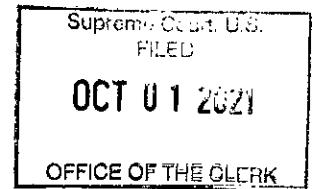


21-5994  
No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES



CHOO WASHBURN - PETITIONER  
(Pro Se)  
VS.

BCCB/JOHN NUNEZ - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO US  
COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

choo washburn  
CHOO WASHBURN

8301 Boone Blvd. Room #708

Vienna, VA 22181

301-532-5369

**QUESTIONS PRESENTED:**

1. Does the meaning of the word, "PROPERTY" that is in the "Due Process Clause" and "Taking Clause", in the Fifth Amendment to the Constitution of the United States and that is in the "Due Process Clause", in the Fourteenth Amendment to the Constitution of the United States, indicate "PERSONAL PROPERTY" or "REAL PROPERTY", OR either "PERSONAL PROPERTY" or "REAL PROPERTY"?
2. Can the "REAL PROPERTY/PRIVATE PROPERTY" that is ordered, in the Judgment of Absolute Divorce, to be sold, to divide the "MONEY/PROCEED" equally between the two parties, be "PERSONAL PROPERTY"?
3. Do the federal Judges have to protect the Petitioner's "Constitutional property right" that is protected under the "CONSTITUTION", in the Diversity Jurisdiction civil case?
4. Do the federal Judges have to apply the "2018 Maryland H.B. 956": "Bill Summary", to the Petitioner's Claim, in the Civil Case, in the diversity jurisdiction, under the "Erie Doctrine"?

In 2018, Maryland adopted the resolution of "the Financial Crimes against Elderly 2018 Legislation", and Maryland further "Authorizes *a victim of a certain offense* to bring a *Civil Action*(see, APP.#, as reference) for treble damages *against a certain person*; establishes that a certain criminal conviction is not a prerequisite...", under the "2018 Maryland H.B.: 956": "Bill Summary".

5. Can the Federal Judges apply the MD Crim. Law Rule "Section 8-801(f)", in the "MD Criminal Law Rule Section 8 – 801. Exploitation of Vulnerable Adults Prohibited", to Petitioner's Claim, in the Civil Case, in the Diversity Jurisdiction? and "Section 8-801(f)" states:

"(f)Construction of Section, - This Section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim's family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim's property."

6. Do the Federal Judges have to apply "the Judgment of Absolute Divorce/Divorce Decree" that is entered in the state, and the state laws, that are relevant, to the Civil Case, in the Diversity Jurisdiction, under the "Erie Doctrine", and "CONSTITUTION"?
7. When the Federal Judges violate a party's "Constitutional property right", in the Civil Case, in the Diversity Jurisdiction, do their Orders in the Case, have to be voided?

## **PARTIES TO THE PROCEEDINGS**

All parties appear in the caption of the case on the cover page.

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“UNITED STATES CONSTITUTION, AMENDMENT I”:

“UNITED STATES CONSTITUTION, AMENDMENT V”:

“UNITED STATES CONSTITUTION, AMENDMENT XIV”:

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

The Petitioner, CHOO WASHBURN “respectfully prays that a writ of certiorari issue to review the Judgment(**APP.#A**) below”:

**OPINION BELOW**

“Choo Washburn appeals the district court’s orders dismissing her complaint and denying as moot her motion for a hearing. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Washburn v. Nunez*, No. 8:19-cv-02227-TDC (D. Md. Oct. 22, 2020). We also deny Washburn’s motion to consolidate the appeal with a later-filed appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.”

“**AFFIRMED**”

The opinion of the United States Court of Appeals appears at **Appendix A** to the petition and is unpublished, and the opinion of the United States District Court appears at **Appendix B** to the petition and is unpublished.

**JURISDICTION**

On July 6, 2021, the United States Court of Appeals decided the Petitioner’s Case, and on July 6, 2021, a **TIMELY PETITION FOR REHEARING** was denied by the United States Court of Appeals, and a copy of the order denying rehearing appears at **Appendix C**, and this Court has Jurisdiction, under 28 U.S.C. Section 1254(1).

**CONSTITUTIONAL PROVISIONS INVOLVED:**

**“UNITED STATES CONSTITUTION, AMENDMENT I”:**

“Congress shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievance.”

**"UNITED STATES CONSTITUTION, AMENDMENT V":**

**"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken public use, without just compensation."**

**"UNITED STATES CONSTITUTION, AMENDMENT XIV":**

**"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."**

**STATEMENT OF THE CASE**

1. "The Supreme Law of the Land", this Court's interpretation of the "PROPERTY", that is in the Fifth and Fourteenth Amendment to the Constitution of the United States, and interpretation of the "MD Crim. Law Rule Section 8-801(f)", and Do the federal Judges have to protect the Petitioner's "Constitutional property right" that is protected under the "CONSTITUTION"? and Do the federal Judges have to apply the "2018 Maryland H.B. 956": "Bill Summary", that Maryland adopted the resolution of the "Financial Crimes against the Elderly 2018 Legislation, and that in June 2018, the Maryland further authorized that "a criminal conviction is not prerequisite for the older victims to bring a Civil Action...", to the Petitioner's Claim in the Civil Case, in the diversity jurisdiction, under the "Erie Doctrine"? Do the federal Judges have to apply the Judgment of Absolute Divorce that is entered in the state, to the Petitioner's Claim, in the Civil Case, in the Diversity Jurisdiction?, and the remaining "Questions Presented", are crucial,

to (1) protect the "CONSTITUTION", and (2) to take back CHOO WASHBURN's "Constitutional property right" and (3) to recover the stolen/deprived CHOO WASHBURN's Share(50%) of the Chevy Chase property, that the Respondent, BCCB/JOHN NUNEZ, stole/deprived from CHOO WASHBURN, that constitutes UNLAWFUL MISCONDUCT, under "8 U. S. C. Section 1101(a)43(G) - Theft Offense", and that constitutes UNLAWFUL MISCONDUCT, under "Maryland Crim. Law Rule Section 8-801. Exploitation of Vulnerable Adults Prohibited.", and (4) to have an ACCESS for millions of older seniors OR vulnerable adults to take back/to recover their stolen/deprived property or/and assets by the perpetrators, in the Civil Case, and (5) to RESTORE the JUDICIALLY DISABLED JUSTICE SYSTEM for the JUDICIARY DISABLED Court of Appeals for the Fourth Circuit, in Case No.20-2248, and the JUDICIARY DISABLED Court of Special Appeals of Maryland, in Case No.0037, September Term, 2020, and the JUDICIARY DISABLED U.S. District Court, for Maryland, in Case No. TDC- 19-CV-2227 and in Case No. TDC-20-CV-2123, and the JUDICIARY DISABLED Circuit Court for the Montgomery County, Maryland, in Case No.133326-FL and Case No. 149491-FL, since

2. The Trustee, DAVID DRISCOLL's friendship with the Circuit Court Trial judge(retired), in Case No.133326-FL and Circuit Court's Chief Administrative Judge, in the Montgomery County, Maryland, and the Trustee's UNLAWFUL MISCONDUCTS (ILLEGALLY TRANSFERRING CHOO WASHBURN's Share(50%) of the Wheaton property and Chevy Chase property and reporting NON-EXISTING LIENS for the two parties' two properties, to the Circuit Court, in Case No.133326-FL, made the Maryland State and Federal courts to turn into the JUDICIARY DISABLED Courts; therefore,

3. "The Supreme Law of the Land", this Court's interpretation for "MD Crim. Law Rule

Section 8 – 801(f) that states, “This Section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim’s family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim’s property.”, may provide an ACCESS for millions of older seniors OR vulnerable adults, to recover their stolen/deprived properties or assets, that were stolen/deprived/taken by the perpetrators, in the Civil Case(see, APP.#I, as reference).

