF assist police officers

SWARM my home. Considering those facts, there NEVER even existed an opportunity for me to even have the ability to threaten DCF CPIs. There are NO phone records, NO E-mail records, NO text records, NO voicemail records, NO written records, and NO police reports of me threatening to dismember DCF CPIs. In addition to those facts, DCF CPI Shannon

Xeureb NEVER testified at any DCF Postdeprivation hearings or in my felony trial arising from the Sept. 8, 2015 DCF welfare check for me to have the ability to harshly cross-examine DCF CPI Shannon Xeureb about non-existent evidence that I threatened DCF CPIs or to be confronted with Exhibit T and Exhibit S.

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Considering all those facts; on Sept. 8, 2015, DCF CPI Shannon Xeureb made the lowest Priority 4 call to the police for an assist and made the blatant fabrication that I threatened to dismember DCF CPIs during one of the three previous DCF welfare checks at my home prior to Sept. 8, 2015. DCF CPI Shannon Xeureb made this blatant fabrication to police in order to deliberately deceive the police into initiating a straight up government created exigency complete with a beyond ridiculous show of extreme police force when DCF CPI Shannon Xeureb and TEN!!! DCF assist police officers SWARM my home on Sept. 8, 2015 for DCF's 4th bogus welfare check in only 3 1/2 months.

A DCF welfare check at my home based on anonymous tips and a knock and talk encounter with police are the exact same in that BOTH are based upon much less than probable cause, otherwise, DCF CPI Shannon Xeureb would have already had a DCF court order OR DCF assist police officers would have already had a warrant BEFORE even arriving at my home on Sept. 8, 2015. A DCF welfare check at my home based on anonymous tips and a knock and talk encounter with police are also the exact same in that BOTH are consensual encounters with the bogus Sept. 8, 2015 DCF welfare check requiring my permission to even take place and to continue to take place. According to U.S. -vs- Butler 405 Fed. Appx. 652 (3rd circuit 2007), "Citizens are free not to cooperate with a knock and talk investigation, and absent a warrant, police cannot detain them, demand

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entry into their homes, or otherwise compel their cooperation unless an exception to the warrant requirement applies. "According to Dermio - vs - State of Florida 112 So 3d 551 (FL 2nd DCA 2013),

"Police may conduct welfare checks and such checks are considered consensual encounters."

It is clearly established Constitutional law that State statutes and regulations cannot displace the protections guaranteed by the U.S. Constitution and it is also clearly established Constitutional law that there is NO social worker exception to the 4th Amendment.

The fact that DCF CPI Shannon Xeureb and TEN! DCF assist police officers SWARM my home on Sept. 8, 2015, standing alone, is already proof of nothing but an unlawfully executed DCF welfare check and a blatant 4th Amendment violation because, according to U.S. - vs - Gomez - Moreno 479 F. 3d 350 (5th circuit 2007), "With regard to whether LEOs created exigent circumstances, the purpose of a knock and talk is NOT to create a show of force, nor to make demands on occupants, nor to raid a residence." Considering the fact that DCF CPI Shannon Xeureb and TEN!!! DCF assist police officers swarm my home on Sept. 8, 2015, on Sept. 8, 2015, I had every legitimate reason to believe that DCF CPI Shannon Xeureb brought TEN!! DCF assist police officers to my home for the sole purpose of perpetrating a straight up human rights atrocity by forcibly abducting my 5 year old son based on false allegation of abuse with DCF CPI Shannon Xeureb having the full knowledge that I always took very good care of my son throughout my son's entire life up to and including

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Sept. 8, 2015; having the full knowledge that my son was never abused, neglected, or recklessly endangered at any time throughout my son's entire life up to and including Sept. 8, 2015; and having the full knowledge of the fact that and reasons why previous reports of domestic violence made to DCF made by Gina Garza's family were determined by DCF to be false in the July 20, 2015 DCF report, despite the fact that Gina Garza had bruises, because DCF determined that Gina Garza's bruises were caused by a blood platelet deficiency (THROMBOCYTOPENIA, google symptoms) that WAS severe enough to cause spontaneous bruising and from Gina Garza falling down many times, due to high levels of ammonia in Gina Garza's brain BOTH attributable to Gina Garza's advanced stage Cirrhosis of the Liver. I waited my entire life to have a son and one and only child. I love my son with everything that I possess inside of me and, on Sept. 8, 2015, I DID have every legitimate reason to believe that DCF CPI Shannon Xeureb brought TEN!! DCF assist police officers for the sole purpose of forcefully abducting my well cared for, 5 year old son based on false allegations of abuse. This post-apocalyptic scene in front of my home complete with a beyond ridiculous show of extreme police force created an atmosphere that was very non-conducive for a reasonable interview of BOTH my son and I.

On Sept. 8, 2015, DCF CPI Shannon Xeureb was making her third intrusion at my home. Florida Statutes Section 39.301 (1), Section 39.301 (3), and Section 39.301 (9)(a)(one) ALL MANDATE that all

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information and testimony from previous DCF reports that is relevant, incriminating, and exculpatory and that is regarding the same nature of allegations of the current DCF investigation MUST be provided to the current DCF investigator and other agencies assisting DCF in conducting the current DCF investigation. According to Florida Statute Section 839.13(2)(c), DCF CPI Shannon Xeureb committed a felony by deliberately withholding from DCF assist police officers and the SWAT Team MANY exculpatory facts that she had the full knowledge of that are relevant and material to the bogus Sept. 8, 2015 DCF welfare check in order for DCF CPI Shannon Xeureb to deliberately deceive the DCF assist police officers and the SWAT Team into conducting the extremely unconstitutional Sept. 8, 2015 warrantless forced seizure of my son with absolutely no probable cause to arrest me for MISDEMEANOR Domestic Battery and with absolutely no exigent circumstances regarding my son inside my home with me. According to Marks - vs - Hudson 933 F.3d 481 (5th circuit 2019), "It is clearly established law that 4th Amendment procedures and standards apply to social workers' investigations. Process that satisfies 4th Amendment standards is adequate to protect parents' 14th Amendment liberty interest in their child's custody. It is also clearly established that a Constitutional violation occurs if an official makes a knowing, intentional, or reckless false statement or omission that causes the issuance of a warrant without probable cause that leads to the removal of a child from its parents' custody"

