

No:21-6694

In the

Supreme Court of the United States

LAWRENCE S. BRANTLEY JR.

vs.

**TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE
SERVICE, RESPONDENT**

**On Petition for Writ of Certiorari to the United States
Court of Appeals for Fifth Circuit**

PETITION FOR REHEARING

Lawrence S. Brantley Jr.,
PO BOX 23538
San Antonio, TX 78223
(210) 306-1347
davislydia23@gmail.com

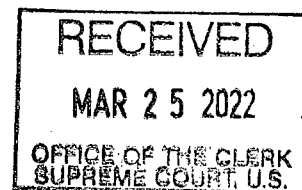


TABLE OF CONTENTS

Table of Contents

Table of Authorities

Petition for Rehearing

Reasons for Granting Rehearing

- I. In a termination proceeding in a state that provide Equal Protection of the Laws as a matter of right from decisions terminating parental rights, does the State violate the Due Process Clause by denying substantial rights to fairness of Judicial Proceedings to parent facing termination without engaging in the due process analysis mandated in the fifth and fourteenth Amendments?
- A. The admission of pending criminal child-abuse charges was highly prejudicial and violated the right to a fair trial.

Conclusion....

Certificate of Counsel

PARTIES OF THE CASE

Petitioner's L.B. Trial Counsel

Wallace Tarver
2600 McCollough Avenue
San Antonio, Texas 78212
Phone: 210-572-7272

Petitioners L.B. Appellate Counsel

Marco Cabrera Jr.,
2600 McCollough Avenue
San Antonio, Texas 78212
Phone: 210-572-7272

Petitioners L.B. Discretionary Review Counsels

Joseph F. Hoelscher
3030 Nacogdoches Rd. #222
San Antonio, Texas 78217
Phone: 210-222-9132

Adam Jason Sabrin
3030 Nacogdoches Rd, #222
San Antonio, Texas 78217
Phone: 210-875-5452

Guardian Act Litem for G.R. at trial

Susan Watts
PO Box #1591
Converse, Texas 78109
Phone: 210-605-2224

Attorney Act Litem for Children, X.J.R., A.W.R., Z.N.B., L.K.B., and G.E.B. at trial

Matthew L. Finch
1515 N. St. Mary's St.
San Antonio, Texas 78215
Phone: 210-223-1123

TABLE OF AUTHORITIES

Archuleta, 879 F. 2d at 499 n.7

Dred Scott v. Sanford, 60 US 393 (1857)

Faulkenberry v. Kan. City. S. Ry. CA, 1979 Ok 142, 15 n. 19, 602 P. 2d. 203, 207.

Goldberg v. Kelly 397 U.S., 254, 262-263, 90 S. Ct. 1011, 1017-18, 25 L. Ed. 287 (1970).

Guinn v. Kan. City, S. Ry. CO., 1975 OK 148, 21, 547 P. 2d 1310, 1314.

In the Interest of E.A.K., 192 S.W. 3d 133 (Tex. App. 2006).

In the Mother of K.H., 2021 OK 33, Case No. 118035.

Kelley v. Johnson, 425 U.S., 238, 244, 96 S. Ct. 1440, 47 L. Ed. 2d 708 (1976)

Kraft v. Jacka, 872 F, 2d 862, 871 (9th Cir., 1989).

Lisenba v. California, 314 U.S. 219, 236 (1941).

Reno v. Flores, 507. U/A/ 292, 301-02 (1993).

United Staes v. Cox, 554 F. App'x 908 (11th Cir. 2013)

U.S. v. Kennedy, 122 F. Supp.2d 1195, 1198 (N.D. Okla. 2000)

United States v. Young, 470 U.S. I, 18-19 (1985)

CONSTITUTIONAL PROVISIONS AND STATUES INVOLVED

The Fifth and Fourteenth Amendments to the United States Constitution both provide in pertinent part:

AMENDMENT V:

“Nor shall be compelled in any criminal case to be a witness against himself, nor deprived of life, liberty, or property, without due process of law.”

AMENDMENT XIV:

“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 law.”