4. On July 6, 2021 the Court of Appeals’ Order(APP.#C), failed to comply with the “Erie Doctrine” (“U.S. Supreme Court, Erie Railroad Co. v. Tompkins, 304 U.S. 64(1938”)), for the Petitioner’s Claim, No. 20-2248, in Civil Case, in the Diversity Jurisdiction, and failed to apply the Judgment of Absolute Divorce(APP.#D) and Maryland Laws and the “2018 Maryland H.B. 956: Bill Summary”, to the Petitioner’s Claim, and AFFIRMED its Judgment(APP.#A) and its Opinion (APP.#A), on May 24, 2021, that affirmed the US District Court’s Order(APP.#B), on October 22, 2020, that UNLAWFULLY and UNCONSTITUTIONALLY granted the Respondent, BCCB/JOHN NUNEZ ILLEGALLY depriving/taking the Petitioner, CHOO WASHBURN’s Share(50%) of the Chevy Chase property, from CHOO WASHBURN, by ILLEGALLY TRANSFERRING CHOO WASHBURN’s Share(50%) of the Chevy Chase property, to the Respondent, BCCB, on September 19, 2018, with the Trustee, DAVID DRISCOLL, that constitutes UNLAWFUL MISCONDUCT, under the NEWLY FOUND “Maryland Fam. Law Code Ann. Section 8-202(a)(3)” and “Section 8-205(a)”, and that constitutes UNLAWFUL MISCONDUCT, under 8 U.S.C. Section 1101(a)43(G) – Theft Offense”, and that is prohibited in Maryland, under “Maryland Crim. Law Rule Section 8-801- Exploitation of Vulnerable Adults Prohibited.”, furthermore;

5. On July 6, 2021, the Court of Appeals’ Order(APP.#C) UNCONSTITUTIONALLY and

UNLAWFULLY AFFIRMED the BCCB/JOHN NUNEZ's demolishing the stolen/deprived CHOO WASHBURN's Share(50%) of the Chevy Chase Property, that constitutes UNLAWFUL MISCONDUCT, under "Maryland Code Crim. Law Section 6 – 301- Malicious Destruction of Property", and that is protected under the "Taking Clause", in the "Fifth Amendment to the Constitution of the United States", that says, "nor shall private property be taken public use, without just compensation.", and that is protected under the "Due Process Clause" in the "Fifth and Fourteenth Amendment to the Constitution of the United States", that say, "nor be deprived of life, liberty, or property, without due process of law"; moreover,

6. The Respondent, BCCB/JOHN NUNEZ's ILLEGALLY Taking/Depriving CHOO WASHBURN's Share(50%) of the Chevy Chase property, from CHOO WASHBURN, and demolishing CHOO WASHBURN's Share(50%) of the "PRIVATE PROPERTY", *is NOT/was NOT* for the "public use", such as building a public school, *BUT is/was* for the Conspiracy, that constitutes UNLAWFUL MISCONDUCT, under "18 U.S.C. Section 241 – Conspiracy"; therefore,

7. On July 6, 2021, it appears that the US Court of Appeals, became the JUDICIARY DISABLED Appellate Court in Case No.20-2248, since

8. In the "Petition for Re-Hearing"(APP.#H), that CHOO WASHBURN TIMELY filed, on June 3, 2021, clearly stated that the Respondent, BCCB/ JOHN NUNEZ ILLEGALLY TRANSFERRED CHOO WASHBURN's Share(50%) of the Chevy Chase property, to the Respondent, BCCB, in the fraudulent DEED(APP.#J), in BOOK: 56687, in PAGE: 343, on September 19, 2018, with the Trustee, DAVID DRISCOLL, that constitutes UNLAWFUL MISCONDUCT, under the NEWLY FOUND "Maryland Fam. Law Code Ann. Section 8 -202(a)(3)" and "Section 8 – 205(a)"; however,

9. On July 6, 2021, the Court of Appeals' Order(APP.#C) that affirmed its Judgment

(APP.#A) and its Opinion(APP.#A), on May 24, 2021, violated the Petitioner, CHOO WASHBURN's "Constitutional property right" and violated the "CONSTITUTION, since the Court of Appeals' Order DENIED the Petitioner's TIMELY filed "Petition for Re-Hearing"(APP.#H), and AFFIRMED the lower court's Order(APP.#B), on October 22, 2020, that failed to comply with "the Supreme Law of the Land", this Court declared the "Erie Doctrine", to the Petitioner's Claim, in the Diversity Jurisdiction:

- 1. "The Supreme Court declared ..." 2. A federal court exercising jurisdiction over such a case on the ground of diversity of citizenship, is not free to treat this question as one of so – called "general law", but must apply the state law as declared by the highest state court. *Swift v. Tyson*, 16 pet. 1, overruled. *Id.*
- 3. There is no federal general common law. Congress has no power to declare substantive rules of common law applicable in a State whether they be local in their nature or "general", whether they be commercial law or a part of the law of torts. And no clause in the constitution purports to confer such a power upon the federal courts. Except in matters governed by the Federal Constitution or by Acts of Congress, the law to be applied in any case is the law of the State. And whether the law of the State shall be declared by its legislature in a statute or by its highest court in a decision is not a matter of federal concern. P. 304 U.S. 78.
- 4. In disapproving the doctrine of *Swift v. Tyson*, the court does not hold unconstitutional Section 34 of the Federal Judiciary Act of 1789 or any other Act of Congress. It merely declares that, by applying the doctrine of that case, rights which are reserved by the constitution to the several states have been invaded. P.304 U.S. 79."
- 5. "U.S. Supreme Court, *Erie Railroad Co. v. Tompkins*, 304 U.S. 64(1938), *Erie Railroad Co. v. Tompkins* No.367 Argued January 31, 1938, Decided April 25, 1938 304 U.S. 64";

10. The lower court Order failed to apply the "2018 Maryland H.B. 956: Bill Summary", and failed to apply the Judgment of Absolute Divorce(APP.#D), and failed to apply the "Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)", to the Petitioner's Claim, in Civil Case No. TDC-19-CV-2227, and

11. "Maryland Fam. Law Code Ann. Section 8-202(a)(3), and Section 8-205(a)", state:  
"Section 8 – 202 – Ownership of personal and real property"

“(a)(3) Except as provided in Section 8 – 205 of this subtitle, the court may not transfer the ownership of personal or real property from one party to the other”, and

“Md. Fam. Law Code Ann. Section 8 – 205”

“(a)(1) Subject to the provisions of subsection (b) of this section, after the court determines which property is marital property, and the value of the marital property, the court may transfer ownership of an interest in property described in paragraph (2) of this subsection, grant a monetary award, or both, as an adjustment of the equities and rights of the parties concerning marital property, whether or not alimony is awarded”; therefore,

12. On October 22, 2020, the lower court entered UNLAWFUL and UNCONSTITUTIONAL Order(APP.#B), and UNLAWFULLY and CONSTITUTIONALLY granted the BCCB/JOHN NUNEZ’s ILLEGALLY TRANSFERRING CHOO WASHBURN’s Share(50%) of the Chevy Chase property, to the BCCB, with the Trustee, on September 19, 2018, that constitutes UNLAWFUL MISCONDUCT, under the NEWLY FOUND “Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)”, and

13. The lower court Order UNLAWFULLY granted the BCCB/JOHN NUNEZ ILLEGALLY DEPRIVING/TAKING and ILLEGALLY DEMOLISHING CHOO WASHBURN’s Share(50%) of the Chevy Chase property, that is prohibited in Maryland, under “Maryland Crim. Law Rule Section 8- 801. Exploitation of Vulnerable Adults Prohibited.”, since CHOO WASHBURN is over 68 years old elderly, and furthermore,

14. The lower court Order UNCONSTITUTIONALLY granted the BCCB/JOHN NUNEZ ILLEGALLY building a new house on top and under the deprived/stolen and ILLEGALLY taken CHOO WASHBURN’s Share(50%) of the Chevy Chase property land, from CHOO WASHBURN,

15. The lower court failed to apply the “Financial Crimes against the Elderly 2018 Legislation” and failed to apply the “2018 Maryland H.B. 956: “Bill Summary”, to the Petitioner,

CHOO WASHBURN's Claim, in the Civil Case No. TDC-19-CV-2227, in the Diversity Jurisdiction, and UNJUSTLY closed CHOO WASHBURN's Claim, in the "Motion to Dismiss" stage, without any hearing, for the Detinue Action for Return of the Petitioner, CHOO WASHBURN's Share(50%) of the Chevy Chase property, that is Petitioner's "private property", since the Petitioner was awarded in the Judgment of Absolute Divorce(APP.#D), on March 23, 2017, and