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... To determine whether facts omitted from a warrant affidavit are material to the determination of probable cause, courts ordinarily insert the omitted facts into the affidavit and ask whether the reconstructed affidavit would still support a finding of probable cause. " Marks -vs- Hudson

These following are the many exculpatory facts that DCF CPI Shannon Xeurcb had the full knowledge of but deliberately withheld from DCF assist police officers in order to deliberately deceive the SWAT Team into conducting the extremely unconstitutional warrantless forced seizure of my well cared for son:

- ① According to Exhibit T, the Sept. 8, 2015 narrative of the October 27, 2015 DCF report clearly indicates that DCF has a 24 HOUR RESPONSE PRIORITY time to ONLY investigate 3 week old allegations of domestic violence AND NO MORE.
- ② According to Exhibit T, there were absolutely NO reports of child abuse, child neglect, or reckless child endangerment made to DCF on either Sept. 7, 2015 or on Sept. 8, 2015 documented in the Sept. 8, 2015 narrative of the October 27, 2015 DCF report.
- ③ According to Exhibits AA-AE, M, P, PP, Q, T; DCF does not possess because there does not exist any evidence that my son was ever abused, neglected, or recklessly endangered at any time throughout my son's entire life up to and including Sept. 8, 2015 and considering the fact that future harm can only be predicted from past harm, DCF does not possess because there does not exist any evidence that my

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son would or will ever be abused, neglected, or recklessly endangered in the future.

- ④ In my entire 49 year life and up to the present day, I have NEVER been accused of or charged with child abuse, child neglect, or reckless child endangerment.
- ⑤ During the Sept. 8, 2015 DCF welfare check, Gina Garza NEVER told DCF CPI Shannon Xeureb or any of the TEN!! DCF assist police officers that my son was ever abused, neglected, or recklessly endangered at any time throughout my son's entire life up to and including Sept. 8, 2015. On Sept. 8, 2015, my son had not one single mark, not one single scratch, and not one single bruise on his entire body.
- ⑥ According to Exhibit Q, in the July 20, 2015 DCF report; DCF CPI Shannon Xeureb documents her July 17, 2015 observations that my son "appeared to be well taken care of and did not have any marks or bruises" only 1 1/2 months before Sept. 8, 2015.
- ⑦ According to Exhibit PP, in the July 20, 2015 DCF report; Gina Garza signed a "Release of Information" form over to DCF so that DCF can obtain medical and mental health records of BOTH my son and Gina Garza.
- ⑧ According to Exhibit AD, in June 18, 2015 medical records of my son previously provided to DCF; Pediatrician, Dr. Pamela Klein documents her observations that my son appears: "well nourished, well developed, alert, well tended appearance, parent-child interaction appropriate for child's age, well appearing." According to Exhibit AE, in June 18, 2015 medical records of my son, Dr. Pamela

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Klein states: "no evidence of bruising," and that:
"At request of child's parents, I examined this child thoroughly and specifically, do not find any physical evidence of child physical, sexual, or emotional abuse based on today's examination."

My son properly interacted with both parents because my son loved both parents. My son showed no signs of emotional abuse because my son NEVER witnessed domestic violence that did not exist. If I actually battered Gina Garza, my son WOULD show signs of emotional abuse and would not properly interact with me. If I actually abused or neglected my son, my son WOULD show signs of physical and emotional abuse and would not properly interact with me.

⑨ According to Exhibit AA, November 10, 2014 medical records of my son previously provided to DCF state:
"Domestic violence survey shows NEGATIVE for risk for this child." According to Exhibit AB, November 10, 2014 medical records of my son state:
"Patient (my son) denies abuse or neglect."

⑩ According to Exhibits L, M, N, O, B, C, F, I; in the July 20, 2015 DCF report, previous reports of domestic violence made to DCF made by Gina Garza's family were determined by DCF to be false, despite the fact that Gina Garza had bruises, because DCF determined that Gina Garza's bruises were caused by a blood platelet deficiency (THROMBOCYTOPENIA) that WAS severe enough to cause spontaneous bruising and from Gina Garza falling down many times, due to high levels of ammonia in Gina Garza's brain. (ammonia)

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- (11) On Sept. 8, 2015, DCF CPI Shannon Xeureb had the full knowledge of the fact that there does not exist any medically documented proof that Gina Garza was cured of or participated in treatment for either a severe blood platelet deficiency or for high levels of ammonia in the brain by 4 P.M. on Sept. 8, 2015. Without medically documented proof to prove otherwise, if Gina Garza's July 20, 2015 DCF report bruises are caused by a severe blood platelet deficiency and from falling down many times, then Gina Garza's Sept. 8, 2015 bruises ARE ALSO caused by a severe blood platelet deficiency and from falling down many times.
- (12) According to Exhibits N, O, in the July 20, 2015 DCF report, Gina Garza testifies to DCF that I would never hit her, that I would only protect her, and that I would never hurt her.
- (13) According to Exhibit P, in the July 20, 2015 DCF report, Gina Garza's daughter testifies to DCF that she has no concerns for physical violence, meaning that Gina Garza's daughter is saying that I am the type of individual that would NEVER perpetrate domestic violence against Gina Garza. Gina Garza's daughter also testifies to DCF that Gina Garza has always bruised easily and that Gina Garza has been falling down a lot because of illness.
- (14) According to Exhibit P, in the July 20, 2015 DCF report, paternal grandmother of my son, Katarina Sosnowski testifies to DCF that she has witnessed Gina Garza fall down quite often.
- (15) According to Exhibits P and PP, in the July 20, 2015 DCF report, despite DCF's numerous attempts to manipulate Gina Garza into testifying otherwise by informing

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Gina Garza of the benefits that DCF offers women that are actually battered, Gina Garza repeatedly and vehemently testifies to DCF that she and my son are BOTH safe and secure with me inside my home.

(16) According to Exhibits L, N, O; in the July 20, 2015 DCF report, the May 24, 2015 DCF abuse hotline reporter (Gina Garza's mother) and I BOTH WARN DCF that Gina Garza has already made threats to me that she would make false domestic violence claims against me.

(17) According to Exhibits K and M, in the July 20, 2015 DCF report, DCF determined that there was NO INDICATOR of domestic violence, NO INDICATOR of child abuse, and NO INDICATOR of child neglect in ALL FOUR OUT OF FOUR separate allegations of abuse or neglect.

(18) Despite the fact that Florida Statute Section 39.206(2) MANDATES that DCF initiate felony prosecution of Gina Garza's mother for making ALL FOUR OUT OF FOUR separate allegations of abuse or neglect that DCF determined that there was NO INDICATOR of in the July 20, 2015 DCF report, DCF refused to initiate felony prosecution of Gina Garza's mother and, therefore, DCF actively encouraged Gina Garza's family to make even more false reports of domestic violence to DCF on Sept. 8, 2015, WITHOUT FEAR OF ANY CONSEQUENCE, with full custody of my son and exclusive use of the home that is only in my name AS THE REWARD for Gina Garza for Gina Garza's family committing the numerous felonies of making false reports of abuse or neglect to DCF in support of an extremely unfit mother (Gina Garza) seeking full custody of my son for financial gain.

(19) According to Exhibit PP, in the July 20, 2015 DCF report; it is stated that: " (Police) CADS and local reports were reviewed. There have been no call outs to the house in references to any disturbances, family or non-family. " In addition to that I lived in the same exact home from April 1994 to the Sept. 8, 2015 date of the incident, meaning that I was not known by either DCF or the police to have a predisposition to violence or to lawlessness.

(20) According to Exhibits B, E, L, O; medical and mental health records of Gina Garza previously provided to DCF during the July 20, 2015 DCF report 2 month investigation PROVE that DCF CPI Shannon Xeureb, on Sept. 8, 2015, had the full knowledge that Gina Garza, without first making false domestic violence claims to DCF on Sept. 8, 2015, WOULD NEVER be rightfully awarded full custody of my son because those medical and mental health records of Gina Garza PROVE that Gina Garza was a suicidal, extreme chronic alcoholic with advanced stage Cirrhosis of the Liver that was Baker Acted for alcohol related psychosis (involuntarily committed to a psychiatric hospital for a 3 day observation) only 3 1/2 months before Sept. 8, 2015 and seeking full custody of my son PROVING that the only person that actually was a danger to Gina Garza and my son was Gina Garza herself, also being an extreme danger to me.

(21) According to Exhibits R, S, T; Public Records information included within the Sept. 8, 2015 narrative of the October 27, 2015 DCF report PROVES that DCF CPI Shannon Xeureb, on Sept. 8, 2015, had the full knowledge that Gina Garza's family was making their

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4th attempt at false domestic violence claims to DCF on Sept. 8, 2015. Including previous reports of domestic violence made to DCF made by Gina Garza's family and determined to be false by DCF in the July 20, 2015 DCF report, despite the fact Gina Garza had bruises; Gina Garza's family also made 2 failed attempts at having me arrested on false Domestic Battery claims on BOTH Sept. 1, 2015 and Sept. 2, 2015. According to Exhibit R; on Sept. 1, 2015, Gina Garza's daughter makes a failed attempt at having me arrested on false Domestic Battery claims when Gina Garza, on Sept. 1, 2015, is telling police that there has not been any Domestic Battery. On Sept. 1, 2015, Gina Garza could not have possibly been protecting me when Gina Garza, on Sept. 1, 2015, is making a flimsy attempt at obtaining a DVI Restraining Order against me to have me forcefully removed from the home that is only in my name. According to Exhibit S; on Sept. 2, 2015, Gina Garza is making a failed attempt at having me arrested on false Domestic Battery claims when Gina Garza is telling police that Domestic Battery had occurred on August 19, 2015. How could there have possibly been Domestic Battery on August 19, 2015 when Gina Garza, on Sept. 1, 2015, is telling police that there has not been any Domestic Battery?

HYPOTHETICALLY, if DCF CPI Shannon Xereb would have actually been an honest sworn government official and would not have committed a felony, in violation of Florida Statute Section 839.13 (2)(c), and would not have violated BOTH my son's and my 4th Amendment protections against unlawful searches and seizures and BOTH my son's and my 14th Amendment Rights to Family

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Association and if DCF CPI Shannon Xeureb would have actually presented BOTH DCF assist police officers and the SWAT Team all those previous exculpatory facts that DCF CPI Shannon Xeureb had the full knowledge of, numbered 1-21 on pages 13 to 19 of this foregoing Petition for Writ of Certiorari; there would have been absolutely no possibility of a false finding of probable cause to issue a MISDEMEANOR Domestic Battery arrest warrant on Sept. 9, 2015, the day following the Sept. 8, 2015 DCF welfare check. There would have been absolutely no possibility of a false finding of exigent circumstances regarding my son inside my home with me. There would have been absolutely no possibility of a false justification of, DCF assist police officer, Sgt. Mark James's unlawful warrantless forced entry into my entirely fenced in and Constitutionally protected FRONTYARD curtilage in a failed attempt to detain me for MISDEMEANOR Domestic Battery at the time I allegedly committed MISDEMEANOR Resisting an Officer WITHOUT Violence. There would have been absolutely no possibility of a false justification of the SWAT Team's unlawful Sept. 8, 2015 warrantless forced seizure of my son at the time I allegedly committed FELONY Battery on a Law Enforcement Officer and Resisting an Officer WITH Violence. There would have been absolutely no possibility that I would have been wrongfully convicted of MISDEMEANOR Domestic Battery and Resisting an Officer WITHOUT Violence in the parallel misdemeanor case still pending in Florida First District Court of Appeals as case number 1D21-0139.