16. The "2018 Maryland H.B.956: Bill Summary" states that "Authorizes *a victim of a certain offense* to bring a *Civil Action* (Attached: a copy of the letter(APP.#I) that the Montgomery County Chair, Ms. Isabelle Schoenfeld, wrote on behalf of the Montgomery County Commission on Aging, to the Montgomery County Delegates, on February 14, 2018, as reference), for treble damages *against a certain person*; establishes that a *certain criminal conviction is not a prerequisite...*",

17. The lower court Order(APP.#B) violated CHOO WASHBURN's "Constitutional Property Right", since the "Due Process Clause" and "Taking Clause", that are in the Fifth Amendment to the Constitution of the United States, say that "... nor be deprived of life, liberty, or property, without due process of law"; "nor shall private property be taken for public use, without just compensation.", and the "Due Process Clause" that is in the Fourteenth Amendment to the Constitution of the United States, says that "... NO person shall be deprived of life, liberty, or property, without due process of law", and

18. In the ""Kelo v. City of New London(2005)" ,

""the Supreme ""Court, on a 5 to 4 vote, held that a city's plan to condemn in a residential neighborhood and give the acreage to provide a developer for \$1 for a 99 – year lease to create an upscale development did not violate the Fifth Amendment's requirement that taking of property be for "a public purpose", such as a highway, or a park, or public utilities, railroad companies, or bridge companies, when they are promoting a valid public purpose..., or for "Regulatory takings, like environmental

restrictions”; however, as provided by the Fifth Amendment, the government had to provide “Just Compensation” for the taking.””,

The “Supreme Court affirms that property rights are among American’s most important Constitutional rights.”, and furthermore;

19. “The Supreme Law of the Land”, this Court stated in “Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401(1958)”, that:

“NO State legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it. P.358 U.S.18.”, and

“... the command of the Fourteenth Amendment states that “No State shall deny to any person within its jurisdiction that equal protection of the laws. P.358 U. S. 19.”, and

The U.S. Supreme Court stated that “If a judge does NOT fully comply with the Constitution, then his Orders are void, s/he is without jurisdiction, and s/he has engaged in an act or acts of treason.”

“when the Federal Judges’ Order violate a party’s Constitutional Right, the Order should be voided.”

20. “Taking Clause” in the Fifth Amendment to the Constitution of the United States, requires that the Federal government must pay “Just Compensation” to the property owner when the private property is taken for the “public use”, and furthermore;

21. “If the use the property is taken is not ‘public’, taking violates the constitution... even if compensation is paid”; moreover,

22. On September 19, 2018, the BCCB/JOHN NUNEZ’s ILLEGALLY depriving/taking CHOO WASHBURN’s Share(50%) of the Chevy Chase property, that is CHOO WASHBURN’s “PRIVATE PROPERTY”, that CHOO WASHBURN was awarded in the Judgment of Absolute Divorce (APP.#D), from CHOO WASHBURN, *is NOT/was NOT* for “public use”: building a public school, or highway, *BUT* the BCCB/JOHN NUNEZ’s ILLEGALLY depriving/taking CHOO WASHBURN’s Share(50%) of the Chevy Chase property, from CHOO WASHBURN, and demolishing CHOO

WASHBURN's Share(50%) of the "Private Property", is exclusively for the CONSPIRACY, that constitutes UNLAWFUL MISCONDUCT, under 18 U.S.C Section 241 – Conspiracy", and that constitutes UNLAWFUL MISCONDUCT, under 8 U.S.C. Section 1101(a)43(G) – Theft Offense", and that constitutes UNLAWFUL MISCONDUCT, under Maryland Code Crim. Law Section 6 – 301. – Malicious Destruction of Property", and furthermore;

23. The lower court closing CHOO WASHBURN's Claim, prevented CHOO WASHBURN from the access of the court, "to sue("file petition"), be parties, to give evidences", and to the full and equal benefit of all laws", that is protected under, "42 U.S. Code Section 1981 – Equal Rights under the Laws", and the lower court violated CHOO WASHBURN's First Amendment ("file petition") to the Constitution of the United States; therefore,

24. On July 6, 2021, the Court of Appeals' Order(APP.#C), that AFFIRMED its Judgment (APP.#A) and its Opinion(APP.#A), on May 24, 2021, and that AFFIRMED the lower court's Order(APP.#B), on October 22, 2020, that failed to comply with the "Erie Doctrine", and that failed to apply the "Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)", and the "2018 Maryland H.B. 956": "Bill Summary"(see, APP.#I, as reference), to the Petitioner's Claim, in this Civil Case, in the diversity jurisdiction, FAILED to define the meaning of the "PROPERTY", that is in the Fifth and Fourteenth Amendment to the Constitution of the United States, and VIOLATED the Petitioner's "Constitutional property right", that is protected under the "Due Process Clause" and "Taking Clause" in the "Fifth Amendment to the Constitution of the United States, and that is protected under the "Due Process Clause", in the Fourteenth Amendment to the Constitution of the United States".

## BACKGROUND

1. On March 23, 2017, in the Judgment of Absolute Divorce(APP.#D), in the Page 3, the Circuit Court, without knowing the facts that the two parties' two properties were fully paid off and in addition, over three(3 ) million dollars of the Overpayments, and that were accumulated monies with over three(3 ) decades of NON- Existing monthly mortgage payments, NON- Existing Re-Financed Loan, NON- Existing "Pay-Offs", and NON-Existing monthly Equity Loan payments, were deposited in the parties' two properties' joint mortgage accounts, appointed the Trustee, DAVID DRISCOLL, to sell the two parties' two properties(Chevy Chase property and Wheaton property) to divide the proceed equally between the two parties, from the Sale of two properties, and

2. On May 3, 2017, in the Court Order Acceptable for Processing, in the Page 2, in #6, in "C"(see, attachment of APP.#H), the Circuit Court directed to the OPM:

"The OPM is hereby directed to make payments of the Former Spouse's Share pursuant to this Order directly to said Former Spouse. Payments of the Former Spouse's Share shall be paid if, as and when payments of Employee's monthly annuity are made to Employee.",

which means that "payments of Former Spouse's Share shall commence when the pension goes into the pay status."; therefore,

since the Petitioner's ex-husband, LARRY WASHBURN retired from the Federal Government, at the NIH, National Institute of Aging, at Bethesda, Maryland, as an employee, at the DOD, on July 30, 2011,

from August 1, 2011 to March 31, 2018, for 6 years 8 months, LARRY WASHBURN was receiving monthly annuity, from the OPM, that was included CHOO WASHBURN's Share (36.28%) of monthly annuity; therefore,

LARRY WASHBURN had to PAY BACK CHOO WASHBURN's Share(36.28%) of annuity, in

the amount of, over \$230,000.00, that is for 6 years and 8 months, from August 1, 2011 to March 31, 2018, to the OPM; therefore,

3. On around April 16, 2018, because of the OPM's "Negligence of the Computer Security", LARRY WASHBURN and Mr. ROBERT MCCARTHY, with LARRY WASHBURN's Exceeds Authorized OPM Computer Access, ILLEGALLY hacked/intruded UNAUTHORIZED CHOO WASHBURN's Share(36.28%) of annuity account, and ILLEGALLY altered/changed/RE-TITLED annuity recipient's name, from CHOO WASHBURN into ROBERT MCCARTHY, for the CONSPIRACY, that constitutes UNLAWFUL MISCONDUCT, under "18 U.S.C. Section 241 – Conspiracy", and DEPRIVED/STOLE CHOO WASHBURN's Share(50%) of the marital properties (assets) and CHOO WASHBURN's Share(36.28%) of life time monthly annuity, from CHOO WASHBURN, who is over 68 years old elderly, that is prohibited in Maryland, under "MD Crim. Law Rule Section 8 – 801. Exploitation of Vulnerable Adults Prohibited.", and that constitutes UNLAWFUL MISCONDUCT, under "Exceeds Authorized Access Clause of 18 U.S.C. Section 1030(a)(2)", and that constitutes UNLAWFUL MISCONDUCT, under 8 U.S.C. Section 1101(a)43(G) – Theft Offense",

4. From May 1, 2018, Mr. MCCARTHY, who does NOT have any right to obtain CHOO WASHBURN's Share(36.38%) of life time monthly annuity, UNLAWFULLY received CHOO WASHBURN's Share(36.28%) of life time monthly annuity, from the OPM, for every month, in Mr. MCCARTHY's name, that CHOO WASHBURN was awarded in the Judgment of Absolute Divorce(APP.#D), in the Page 3, on March 23, 2017.