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There would have been absolutely no possibility that I would have been wrongfully convicted of FELONY Battery on a Law Enforcement Officer and Resisting an Officer WITH Violence in the parallel felony case on Sept. 28, 2016 in Santa Rosa County, Florida case number 2015 CF 1155 now pending in the U.S. District Court for the Northern District of Florida, Pensacola Division, as case number: 3:20 cv 05976-LC-MAF (Section 2254 Habeas Petition). There would have been absolutely no possibility of a false finding of probable cause to issue a DCF Court Order forcing my well cared for son into State custody in the Sept. 9, 2015 DCF Postdeprivation hearing. There would have been absolutely no possibility of a false justification to violate BOTH my son's and my 14th Amendment Rights to Family Association when DCF disguised the straight up Termination of my Parental Rights under the euphemism: "No Contact Order" sanctioned against BOTH my son and I since Sept. 8, 2015.

HYPOTHETICALLY, even if DCF's or the State's fabricated claim that DCF CPI Shannon Xeureb had reasonable cause to believe that my 5 year old son inside my home with me was in serious danger of suffering severe physical harm is a fabricated claim that is actually true, the Sept. 8, 2015 SWAT Team warrantless forced seizure of my son at the behest of DCF CPI Shannon Xeureb was still nothing but an unlawfully executed police and DCF action and blatant 4th Amendment violation. There is no way possible that DCF CPI Shannon Xeureb can prove that there

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were exigent circumstances regarding my son because there is no way possible that DCF CPI Shannon Xeureb can prove that officers lacked sufficient time to obtain a warrant when a Sept. 8, 2015 DCF assist police call history record (Exhibit X) PROVES THAT OFFICERS WASTED OVER 2 HOURS BEFORE making their first and only attempt at obtaining the MISDEMEANOR Domestic Battery arrest warrant on a weekday with Judicial Officials readily available at 4:07 P.M. to issue warrants within half an hour. According to Exhibit X, the Sept. 8, 2015 police call history record PROVES that the Sept. 8, 2015 DCF welfare check at my home began at 16:03 or 4:03 P.M. ("WE ARE 26 ON HIS FLAGS"). Exhibit X PROVES that officers made their first and only attempt at obtaining the MISDEMEANOR Domestic Battery arrest warrant at 18:13 or 6:13 P.M. ("PER 19 CALL ON CALL JUDGE AND HAVE HIM PX HIS OFFICE 983-2274"). At the same exact time, the SWAT Team conducted their unlawful warrantless forced entry into my entirely fenced in and Constitutionally protected BACKYARD curtilage and Exhibit X PROVES that I was detained for MISDEMEANOR Domestic Battery at 18:19 or 6:19 P.M. after SWAT Team officers bludgeoned me for about 4-5 minutes in my backyard and I suffered a deep laceration on my face with fractured cheekbones ("1008 1033 ONE 1015 AT 1819 HRS SEND US A MED UNIT"). There is no way possible that DCF CPI Shannon Xeureb can prove that there were

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exigent circumstances regarding my 5 year old son inside my home with me because there is no way possible that DCF CPI Shannon Xeureb can prove that officers lacked sufficient time to obtain the warrant when Exhibit X PROVES that officers WASTED OVER 2 HOURS BEFORE making their first and only attempt at obtaining the MISDEMEANOR Domestic Battery arrest warrant on a weekday with Judicial Officials readily available at 4:07 P.M. to issue warrants within half an hour. According to Kirkpatrick -vs- County of Washoe 843 F. 3d 784 (9th circuit 2016), "Exigent circumstances alone, however, are insufficient as the government must also show that a warrant could not have been obtained in time. If the State had time to obtain a warrant, it stands to reason to believe that there can be no exigent circumstances"

The ONLY WAY possible that DCF CPI Shannon Xeureb can prove that the Sept. 8, 2015 SWAT Team warrantless forced seizure of my son at the behest of DCF CPI Shannon Xeureb is completely justifiable is that DCF CPI Shannon Xeureb MUST PROVE that DCF CPI Shannon Xeureb and Gina Garza BOTH had reasonable cause to believe that my 5 year old son inside my home with me was in serious danger of suffering severe physical harm within the half an hour that it would take officers to obtain the MISDEMEANOR Domestic Battery arrest warrant on a weekday with Judicial Officials readily available at 4:07 P.M. to issue warrants within half an hour because, according to Rogers -vs- County of San Joaquin 487 F. 3d 1288 (9th circuit 2007),

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"Officials, including social workers, who remove a child from its home without a warrant MUST have reasonable cause to believe that the child is likely to experience serious bodily injury in the time that would be required to obtain a warrant."

There actually exists trial testimony and trial transcripts regarding the Sept. 8, 2015 DCF welfare check in question. In my Sept. 28, 2016 trial for FELONY Battery on a Law Enforcement Officer and Resisting an Officer with Violence, the State NEVER called DCF CPI Shannon Xeureb to testify in trial. If DCF CPI Shannon Xeureb can actually prove that she had reasonable cause to believe that my son was in serious danger of suffering severe physical harm within the half an hour that it would take officers to obtain the MISDEMEANOR Domestic Battery arrest warrant at 4:07 P.M. on a weekday, can there possibly exist a logical and good faith reason as to why the State NEVER called DCF CPI Shannon Xeureb to testify in trial to help the State prove that the Sept. 8, 2015 SWAT Team warrantless forced seizure of my son was "justifiable"? Considering the fact that the SWAT Team's warrantless forced seizure of my son at the behest of DCF CPI Shannon Xeureb occurred OVER 2 HOURS AFTER the Sept. 8, 2015 DCF welfare check, the ONLY government official that was actually present at the Sept. 8, 2015 DCF welfare check that actually testified in that felony trial was DCF assist police officer, Sgt. Mark James.