5. On November 22, 2017, Mr. ROBERT MCCARTHY was appointed as the Temporary (APP.#E) Guardian of Property, in Case No. 149491-FL, for CHOO WASHBURN's contested/

disputed money, in the amount of, \$32,233.89, and that was deposited in the registry of the Circuit court, and

6. The money, \$32,233.89 was the combined money, with the UNJUSTLY allotted money, \$18,794.85, as CHOO WASHBURN's Share(50%) of the proceed, from the NON-EXISTING Sale of the Wheaton property, on July 20, 2017, *plus* around \$12,217.39 with interest, that LARRY WASHBURN tried to pay CHOO WASHBURN for the 2016 Judgment money in 2015 Circuit Court for the Montgomery County Civil Case No.403867-V, for LARRY WASHBURN's violation of the Postnuptial Agreement, and that LARRY WASHBURN owed CHOO WASHBURN, instead of paying MD Income tax.

7. On July 20, 2017, in the Deed, in the BOOK: 54795 PAGE: 64, the Trustee, DAVID DRISCOLL, who participated with LARRY WASHBURN, in the Conspiracy, ILLEGALLY *transferred* the fully paid off LARRY WASHBURN and CHOO WASHBURN's(the two parties') 2<sup>nd</sup> house, Wheaton property, at 11532 Soward Drive, Wheaton, MD 20902(Wheaton property), that constitutes UNLAWFUL MISCONDUCT, under the NEWLY found MD State law, "MD Fam. Law Code Ann. Section 8 – 202(a)(3) and Section 8 -205(a)", and furthermore;

8. On July 21, 2017, the Trustee, DAVID DRISCOLL, who participated with LARRY WASHBURN, in the Conspiracy, reported FALSE LIEN, \$228,593.65, in the Accounting, with the Circuit Court for the Wheaton property, that was fully paid off, and that constitutes UNLAWFUL MISCONDUCT, under "MD Crim. Law Code 3 – 807 – Filing fraudulent Liens Prohibited."; therefore,

9. On February 2, 2018, the Circuit Court trial Judge's(retired) recommendation, the Chief Administrative Judge, entered UNJUSTIFIED "Order Prohibiting Vexatious Pleadings"

(APP.#F: See, in the Page 2, in the third paragraph, of the Order), to make CHOO WASHBURN silent, for the Trustee's UNLAWFUL MISCONDUCTS, for ILLEGALLY TRANSFERRING CHOO WASHBURN's Share(50%) of the 2<sup>nd</sup> house, the Wheaton property and ILLEGALLY reporting FALSE LIEN, with the Circuit Court, and

10. The Circuit Court trial Judge(retired) and the Chief Administrative Judge made the Circuit Court Case No.133326-FL and Case No.149491-FL, as the "ONE PARTY ONLY" cases, and made the Respondent, BCCB/JOHN NUNEZ, and the Trustee, DAVID DRISCOLL, and LARRY WASHBURN, and Mr. ROBERT McCARTHY to commit UNLAWFUL MISCONDUCTS, and made the Circuit Court for the Montgomery County, completely JUDICIARY DISABLED COURT, and ABUSED THE JUDGE'S DISCRETION,

11. In "North v. North, 102 Md. App. 1, 13, 648 A. 2d 1025(1994)", Court of Special Appeals of Maryland, Case No.1441, September Term, 2009". in its opinion, the Court of Special Appeals, stated, ""An Abuse of discretion occurs "where no reasonable person would take the view adopted by the Court." OR, if the Court acts "without reference to any guiding rules or principles.""

12. On February 2, 2018, since CHOO WASHBURN did NOT know the existence of the "Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)", CHOO WASHBURN did NOT know TRANSFERRING personal property or real property from one party to the other party, constitutes UNLAWFUL MISCONDUCT, under "Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)"; therefore, CHOO WASHBURN could NOT testify before the Circuit Court that the Trustee should be removed from the Case No.133326-FL; therefore,

13. On February 2, 2018, the Chief Administrative Judge, UNJUSTLY entered the

Order(APP.#F) Prohibiting Vexatious Pleading" and prohibited CHOO WASHBURN from the access of the Circuit Court, "to sue("file petition"), to present evidences, and to seek Justice" and violated CHOO WASHBURN's "First Amendment to the Constitution of the United States", and violated the "Equal Protection of the Law" that is in "the Fourteenth Amendment to the Constitution of the United States".

14. On February 21, 2018, the Circuit Court ordered LARRY WASHBURN to pay CHOO WASHBURN's Alimony, to Mr. ROBERT MCCARTHY, and

15. On July 12, 2018, Mr. MCCARTHY was appointed as the Guardian of the Property (APP.#G), because of CHOO WASHBURN's employed attorney's LEGAL MALPRACTICE;

16. On September 19, 2018, the Guardian of the Property, Mr. ROBERT MCCARTHY also participated with the Respondent, BCCB/JOHN NUNEZ and LARRY WASHBURN and Trustee, DAVID DRISCOLL, in CONSPIRACY for the Respondent, BCCB/JOHN NUNEZ's DEPRIVING/ILLEGALLY TAKING CHOO WASHBURN's Share(50%) of the Chevy Chase property, from CHOO WASHBURN, who is over 68 years old elderly, that is prohibited in Maryland, under "MD Crim. Law Rule Section 8-801. Exploitation of Vulnerable Adults Prohibited", by the BCCB/JOHN NUNEZ and the Trustee, DAVID DRISCOLL ILLEGALLY TRANSFERRING CHOO WASHBURN's Share(50%) of the Chevy Chase property, in the fraudulent DEED(APP.#J), in the BOOK: 56687 PAGE: 343, to the Respondent, BCCB, that constitutes UNLAWFUL MISCONDUCT, under NEWLY FOUND "MD Fam. Law Code Ann. Section 8 – 202(a)(3)" and "Section 8 -205(a)", and the BCCB/JOHN NUNEZ and the Trustee, DAVID DRISCOLL reporting FALSE LIEN, in the Accounting for ILLEGALLY TRANSFERRING CHOO WASHBURN's Share(50%) of the Chevy Chase property, to the BCCB, to the Circuit Court, that constitutes UNLAWFUL MISCONDUCT, under "MD Crim. Law

Code 3 – 807 – Filing fraudulent Liens Prohibited.”, and

17. Mr. MCCARTHY filed FALSIFYING Federal Income Tax report to IRS and FALSIFYING Maryland State Tax report to Maryland State Comptroller Office, for CHOO WASHBURN, who is a citizen of the State of Virginia, by Mr. MCCARTHY ILLEGALLY using CHOO WASHBURN's identity/Social Security number, and FALSELY listing Mr. MCCARTHY's Maryland office address, at 4405 East West Highway, suite: #201, Bethesda, MD 20814, as CHOO WASHBURN's FAKE home address, without CHOO WASHBURN's agreement and without CHOO WASHBURN's signature, that constitutes the UNLAWFUL MISCONDUCT, under “8 U. S. Code Section 1324(c) – Penalties for document fraud(a)(1)/(2) and (f)”, and

18. Mr. MCCARTHY received CHOO WASHBURN's COVID 19 Economic Impact Stimulus Payment checks, at Mr. MCCARTHY's Bethesda Maryland office address, from the IRS, ILLEGALLY using CHOO WASHBURN's Social Security Number, and using Mr. MCCARTHY'S Maryland Office address, as CHOO WASHBURN's FAKE address, that constitutes UNLAWFUL MISCONDUCT, under “18 U.S.C. Section 1028A – Aggravated Identity Theft”, and

19. Mr. MCCARTHY refused to give the COVID 19 Economic Impact Stimulus Payment Check and CHOO WASHBURN's Share(36.28%) of monthly annuity, to CHOO WASHBURN, for the necessities of CHOO WASHBURN's life for health and safety, and

20. Mr. MCCARTHY violated the July 12, 2018 Order(APP.#G), and Mr. MCCARTHY breached the Guardian of the Property's Responsibilities, and currently Mr. MCCARTHY only gives CHOO WASHBURN \$150 for a week, and

21. Mr. MCCARTHY made a Seabury Resource of Aging/Seabury Care Management Case manager, whom CHOO WASHBURN NEVER met, and who works for Mr. MCCARTHY's many

cases, and who has a Seabury Resource of Aging issued credit card, to pay CHOO WASHBURN's hotel bills(current hotel is \$1,950 for a month), and instead of Hotel bill receipts, Mr. MCCARTHY obtained the FAKE and NON-EXISTING medical invoices, from the Seabury Resource of Aging, that CHOO WASHBURN did NOT go to, for any kind of reason, and Mr. MCCARTHY filed "FAKE" Fiduciary Report to the Circuit Court, and furthermore;

22. Since CHOO WASHBURN is a citizen of the State of Virginia, Mr. MCCARTHY who was WRONGLY appointed as the Guardian of the Property, in MD, does NOT have any jurisdiction.

#### **STATEMENTS OF THE FACT**

1. On September 19, 2018, the Respondent, BCCB/JOHN NUNEZ ILLEGALLY TRANSFERRED CHOO WASHBURN's Share(50%) of the Chevy Chase property, to the Respondent, BCCB, in the DEED(APP.#J), in BOOK: 56687 PAGE: 343, with the Trustee, DAVID DRISCOLL, that constitutes UNLAWFUL MISCONDUCT, under the NEWLY FOUND "Maryland Fam. Law Code Ann. Section 8 – 202(a)(3) and Section 8 -205(a)", and

2. The Court of Special Appeals of Maryland stated, in Case No. 1840, September Term, 1992, in "Alfred J. Pleasant v. Diana E. Pleasant", that

""the Trial Judge has NO authority to transfer of the Title of ownership of property from one of the parties to the other", "other than to transfer an interest in a pension, retirement, profit sharing, or deferred compensation plan, Md. Fam. Law Code Ann. Section 8 – 202(a)(3) and Section 8 – 205(a). Rather, the trial judge may either grant a monetary award to adjust the equities of the parties, *id.* Section 8 – 205(a), or, in the case of property owned by both of them, order that the property be sold and the proceeds divided equally.""

*"Id.* Section 8 – 202(b)(2). ("Pleasant v. Pleasant, 632 A. 2d 202(Md. Ct. Spec. App. 1993, Court of Special Appeals of Maryland 97 Md. App. 711(1993)"

3. Therefore, the Trustee, DAVID DRISCOLL, who was appointed, to sell the two parties' two properties, in the Judgment of Absolute Divorce(APP.#D), in the Page 3, does NOT/did NOT

have any authority to transfer any of the two parties' two properties; furthermore,

4. On November 13, 2018 Order(see, Attachment of APP.#H), that the Montgomery County Circuit Court entered, is absolutely WRONG Order, since the Circuit Court does NOT/did NOT have any authority, to enter the Order for granting the Trustee's Accounting that the Respondent, BCCB/JOHN NUNEZ UNLAWFULLY *transferred*(APP.#J) CHOO WASHBURN's Share (50%) of the Chevy Chase property, in the fraudulent DEED(APP.#J), in BOOK: 56687 PAGE: 343, to the Respondent, BCCB, with the Trustee, on September 19, 2018, that constitutes UNLAWFUL MISCONDUCT, under the NEWLY FOUND "MD Family Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and that the Trustee *reported the False Lien* in the Accounting, with the Circuit Court, that constitutes UNLAWFUL MISCONDUCT, under "Maryland Crim. Law Code 3 – 807 – Filing fraudulent Liens Prohibited."

5. On August 1, 2019, without knowing the existence of the "Maryland Fam. Law code Ann. Section 8-202(a)(3) and Section 8-205(a)", CHOO WASHBURN brought the Civil Action Case No.TDC-19-CV-2227, that is the Court of Appeals' Case No. 20-2248, to the lower court, for MD, the Complaint for the Detinue Action for the Return of CHOO WASHBURN's Share(50%) of the present Chevy Chase property, to CHOO WASHBURN, against the BCCB/JOHN NUNEZ, under the "2018 Maryland H. B. 956: Bill Summary", that the Maryland adopted resolutions of the "Financial Crimes against the Elderly 2018 Legislation", and the Maryland further

"Authorizes a victim of a certain offense to bring a civil action for treble damages against a certain person; establishes that a certain criminal conviction is not a prerequisite for maintenance of an action under the Act; provides for the recovery of reasonable attorneys' fees and court costs in an action brought under the Act; and applies the Act prospectively.", and

Under the "MD Criminal Law Rule Section "8-801(b)(2)", that states,

“(b) Prohibited.-

“(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual’s property.”, and

“MD Criminal Law Rule Section 8 – 801,2(iii)”, that states,

“Shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner’s estate”, and

“MD Criminal Law Rule Section 8 – 801(f)”, that states,

“(f) Construction of Section. – This Section may not be construed to impose criminal liability on a person who, at the request of the victim of the offense, the victim’s family, or the court appointed guardian of the victim, has made a good faith effort to assist the victim in the management of or transfer of the victim’s property.”;

6. However, on August 1, 2019, in the Complaint, CHOO WASHBURN did NOT state that CHOO WASHBURN brought the Complaint, under the “MD Crim. Law Rule Section 8-801. Exploitation of Vulnerable Adults Prohibited”, and under the “Financial Crimes against the Elderly 2018 Legislation”, that Maryland enacted legislation and adopted the resolutions, and further authorized that under the “2018 Maryland H.B. 956: Bill Summary” (see, APP.#I, as reference): “a criminal conviction is not prerequisite for the older victims to bring a civil action for the treble Damages”, since CHOO WASHBURN was not sure that CHOO WASHBURN can state Maryland Laws, in the Complaint that CHOO WASHBURN brought to the federal court, in the Diversity Jurisdiction; however,

7. On August 14, 2019, in the “Memorandum for Show Cause Pursuant to Order and Law in Support, in the Page 5 and in the Page 6, and on May 26, 2020, in the ““Plaintiff, CHOO WASHBURN’s Memorandum and Law in Support in Opposition to Bethesda-Chevy Chase Builders, LLC.(BCCB)/JOHN NUNEZ’S “Motion to Dismiss Complaint””, in the Page 3 and in the

Page 4, CHOO WASHBURN clearly stated that CHOO WASHBURN brought this Civil Action under the "MD Law Rule Section 8-801. Exploitation of Vulnerable Adults Prohibited.", and under the "Financial Crimes against Elderly 2018 Legislation", and "MD H.B. 956: Bill Summary".

8. On August 1, 2019, in the Complaint, in the Page 1, and in the Page 18, and in the Page 19, that CHOO WASHBURN requested to the lower court to Return of CHOO WASHBURN's Share(50%) of the present Chevy Chase property, to CHOO WASHBURN, against the BCCB/JOHN NUNEZ, and furthermore;

9. In Alternative, in the Complaint, in the Page 2 and in the Page 19, CHOO WASHBURN requested to the lower court to order the Defendant, BCCB/JOHN NUNEZ shall pay the Market Value of Monies for CHOO WASHBURN's Share(50%) of the present Chevy Chase property and for the Damage Claim, the Market Value of money for CHOO WASHBURN's Share(50%) of the Chevy Chase property, on September 19, 2018 for the Defendant, BCCB/JOHN NUNEZ's Demolishing CHOO WASHBURN's Share(50%) of the Chevy Chase property; however,

10. On October 22, 2020, in the "Memorandum Opinion"(APP.#B), the lower court UNJUSTLY stated that the lower court closed CHOO WASHBURN's Claim, as "Failure State Claim, and CHOO WASHBURN's Detinue Action for Return Property, is "REAL PROPERTY", that is not available in Maryland, since under Maryland Rule 12- 602, the party can claim only "personal chattel" but "not the real property", which is absolutely WRONG, since

11. The lower court failed to comply with the U.S. Supreme Court's "Erie Doctrine", and failed to apply the "Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)", and the "Judgment of Absolute Divorce"(APP.#D), to CHOO WASHBURN's Claim, and violated CHOO WASHBURN's "Constitutional property right", that is protected under the "Due Process

Clause" and "Taking Clause" in the Fifth Amendment to the Constitution of the United States and that is protected under "Due Process Clause" in the Fourteenth Amendment to the Constitution of the United States.