In the Sept. 28, 2016 trial, DCF assist officer, Sgt. Mark James and Gina Garza BOTH testified that

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DCF CPI Shannon Xeureb and ALL TEN!! DCF assist police officers were on the outside of my entirely fenced in and Constitutionally protected FRONTYARD curtilage fence and locked gate with "No Trespassing" signs posted in a couple conspicuous places. The fence was 4 feet tall. Gina Garza and I BOTH testified that I immediately took my son outside of my home to meet with DCF CPI Shannon Xeureb and DCF assist officers at my locked frontyard gate when the Sept. 8, 2015 DCF welfare check began at 4:03 P.M. My son was sitting on my shoulders "horseback" style and I was holding my son's ankles. On page 91-92 of transcripts, Sgt. Mark James testified that I was not hostile, that I was not combative, and that I was cooperative. According to Watson - vs - City of San Jose 765 Fed. Appx. 248 (9th circuit 2019), "Testimony regarding a defendant's demeanor at the time just before and during the incident and testimony regarding how the officers had been trained to react is part of the trial Court's OBLIGATION to pay careful attention to the facts and circumstances of the particular case as a part of the totality of circumstances analysis." On page 91 of transcripts, Sgt. Mark James testified that he did not know who I was or that I lived at the same exact home for 21 1/2 years from April 1994 to Sept. 8, 2015, meaning that I was not known by the police to have a predisposition to violence or to lawlessness. On page 78, Sgt. Mark James testified that DCF CPI Shannon Xeureb made a comment to my son and my son screamed at DCF CPI Shannon Xeureb: "I HATE YOU!". Considering the fact that 5 year

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old children are totally capable of forming their own opinions about people, it was beyond apparent that my son did not want to speak to DCF CPI Shannon Xeureb because my son had genuine hatred for DCF CPI Shannon Xeureb for repeatedly harrassing BOTH my son and I BOTH before and during DCF's 4th bogus welfare check at my home on Sept. 8, 2015 ~~and~~ in only 3 1/2 months. On page 84, Sgt. Mark James testified that my son DID NOT appear to be in distress. On page 92, Sgt. Mark James testified that DCF CPI Shannon Xeureb had me go back inside my home to get Gina Garza to come outside to talk to DCF CPI Shannon Xeureb. On pages 84 and 86, Sgt. Mark James testified that, as I took my son back to the front door of my home, NO ONE out of 2 DCF CPIs or TEN!! DCF assist officers ordered me to stop from taking my son back inside my home. On pages 84 and 86, Sgt. Mark James testified that he had no reason to be concerned for my son that did not appear to be in distress at the time DCF CPI Shannon Xeureb and DCF assist officers gave me clear permission to take my son back inside my home. In Direct Examination, Sgt. Mark James committed straight up perjury by testifying that I deliberately denied DCF CPI Shannon Xeureb access to examine my son's body for potential bruises because, on pages 86 and 92, Sgt. Mark James vehemently testified that HE DID NOT HEAR what the conversation between DCF CPI Shannon Xeureb and myself was about and that HE DID NOT HEAR what DCF CPI Shannon Xeureb DID ASK or DID NOT ASK of me. This means that Sgt. Mark James NEVER HEARD if DCF CPI Shannon Xeureb EVER ACTUALLY ASKED ME for access to

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examine my son's body for potential bruises. According to Blake -vs- State of Florida 180 So 3d 89 (FL S.Ct. 2014), "Pursuant to Florida Statute Section 90.604 (2005), a witness may not testify to a matter unless evidence is introduced which is sufficient to support a finding that the witness has personal knowledge of the matter." Considering the fact that the State NEVER called DCF CPI Shannon Xeureb to testify in trial, my testimony that DCF CPI Shannon Xeureb NEVER asked me for access to examine my son's body for potential bruises MUST STAND as absolute, undisputed fact. There cannot possibly exist a logical reason as to why DCF CPI Shannon Xeureb and ALL TEN!! DCF assist officers would give me clear permission to take my son back inside my home if I actually deliberately denied DCF CPI Shannon Xeureb access to examine my son's body for potential bruises. There cannot possibly exist a logical reason as to why DCF CPI Shannon Xeureb SHOULD examine my son's body for potential bruises when Exhibit T PROVES that there were absolutely no reports of child abuse, child neglect, or reckless child endangerment made to DCF on either Sept. 7, 2015 or on Sept. 8, 2015 documented in the Sept. 8, 2015 narrative of the October 27, 2015 DCF report OR when DCF does not possess because there does not exist any evidence that my son was ever abused, neglected, or recklessly endangered at any time throughout my son's entire life up to and including Sept. 8, 2015. IF DCF SHOULD ALWAYS EXAMINE CHILDREN'S BODIES FOR POTENTIAL BRUISES especially when there are

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absolutely no reports of child abuse, child neglect, or reckless child endangerment made to DCF, like in this instant case; there cannot possibly exist a logical reason as to why DCF SHOULD NOT GO TO ALL the Elementary Schools, ALL the Middle Schools, and ALL the High Schools and line up ALL of the children and have ALL of the children strip NAKED so that DCF can examine ALL of the childrens' NAKED bodies for potential bruises. A child MUST be completely naked in order for DCF to determine whether or not there are bruises on the child's buttocks or on the child's pelvic region. Considering the fact that, on pages 84 and 86, Sgt. Mark James testified that he had no reason to be concerned for my son that did not appear to be in distress at the time DCF CPI Shannon Xeureb and ALL TEN!! DCF assist officers gave me clear permission to take my son back inside my home, there were absolutely no exigent circumstances regarding my son at the time the examination of my son's body for potential bruises would have taken place AND DCF CPI Shannon Xeureb would have been required to obtain either a DCF court order or a warrant to lawfully examine my son's body for potential bruises because, according to Michael C. -vs- Gresbach 526 F.3d 1008 (7th circuit 2007), "Within the context of child abuse investigations, physical examinations conducted by child welfare case workers that include visual examinations of portions of a child's body which are normally covered by clothing implicate 4th Amendment concerns and are within the scope of SEARCHES under the Amendment."

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On page 77 of transcripts, Sgt. Mark James committed straight up perjury by testifying that DCF was at my home on Sept. 8, 2015 for the SOLE PURPOSE of conducting a welfare check on my 5 year old son because Exhibit T PROVES that there were absolutely no reports of child abuse, child neglect, or reckless child endangerment made to DCF on either Sept. 7, 2015 or on Sept. 8, 2015 documented in the Sept. 8, 2015 narrative of the October 27, 2015 DCF report.

On page 58 of transcripts, BEFORE the State had an opportunity to manipulate Gina Garza into testifying otherwise, by asking Gina Garza leading questions, Gina Garza testified that the SOLE PURPOSE of the Sept. 8, 2015 DCF welfare check was to investigate allegations of domestic violence. On pages 84 and 86, Sgt. Mark James testified that he had no reason to be concerned for my son that did not appear to be in distress at the time DCF CPI Shannon Xeureb and ALL TEN!!

DCF assist officers gave me clear permission to take my son back inside my home. Within seconds, Gina Garza exited my home with bruises that DCF CPI Shannon Xeureb had the full knowledge of being caused by a blood platelet deficiency (THROMBOCYTOPENIA) that WAS severe enough to cause spontaneous bruising.

On page 63 of transcripts, Gina Garza testified that her Cirrhosis of the Liver caused her to bruise. In violation of Florida Statute Section 839.13(2)(c), DCF CPI Shannon Xeureb committed a felony by deliberately withholding from DCF assist officers and the SWAT Team the fact that and reasons why previous reports of domestic violence made to DCF made by Gina Garza's

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family were determined by DCF to be false in the July 29, 2015 DCF report, despite the fact Gina Garza had bruises, because DCF determined that Gina Garza's bruises were caused by BOTH a blood platelet deficiency (THROMBOCYTOPENIA) that WAS severe enough to cause spontaneous bruising and from Gina Garza falling down many times, due to high levels of ammonia in Gina Garza's brain. On page 80 of transcript, Sgt. Mark James committed straight up perjury by testifying that Gina Garza had indicated to officers that I had caused her bruises because, on pages 88 and 89, Sgt. Mark James vehemently testified that HE NEVER SPOKE TO GINA GARZA making it impossible for Sgt. Mark James to determine the cause of Gina Garza's bruises. On page 79, Sgt. Mark James committed straight up perjury by testifying that the bruises on Gina Garza appeared to be fresh and inflicted within the last 24 hours because Gina Garza, in a Sept. 8, 2015 police report written at a later time, told police that there was alleged Domestic Battery on Sept. 3, 2015, 5 DAYS EARLIER. In a Sept. 2, 2015 police report (Exhibit S), Gina Garza told police that the bruise on her chest was inflicted by alleged Domestic Battery on August 19, 2015, which was 20 DAYS EARLIER. Bruises from 5 days and 20 days earlier are considered to be way too stale for purposes of claiming exigency. As Gina Garza is speaking ONLY to DCF CPI Shannon Xeurcb and making false domestic violence claims as I am watching through the window, I locked Gina Garza outside of my home that is only in my name.

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On page 80 of transcripts, Sgt. Mark James testified that DCF assist officer, Sgt. Erlemann reached over my 4 foot tall frontyard curtilage fence and then lifted 125 pound Gina Garza from inside of my frontyard curtilage and then lifted Gina Garza over the 4 foot tall frontyard curtilage fence and then let Gina Garza down on the outside of my frontyard curtilage into my driveway. There could not have possibly been exigent circumstances regarding Gina Garza inside my frontyard curtilage when Gina Garza is no longer inside my entirely fenced in and Constitutionally protected frontyard curtilage. Considering the fact that Sgt. Mark James, on pages 88 and 89, vehemently testified that he NEVER spoke to Gina Garza, that would have made it impossible for Gina Garza to give Sgt. Mark James permission to enter into my entirely fenced in and Constitutionally protected frontyard curtilage. Considering the fact that Sgt. Mark James, on pages 84 and 86, testified that he had no reason to be concerned for my son that did not appear to be in distress at the time DCF CPI Shannon Xeurcb and DCF assist officers gave me clear permission to take my son back inside my home with me ONLY 2 MINUTES BEFORE Sgt. Mark James conducts an unlawful warrantless forced entry into my entirely fenced in and Constitutionally protected frontyard curtilage, there were absolutely no exigent circumstances regarding my son inside my home with me. Without a warrant, without permission given by Gina Garza to enter, and with absolutely no exigent circumstances regarding either Gina Garza or my son, in blatant violation of my 4th Amendment rights, Sgt. Mark James conducts an unlawful warrantless forced entry into my entirely fenced in and Constitutionally protected frontyard curtilage ONLY 2,

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ONLY 2 MINUTES AFTER Sgt. Mark James determined that he had no reason to be concerned for my son that did not appear to be in distress at the time DCF and DCF assist officers gave me clear permission to take my son back inside my home with me (see pages 84 and 86).

On page 85, Sgt. Mark James testified that his ONLY REASON for conducting the unlawful warrantless forced entry into my entirely fenced in and Constitutionally protected frontyard curtilage WAS to knock on my front door to get MY explanation as to the cause of Gina Garza's bruises.

On page 87, Sgt. Mark James testified that I had the legal right to refuse to give my explanation as to the cause of Gina Garza's bruises. On page 87, Sgt. Mark James also testified that I had the legal right to refuse to cooperate with DCF and DCF assist officers from that point on and the legal right to remain locked inside my home with my son. Considering the fact that I chose to exercise all those legal rights that Sgt. Mark James testified that I had, I cannot truthfully be alleged of disobeying the orders of police when those orders of police were in violation of my 4th Amendment rights because Sgt. Mark James's warrantless forced entry into my entirely fenced in and Constitutionally protected frontyard curtilage for the sole purpose of getting my explanation as to the cause of Gina Garza's bruises was a blatant violation of my 4th Amendment rights. According to Paxton -vs- New York 455 U.S. 573, 63 L. Ed. 2d 639, 100 S.Ct. 1371 (1980), "The right of a man to retreat into his home and there be free from unreasonable government intrusion is at the very core of the 4th Amendment." Just as quickly as DCF and DCF assist officers SWARM my home, DCF and TEN!! DCF assist officers just as quickly