12. On October 22, 2020, the lower Court FALSELY stated in the "Memorandum Opinion"(APP.#B), that the lower court closed CHOO WASHBURN's Claim, as the "collateral estoppel" and "res judicata" claim; however,

13. In the Judgment of Absolute Divorce(APP.#D), in the Page 3, the Circuit Court for the Montgomery County clearly stated that CHOO WASHBURN was awarded 50% of the two parties' two properties (Wheaton property and Chevy Chase property), and in the Docket Entry, in Case No.133326-FL, there is NO one filed a "Motion to Approve a Written Contract for Approval of Sales Agreement", for the Chevy Chase property, that is "necessary procedural requirement", in the Judicial Sale of the real estate, the Chevy Chase property, in the Divorce proceeding("Morgan v. Morgan", for "three stages of the Judicial Sale"), and furthermore;

14. On August 3, 2017 Circuit Court Motion Hearing, in Case No.133326-FL, is *NOT* for litigation about ratifying sale of the Chevy Chase property, *BUT* the August 3, 2017 Motion Hearing is for CHOO WASHBURN's "Motion to Remove the Trustee" for the Trustee's misconducts, in connection with the NON-EXISTING Sale, on July 20, 2017, for the 2<sup>nd</sup> house, Wheaton property, and

15. In the August 3, 2017 Hearing, in the Transcript(see, Attachment in APP.#H, for the Petition for Re-Hearing), in the Page16, from Line 5 to Line 6, the Circuit Court reminded CHOO WASHBURN that "Keep in mind, this is supposed to be your motion about why Mr. Driscoll should be removed...", and

16. On August 3, 2017 and on September 7, 2017 Motion Hearings, CHOO WASHBURN did NOT know the existence of the "Maryland Fam. Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and "MD Crim. Law Code 3 – 807 – Filing fraudulent Liens Prohibited."; therefore

17. On August 3, 2017 Hearing, CHOO WASHBURN could NOT testify before the Circuit Court that the Trustee should be removed, in Case No.133326-FL, since the Trustee ILLEGALLY TRANSFERRED CHOO WASHBURN's Share(50%) of the two parties' 2<sup>nd</sup> house, the Wheaton property, on July 20, 2017, that constitutes UNLAWFUL MISCONDUCT, under the "Maryland Fam. Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and since the Trustee reported FALSE LIEN, for the 2<sup>nd</sup> house, Wheaton property, on July 21, 2017, in the Trustee's Accounting, to the Circuit Court, that constitutes UNLAWFUL MISCONDUCT, under the "MD Crim. Law Code 3 – 807 – Filing fraudulent Liens Prohibited.", and

18. The September 7, 2017 Hearing is for the "Lifting the Stay of the Sale of the Chevy Chase property, without waiting the Court of Special Appeals' decision for CHOO WASHBURN's Appeal No.50(Washburn v. Washburn), September Term, 2017, for the Judgment of Absolute Divorce that the Circuit Court ordered to sell the Chevy Chase property to divide the proceed equally between the two parties, which the Court of Special Appeals AFFIRMED (see, Attachment of APP.#H, for Petition for Re-Hearing), on May 3, 2018, the Circuit Court's decision for the Judgment of Absolute Divorce, to sell the Chevy Chase property to divide the proceed equally between the two parties, and the Court of Special Appeals Maryland affirmed all three consolidated Appeals: No. 50, September Term, 2017, and No.992, September Term, 2017, and No.1505 September Term, 2017; therefore,

19. On October 22, 2020, the lower court's Order(APP.#B) that closed CHOO WASHBURN's Claim as "res judicata claim" and "collateral estoppel" is ABSOLUTELY WRONG,

20. On October 22, 2020, the lower court does NOT have any authority to OVERRULE the "Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)", and the lower court does NOT have any authority to enter the Order(APP.#B) to grant the BCCB/ JOHN NUNEZ's ILLEGALLY TRANSFERRING(APP.#J) CHOO WASHBURN's Share(50%) of the Chevy Chase property, in the DEED, in BOOK: 56687 PAGE: 343, to the Respondent, BCCB, with the Trustee, on September 19, 2018, since TRANSFERRING CHOO WASHBURN's Share(50%) of the Chevy Chase property, constitutes UNLAWFUL MISCONDUCT, under the NEWLY FOUND the "MD Family Law Code Ann. Section 8– 202(a)(3)" and "Section 8 –205(a)"; therefore,

21. On July 6, 2021, the Court of Appeals' Order(APP.#C) that DENIED CHOO WASHBURN's TIMELY filed "Petition for Re-Hearing"(APP.#H), and that resulted to AFFIRM its Judgment (APP.#A) and its Opinion(APP.#A), on May 24, 2021, for AFFIRMING the lower court's Order(APP.#B), on October 22, 2020, that failed to comply with the "Erie Doctrine", and that failed to apply the "Financial Crimes against the Elderly 2018 Legislation", and the "2018 Maryland H.B. 956: Bill Summary", (see, APP.#I, as reference) that authorized that a criminal conviction is not prerequisite for the older victims to bring a *civil action* for the treble damages, to the Petitioner's Claim, and that violated CHOO WASHBURN's "Constitutional property right", that is protected under the "DUE PROCESS CLAUSE", and "TAKING CLAUSE", in "the Fifth Amendment to the Constitution of the United States" and that is protected under the "DUE PROCESS CLAUSE", in "the Fourteenth Amendment to the Constitution of the United States", VIOLATED CHOO WASHBURN's "Constitutional property right" and violated the

“CONSTITUTION”.

### **THE REASONS FOR GRANTING THE PETITION FOR THE WRIT OF CERTIORARI**

1. ““When the “trespass” constitutes a “violation of a property owner’s Constitutional Rights”, then, on October 22, 2020, the lower court’s Order(APP.#B) clearly violated CHOO WASHBURN’s “Constitutional property right”, and VIOLATED the “CONSTITUTION”, since According to the ““Amdt 5. 5.1.1 Taking Clause: Overview”,”

““The key provisions in the Constitution”:

“recognize the fundamental nature of the property rights – the right to tell others “keep out”; the right to develop and use land; and the right to derive income from that property. These rights were critically important, both to the Founders who adopted the original Constitution after the Revolution and the drafters of the Fourteenth Amendment after the Civil war.””, and furthermore;

2. The Supreme Court declared in “Cooper v. Aaron, 358 U.S. 1(1958)”, that:

“NO State legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it. P.358 U.S.18.”; therefore,

3. On October 22, 2020, the lower court does NOT have any authority to enter the Order(APP.#B) to grant the Respondent, BCCB/JOHN NUNEZ’s ILLEGALLY TRANSFERRING (APP.#J) CHOO WASHBURN’s Share(50%) of the Chevy Chase property, in the DEED(APP.#J), in BOOK: 56687 PAGE: 343, to the Respondent, BCCB, with the Trustee, on September 19, 2018, since TRANSFERRING CHOO WASHBURN’s Share(50%) of the Chevy Chase property, constitutes UNLAWFUL MISCONDUCT, under the NEWLY found “MD Family Law Code Ann. Section 8 – 202(a)(3)” and “Section 8 –205(a)”, and the lower court’s Order(APP.#B) violated CHOO WASHBURN’s “Constitutional property right” and violated the “CONSTITUTION”; furthermore,

4. The lower court’s Order(APP.#B) UNLAWFULLY and UNCONSTITUTIONALLY GRANTED the BCCB/JOHN NUNEZ to steal/deprive/take CHOO WASHBURN’s Share(50%) of the

Chevy Chase property, from CHOO WASHBURN, who is over 68 years old elderly, that is prohibited in Maryland, under "Maryland Crim. Law Rule Section 8-801. Exploitation of Vulnerable Adults Prohibited.", and that constitutes UNLAWFUL MISCONDUCT, under "8 U.S.C. Section 1101(a)43(G) – Theft Offense"; furthermore;