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disappeared out of my view from my front window. There was no sign of law enforcement for over 2 hours, except for an unmarked police car 80-100 yards down the street. Neither DCF assist officers nor the SWAT Team ever made any announcements over bullhorns or loudspeakers giving me orders to hand my son over to DCF or to police clearly indicating that the welfare of my son was just an afterthought at the time when the primary concern of officers was to DETAIN me on reasonable suspicion of MISDEMEANOR Domestic Battery for further investigation. Considering the fact that THIS WAS the very last time that Sgt. Mark James ever had contact with me on Sept. 8, 2015 BEFORE the SWAT Team was called out, the SWAT Team WAS called ① because I exercised my legal rights to refuse to come back outside and give my explanation as to the cause of Gina Garza's bruises ② because I exercised my legal rights to refuse to answer my phone ③ because Gina Garza had bruises that it would have been impossible for Sgt. Mark James to determine the cause of because, on pages 88 and 89, Sgt. Mark James vehemently testified that he NEVER spoke to Gina Garza, and ④ because I exercised my legal rights to remain locked inside my home with my son ONLY 2 MINUTES AFTER Sgt. Mark James made the determination that he had no reason to be concerned for my son that did not appear to be in distress at the time DCF and DCF assist officers gave me clear permission to take my son back inside my home with me (see pages 84 and 86). Nothing in the Record indicates that Sgt. Mark James had any communication with DCF CPI Shannon Xeureb. On page 82 on lines 7-17, Sgt. Mark James testified to the reasons as to why the SWAT Team was called out.

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If Sgt. Mark James simply spoke to Gina Garza, like he was obligated to do, Gina Garza would have informed him that I DO NOT possess any firearms. A Sept. 8, 2015 DCF assist officer police call history record (Exhibits V and W) PROVE that Lt. Scott Haines, Call number 019 and Unit number 019, was neither a DCF assist officer nor at the scene of the Sept. 8, 2015 DCF welfare check at my home.

- SEPTEMBER 9, 2015 POSTDEPRIVATION HEARING

Despite the fact the Florida Rules of Juvenile Procedure, rule 8.305(c)(8), states: "The Court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child"; Sept. 9, 2015 Postdeprivation hearing transcripts PROVE that DCF Judge Marci Goodman made a departure from clearly established law when DCF Judge Marci Goodman immediately imposed a No Contact Order between my son and I when DCF NEVER even attempted to make a "clear and convincing" showing that visitation between my son and I is not in the best interest of my son. Considering the fact that future harm to the child can only be predicted by past corroborated harm to the child; on Sept. 9, 2015 and up to the present day, DCF NEVER EVEN ATTEMPTED TO PROVE, with clear and convincing evidence, that any kind of contact between my son and I poses a substantial risk of significant harm to my son. On Sept. 9, 2015, the ONLY "clear and convincing" evidence that DCF presented was a photo of Gina Garza's Sept. 8, 2015 bruises. Considering the fact that DCF CPT Shannon Xeureb WAS

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committing a serious Brady Violation by deliberately withholding from DCF Judge Marci Goodman the fact that and reasons why previous reports of domestic violence made to DCF made by Gina Garza's family were determined by DCF to be false in the July 20, 2015 DCF report, despite the fact Gina Garza had bruises, because DCF determined that Gina Garza's bruises were caused by BOTH a blood platelet deficiency (THROMBOCYTOPENIA) that WAS severe enough to cause spontaneous bruising and from Gina Garza falling down many times, due to high levels of ammonia in Gina Garza's brain; DCF's pictures of Gina Garza's Sept. 8, 2015 bruises is proof that blood leaked out of Gina Garza's capillaries AND NO MORE. Considering the fact that DCF claimed to have had Gina Garza checked out at the hospital on Sept. 8, 2015, DCF has been committing a serious Brady Violation by deliberately withholding the highly exculpatory Sept. 8, 2015 medical records of Gina Garza with Gina Garza having blood platelet levels low enough to cause spontaneous bruising. Analyzing the highly exculpatory Sept. 8, 2015 medical records of Gina Garza with blood platelet levels low enough to cause spontaneous bruising and comparing those medical records to pictures of Gina Garza's Sept. 8, 2015 bruises while comparing BOTH those medical records and those pictures with the alleged degree of severity of violence that Gina Garza alleged to police in her Sept. 8, 2015 Domestic Battery claims, an expert medical witness would scientifically determine that and testify that Gina Garza's Sept. 8, 2015 Domestic Battery claims are nothing but blatant fabrications.

In a Sept. 8, 2015 police report, Gina Garza told

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police that Gina Garza, on Sept. 3, 2015, asked me for a divorce and that I punched her on the forehead one time. When police asked Gina Garza about the bruise on her neck, Gina Garza told police that the bruise on her neck was caused by the same altercation of being punched on the forehead one time. Considering the fact that Gina Garza NEVER claimed that she was struck on the neck or grabbed around the neck, Gina Garza made the claim to police that the alleged punch to her forehead was hard enough to bruise her neck. In pictures of Gina Garza's Sept. 8, 2015 bruises, Gina Garza had only dime and nickle sized bruises on her forehead, with absolutely no swelling or defined points of strike impact anywhere on Gina Garza's entire body.

Analyzing medical records diagnosing Gina Garza with a blood platelet deficiency (THROMBOCYTOPENIA) that WAS severe enough to cause spontaneous bruising, an expert medical witness would scientifically determine that and testify that the scattered dime and nickle sized bruises on Gina Garza's forehead, with absolutely no swelling or defined points of strike impact anywhere, could have simply been caused by Gina Garza vigorously rubbing on her forehead with her finger knuckles.

Analyzing medical records diagnosing Gina Garza with a blood platelet deficiency that WAS severe enough to cause spontaneous bruising, an expert medical witness would scientifically determine that and testify that Gina Garza's Sept. 8, 2015 claim to police of a punch to her forehead hard enough to bruise her neck would cause severe bruising and severe swelling throughout Gina Garza's entire face, considering the fact that Gina Garza did not have

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a severe laceration on her forehead. An expert medical witness would also testify that there would be the strong probability of bleeding in the frontal part of Gina Garza's brain. Considering the fact that NONE of the physical signs in this paragraph existed on Gina Garza when DCF had Gina Garza checked out at the hospital on Sept. 8, 2015, an expert medical witness would scientifically determine that and testify that Gina Garza's Sept. 8, 2015 Domestic Battery claims are blatant fabrications. In blatant violation of my 6th Amendment Confrontation Clause rights, Gina Garza was not present at the Sept. 9, 2015 Postdeprivation hearing to be harshly cross-examined about making false Domestic Battery claims.