5. The lower court failed to comply with "the Supreme Law of the Land", this Court declared the "Erie Doctrine", and failed to apply the Judgment of Absolute Divorce(APP.#D), and "Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)", to the Petitioner's Claim, and failed to apply the "Financial Crimes against the Elderly 2018 Legislation", that Maryland adopted the resolutions, and under the "2018 Maryland H.B. 956: Bill Summary", (see, APP.#I, as reference), Maryland "further authorized that a criminal conviction is not prerequisite for the older victims to bring a *civil action* for the treble damages", to the Petitioner's Claim, and violated CHOO WASHBURN's "Constitutional property right", that is protected under the "DUE PROCESS CLAUSE", and "TAKING CLAUSE", in "the Fifth Amendment to the Constitution of the United States" and that is protected under the "DUE PROCESS CLAUSE", in "the Fourteenth Amendment to the Constitution of the United States", and VIOLATED the "CONSTITUTION", and

6. On October 22, 2020, the lower court entered the Order(APP.#B) and closed CHOO WASHBURN's Claim for the Detinue Action, for the Return of CHOO WASHBURN's Share(50%) of the present Chevy Chase property, that clearly has merits, in the "Motion to Dismiss" stage, without any hearing, and without procedural due process, which requires "to follow fair procedures before depriving a person of life, liberty, or property", with only interpretation of "VAGUE LAWS": "Maryland Crim. Law Rule Section 8-801. Exploitation of

Vulnerable Adults Prohibited.” and “Section 8-801(f)” and interpretation of “MD Rule 12-602”, for the “PERSONAL PROPERTY”; therefore,

7. On July 6, 2021, the Court of Appeals’ Order(APP.#C), failed to comply with “the Supreme Law of the Land”, this Court’s “Erie Doctrine”, and UNLAWFULLY and UNCONSTITUTIONALLY DENIED the Petitioner’s TIMELY filed the “Petition for Re-Hearing” (APP.#H), that the Petitioner clearly stated that the Respondent, BCCB/JOHN NUNEZ ILLEGALLY TRANSFERRED(APP.#J) CHOO WASHBURN’s Share(50%) of the Chevy Chase property, in the DEED(APP.#J), in BOOK: 56687 in PAGE: 343, to the Respondent, BCCB, on September 19, 2018, with the Trustee, that constitutes UNLAWFUL MISCONDUCT, under the NEWLY FOUND “Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)”, and the Petitioner, CHOO WASHBURN clearly stated in the “Petition for Re-Hearing”, that the Petitioner brought this Civil Action, under “Maryland H.B. 956: Bill Summary”(see, APP.#I, as reference), that allows the older victim to bring the Civil Action “for the treble damages”; however,

8. On July 6, 2021, the Court of Appeals’ Order(APP.#C), UNJUSTLY AFFIRMED its Judgment(APP.#A) and its Opinion(APP.#A), on May 24, 2021, and failed to comply with the “Erie Doctrine”, and failed to apply “Maryland Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)”, and the Judgment of Absolute Divorce”(APP.#D), and the “2018 Maryland H.B. 956”: “Bill Summary” (see, APP.#I, as reference), to the Petitioner, CHOO WASHBURN’s Claim, under the “Erie Doctrine”, in this Civil Case, in the diversity jurisdiction, and failed to define the meaning of the “PROPERTY”, that is in the Fifth and Fourteenth Amendment to the Constitution of the United States, and violated CHOO WASHBURN’s “Constitutional property right”, that is protected under the “Due Process Clause” and “Taking Clause” in the “Fifth

Amendment to the Constitution of the United States, and that is protected under the "Due Process Clause", in the Fourteenth Amendment to the Constitution of the United States", and violated the "CONSTITUTION", since

9. On July 6, 2021, the Court of Appeals failed to comply with "the Supreme Law of the Land", this Court's guidance, that states,

"The Supreme Court interpreted the Fifth Amendment's Due Process as providing two main protections: (1) procedural due process, which requires government officials to follow fair procedures before depriving a person of life, liberty, or property, and (2) substantive due process, which protects certain fundamental rights from government interference."

"The Supreme Court has also held that the Due Process Clause contains a PROHIBITION against VAGUE LAWS and implied Equal Protection Requirement similar to the Fourteenth Amendment's Equal Protection Clause.", and

"the Supreme Court has recognized":

"The Fifth Amendment's guarantee that private property shall NOT be taken for a public use without JUST COMPENSATION was designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.", and

"Supreme Court affirmed that property rights are among Americans' most important Constitutional rights.", and

10. On June 29, 1992, in "DAVID H. LUCAS, Petitioner v. SOUTH CAROLINA COASTAL COUNCIL, No. 91-453, Supreme Court, 505 U.S. 1003, 112 S. Ct. 2886, 120 L. Ed. 2d 798", in a 6 to 2 decision, the Supreme Court ruled that "owners are entitled to compensation only if the owner's lots are valueless" because of the "State's regulations"; moreover,

11. On September 19, 2018, the Respondent, BCCB/JOHN NUNEZ's ILLEGALLY TAKING/DEPRIVING CHOO WASHBURN's Share(50%) of the Chevy Chase property, from CHOO WASHBURN, that CHOO WASHBURN was awarded in the Judgment of Absolute Divorce

(APP.#D), by ILLEGALLY TRANSFERRING CHOO WASHBURN's Share(50%) of the Chevy Chase property, in the fraudulent DEED(APP.#J, in BOOK, 56687, in PAGE 343, to the Respondent, BCCB, with the Trustee, that constitutes UNLAWFUL MISCONDUCT, under the "Maryland Fam. Law Code Ann. Section 8-202(a)(3)" and "Section 8-205(a)", and that constitutes UNLAWFUL MISCONDUCT, under "8 U.S.C. Section 1101(a)43(G) - Theft Offense", *is NOT/was NOT FOR "public benefit"*, OR, *is NOT/was NOT FOR "the state regulation(s)"*, *BUT is/was FOR the CONSPIRACY*; furthermore

12. On July 6, 2021, the Court of Appeals' Order(APP.#C) violated CHOO WASHBURN's "First Amendment ("file petition") to the Constitution of the United States", and violated the "Equal Protection of the Law" that is in the "Fourteenth Amendment to the Constitution of the United States", since the Petitioner, CHOO WASHBURN was a *FORMA PAUPRIS* proceeding indigent pro se litigant, who cannot afford to employ an attorney to protect CHOO WASHBURN's rights, the Court of Appeals UNJUSTLY and UNFAIRLY prevented CHOO WASHBURN from the "access of the Court to sue("file petition"), to present evidences", and to seek the Justice; therefore,

13. "The Supreme Law of the Land", this Court's interpretation of the "PROPERTY", that is in the Fifth and Fourteenth Amendment to the Constitution of the United States, and interpretation of the "Maryland Law, "MD Crim. Law Rule Section 8-801(f)", and do the federal Judges have to protect the Petitioner's "Constitutional property right" that is protected under the "CONSTITUTION", in the Civil Case, in the Diversity Jurisdiction?, and do the federal Judges have to apply the "2018 Maryland H.B. 956": "Bill Summary", in the Civil Case, in the diversity jurisdiction, under the "Erie Doctrine"?, and the remaining "Questions Presented", are crucial,

(1) to protect the “CONSTITUTION”, and (2) to protect CHOO WASHBURN’s “Constitutional property right”, and (3) to recover CHOO WASHBURN’s Share (50%) of the Chevy Chase property that the Respondent, BCCB/JOHN NUNEZ stole/deprived or/and ILLEGALLY taken, from CHOO WASHBURN, by the BCCB/JOHN NUNEZ’s ILLEGALLY TRANSFERRING CHOO WASHBURN’s Share(50%) of the Chevy Chase property, that CHOO WASHBURN was awarded in the Judgment of Absolute Divorce, to the Respondent, BCCB, on September 19, 2018, with the Trustee, that constitutes UNLAWFUL MISCONDUCT, under the “MD Fam. Law Code Ann. Section 8-202(a)(3) and Section 8-205(a)”, and that constitutes UNLAWFUL MISCONDUCT, under “8 U.S.C. Section 1101(a)43(G) – Theft Offense”, and that constitutes violation of the “TAKING CLAUSE” in the Fifth Amendment to the Constitution of the United States, and that constitutes violation of the “DUE PROCESS CLAUSE” in the Fifth and Fourteenth Amendment to the Constitution of the United States, and (4) to protect millions of older seniors OR vulnerable adults, against the perpetrators, and (5) to have an ACCESS for millions of older seniors OR vulnerable adults to take back/recover their stolen/deprived properties, assets, or monies that were stolen/ deprived/taken by the perpetrators, in the Civil Case, and (6) to restore the JUDICIARY DISABLED Maryland State and Federal Courts’ DISABLED JUDICIAL JUSTICE SYSTEM, and furthermore;

14. The Trustee’s friendship with the Circuit Court Trial Judge(retired) and the Circuit Court Chief Administrative Judge, does NOT justify the state and federal court Judges, in Maryland, UNCONSTITUTIONALLY violating the Petitioner, CHOO WASHBURN’s “Constitutional property right” and violating the “CONSTITUTION”, and the Trustee’s friendship with the Circuit Court Trial Judge and the Circuit Court Chief Administrative Judge, does NOT justify the

Respondent, BCCB/JOHN NUNEZ ILLEGALLY stealing/depriving/taking CHOO WASHBURN's Share (50%) of the Chevy Chase property, that CHOO WASHBURN was awarded in the Judgment of Absolute Divorce, from CHOO WASHBURN, who is over 68 years old elderly, that is prohibited in MD, under "MD Crim. Law Rule Section 8-801. Exploitation of Vulnerable Adults Prohibited."

**15. WHEREFORE**, "The Supreme Law of the Land", this Court must review "the Petitioner's WRIT OF CERTIORARI", and this Court must overturn the Court of Appeals' UNCONSTITUTIONAL July 6, 2021 Order(APP.#C), and "the Supreme Law of the Land", this Court must order the Respondent, BCCB/JOHN NUNEZ shall return the stolen/deprived and ILLEGALLY taken CHOO WASHBURN's Share(50%) of the Chevy Chase property, from CHOO WASHBURN, to CHOO WASHBURN, and this Court must order the BCCB/JOHN NUNEZ shall pay the Damage Claim, to CHOO WASHBURN for the BCCB/JOHN NUNEZ's demolishing CHOO WASHBURN's Share(50%) of the Chevy Chase property, to CHOO WASHBURN, under the "Taking Clause", in the Fifth Amendment to the Constitution of the United States, and under the "Due Process Clause" in the Fifth and Fourteenth Amendment to the Constitution of the United States", and under "2018 Maryland H.B.956: Bill Summary".

#### **CONCLUSION**

**16. WHEREFORE**, for the above statements in "THE REASONS FOR GRANTING THE PETITION FOR THE WRIT OF CERTIORARI", "the Supreme Law of the Land", this Court should grant the Petitioner, CHOO WASHBURN's "WRIT OF CERTIORARI".

Respectfully submitted,

choo washburn October 15, 2021  
CHOO WASHBURN Date

**CERTIFICATE OF COMPLIANCE**

No.

CHOO WASHBURN,

Petitioner

v.

BCCB/JOHN NUNEZ

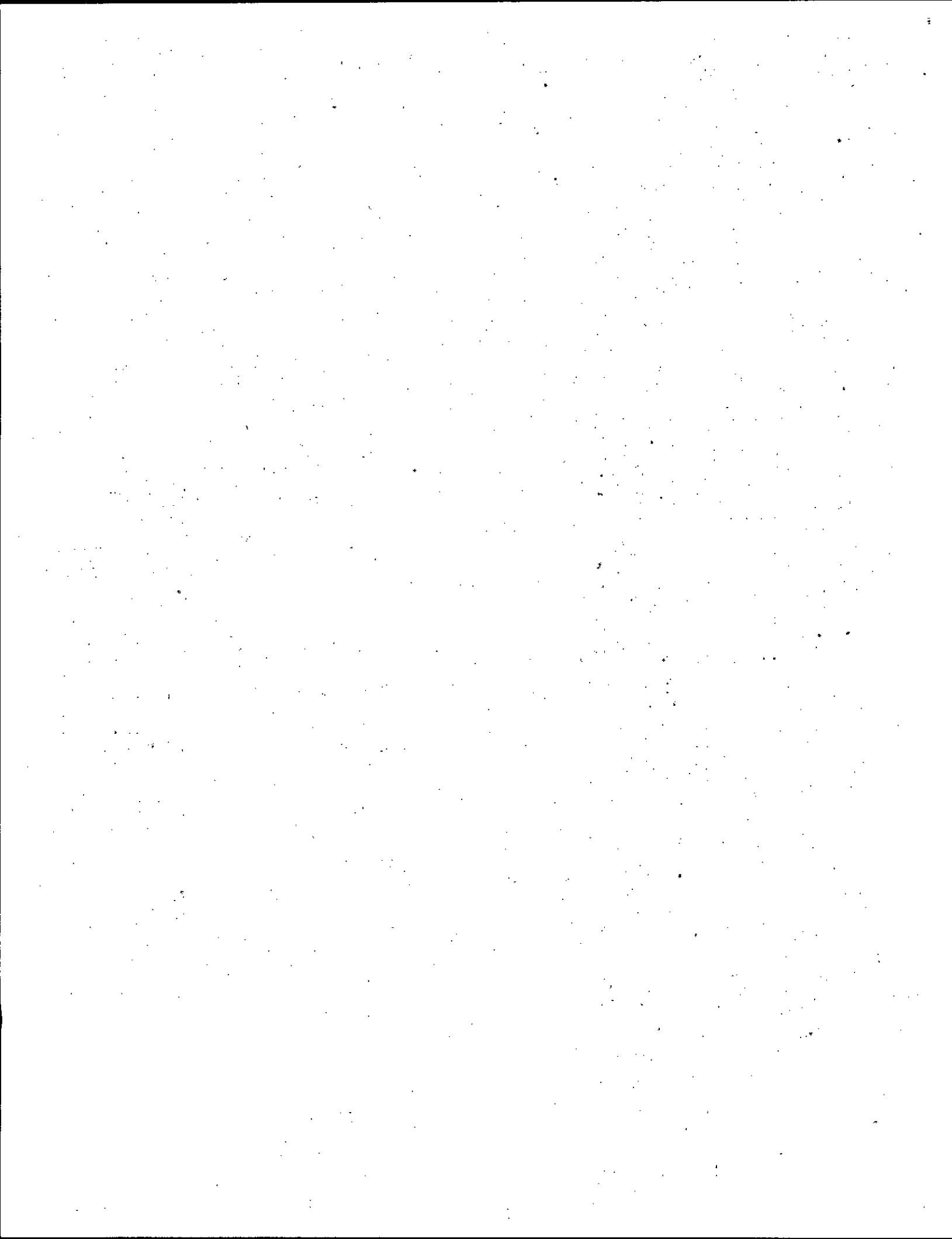
Respondent

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 8648 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I, CHOO WASHBURN, pursuant 28 U. S. C. Section 1746, declare under penalty of perjury that the foregoing is true and correct.

Executed on October 15, 2021

  
\_\_\_\_\_  
CHOO WASHBURN Petitioner



## **DECLARATION**

I, CHOO WASHBURN, pursuant 28 U. S. C. Section 1746, declare under the penalties of perjury, upon personal knowledge that the contents of the forgoing the Petitioner, CHOO WASHBURN'S PETITION FOR WRIT OF CERTIORARI", are true and correct.

Executed on October 15, 2021

choo washburn  
CHOO WASHBURN Petitioner

No. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
CHOO WASHBURN PETITIONER

VS.

BCCB/JOHN NUNEZ RESPONDENT

**PROOF OF SERVICE**

I, CHOO WASHBURN, do swear or declare that on this date, October 15, 2021, as required by Supreme Court Rule 29, I have served the enclosed two copies(one copy for Ms. Cohen, p.c. and one copy for Ms. Draper, p.c.) of PETITION FOR A WRIT OF CERTIORARI, and one copy of APPENDIX, and two copies(one copy for Ms. Cohen, p.c. and one copy for Ms. Draper, p.c.) of MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPRIS*, to the counsel for the Respondent, BCCB/JOHN NUNEZ to the above proceeding that is required to be served, by depositing an envelope containing the above documents in the United States Priority mail with delivery confirmation, within 3 calendar days.

The names and addresses of those served are as follows:

Ms. Yona E. Cohen, p.c. at 8100 Boone Blvd. Suite 600, Vienna, VA 22182

I declare under penalty of perjury that the foregoing is true and correct,

Executed on October 15, 2021

choo washburn  
CHOO WASHBURN