In violation of FL Statute Section 838.022(1)(a-c), DCF CPI Shannon Xeureb committed the felony of Official Misconduct by abusing her position of authority by attempting to unlawfully obtain for Gina Garza the benefit of full custody of my son while DCF CPI Shannon Xeureb deliberately withheld from Judge Marci Goodman the fact that medical and mental health records of Gina Garza previously provided to DCF during the July 20, 2015 DCF report 2 month investigation PROVE that DCF CPI Shannon Xeureb had the full knowledge that Gina Garza, without first making false domestic violence to DCF on Sept. 8, 2015, WOULD NEVER be rightfully awarded full custody of my son because those medical and mental health records PROVE that Gina Garza was a suicidal, extreme chronic alcoholic with advanced stage Cirrhosis of the Liver that was Baker Acted for alcohol related psychosis only 3 1/2 months before Sept. 9, 2015. By deliberately withholding this information from DCF Judge Marci Goodman,

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DCF CPI Shannon Xeurcb deliberately endangered the welfare and safety of my son. ONLY AFTER I informed DCF Judge Marci Goodman that Gina Garza was a Baker Acted fall on her face drunk did DCF Judge Marci Goodman order that my son be forced into State custody. If DCF Judge Marci Goodman believed that Gina Garza was a fall on her face drunk, why would DCF Judge Marci Goodman doubt that Gina Garza might have actually fallen on her face causing bruising?

In violation of FL Statute Section 839.13(2)(c), DCF CPI Shannon Xeurcb committed a felony by deliberately withholding from DCF Judge Marci Goodman all those exculpatory facts, numbered 1-21 on pages 13-19 of this foregoing Petition for Writ of Certiorari, that were extremely relevant and material to the Sept. 9, 2015 Postdeprivation hearing in order for DCF CPI Shannon Xeurcb to deliberately deceive DCF Judge Marci Goodman into imposing a No Contact Order between my son and I on Sept. 9, 2015, in order for DCF to later disguise the straight up Termination of my Parental Rights under the euphemism:

"No Contact Order" sanctioned against BOTH my son and I since Sept. 8, 2015. If DCF CPI Shannon Xeurcb would have presented DCF Judge Marci Goodman all those exculpatory facts, numbered 1-21 on pages 13-19 of this foregoing Petition for Writ of Certiorari, there would have been absolutely no possibility of a false finding of probable cause for DCF Judge Marci Goodman to issue the Sept. 9, 2015 DCF Court order forcing my son into State custody and considering the fact DCF Judge Marci Goodman IS THE WIFE of the presiding felony Judge Ross Goodman in my felony case 2015 CF 1155, my felony charges would be

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dismissed assuming that felony Judge Ross Goodman is honest. Judge ROSS Goodman is now the presiding DCF Postdeprivation Court Judge and the December 5, 2019 EX PARTE Postdeprivation hearing ORDER extending the No Contact Order between my son and I presents an extreme conflict of interest and meritorious reason for his recusal.

Prior to the scheduled November 24, 2015 Dependency Adjudication trial, Postdeprivation Counsel provided below substandard and traitorous performance by refusing to call an expert medical witness to scientifically determine that Gina Garza's Sept 8, 2015 domestic violence claims are blatant fabrications and by refusing to present to the Court all those exculpatory facts, numbered 1-21 on pages 13-19 of this Petition, that were extremely relevant to the potential Nov. 24, 2015 Dependency Adjudication trial findings. From Sept 8, 2015 and up to the present day, DCF CPI Shannon Xeurcb has been committing a felony, in violation of FL Statute Section 839.13(2)(c), and committing a serious Brady Violation by deliberately withholding all those exculpatory facts, numbered 1-21 on pages 13-19 of this Petition, that were extremely relevant to the potential Nov. 24, 2015 Dependency Adjudication trial findings. Considering the DURESS imposed upon me by the below substandard and traitorous performance of Postdeprivation Counsel and considering the FRAUD imposed upon me by DCF CPI Shannon Xeurcb deliberately withholding MANY exculpatory facts, I was FORCED to "consent to comply with the DCF safety case plan", despite the fact that I am 100% innocent of all of DCF's allegations against me, without the Court or my Counsel giving me the mandatory advice that non-compliance with the DCF safety case plan can result in the Termination of my Parental Rights.

IX. REASONS FOR GRANTING WRIT OF CERTIORARI

Besides the No Contact Order sanctioned against BOTH my son and I since Sept. 8, 2015 being a blatant violation of BOTH my son's and my 14th Amendment Rights to Family Association, granting this Writ of Certiorari is of extreme National importance and of extreme Constitutional and human rights magnitude because it would set National precedent towards the prevention of arbitrary and reasonless Terminations of Father's Parental Rights disguised under the euphamism: (permanent) "No Contact Order" granted during EX PARTE DCF Postdeprivation hearings set in motion by corrupt social workers' felony commissions of Official Misconduct in abusing their positions of authority to unlawfully obtain for extremely unfit mothers the benefit of full custody of a child while the social workers deliberately withhold the father's exculpatory evidence and deliberately fabricate allegations of abuse against the father in the deception necessary to obtain the unlawful warrantless forced seizure of a child in the deception necessary for DCF to disguise the Termination of the father's Parental Rights under the euphamism: (permanent) "No Contact Order" sanctioned against BOTH father and son since Sept. 8, 2015.

X. CONCLUSION

For those reasons, I respectfully request that this Court issue a Writ of Certiorari to review judgment of FL's 1st DCA. Respectfully submitted: *Thad A. Kelly* on July 13, 2021.
Thad A. Kelly July 13, 2021