PETITION OF REHEARING

Pursuant to Rule 44.1 of this Most Honorable Court, Petitioner Pro'se Lawrence S. Brantley Jr., respectfully petitions for rehearing of this Honorable Courts February 18, 2022, denial of Writ of Certiorari. Petitioner moves this Honorable Court to grant this petition for rehearing and consider Petitioner's case with merits briefing and oral argument. Pursuant to Supreme Court Rule 44.1, this petition for rehearing is filed within 25 days of this Honorable Courts denial in this case.

A Petition for rehearing should present intervening circumstance of a substantial or controlling effort or to other substantial grounds not previously presented. See Rule 44.2.

Slavery has been characterized as an unlawful, unconstitutional, inhumane seize of a people from their Natural Habitat through fraud, force, deceit, and without Due Process of the law. In the **Dred Scott v. Sandford** 60 U.S. 393 (1857), decision, Chief Justice Roger B. Toney read, the majority opinion of the Court on Mar. 6, 1857, which stated, "that slaves were not citizens of the United States and therefore, could not expect any protection from the Federal Government or its Courts. That opinion was overturned by the 13th and 14th Amendment to the Constitution, which abolished slavery and declared all persons born in the United States to be citizen of the United States. In the overturn decision in Scott v. Sandford, the 13th and 14th Amendments to the Constitution extended its citizenship to African-American minorities who were born in the United States, therefore, having Equal Protection from the Federal Government and its Most Honorable Courts. "Plain error affecting substantial right seriously affecting fairness of Judicial proceedings. Reversible even when not preserved by objection below: The Oklahoma Supreme Court held that the trial court committed reversible error by admitting the evidence remanded by the case for a new trial. See United States v. Young, 470 U.S. 1, 18-19 (1985) (). **United States v. Cox**, 544 F. App'x 908 (11th Cir., 2013) **Kraft v. Jacka**, 872 F.2d 862, 871 (9th Cir. 1989); See Archuleta, 897 F. 2d at 499 n.9 (contrasting procedural due process right at issue in the case).

In termination of parent rights proceedings for the Department of Family and Protective Services to suggest Petitioner admit to abuse in order to show responsibility, which could result in the return of his children, violated his Fifth Amendment privilege, See **U.S. v. Kenney**, 122 F. Supp. 2d 1195, 1198 (N.D. Okla. 2000) (privilege implicated only if government compels confession.)

- II. The admission of pending criminal child-abuse charges was highly prejudicial and violated the right to a fair trial.

In The Matter of K.H., 2021 OK 33, Case No. 118035,

The admission of pending criminal child-abuse charges was highly prejudicial and violated their right to a fair trial.

"The extent to which procedural due process must be afforded the receipt is influenced by the extent of which he may be "condemned to suffer grievous loss." **Goldberg v.**

Kelly, 397 U.S. 254, 262-263, 90 S. Ct. 1011, 1017-18, 25 L. Ed. 287 (1970). The Due Process Clause protects individuals from the abuse of official power and therefore imposes substantive limitations on State activities. Due Process affords not only a procedural guarantee against deprivation of life, liberty, and property, but likewise protects substantive aspects of those interest. See e.g., **Kelly v. Johnson**, 425 U.S. 238, 244 96 S.Ct. 1440, 47 L Ed. 2d 708 (1976).

The Due Process Clause provides that no state shall “deprive any person of life, liberty, or property without due process of law.” U.S. Consti. Amend. XIV § 1. In addition to guaranteeing fair process the court has held that this clause includes a substantive component that forbid the government from infringing upon “certain fundamental liberty” interest at all, no matter what process is provided, unless the infringement is narrowly tailed to serve a compelling states interest.” **Reno v. Flores**, 507 U.S. 181, 301-02 (1993) **Faulkenberry v. Kan. City** S, Ry. Co., 1979 Ok 142, 15n, 19, 602 P.2d 203, 207 (Admissions of evidence [is] a procedural matter). See also, **Guinn v. Kan City** S, Ry. CO, 1975 OK 148, 21, 547 P. 2d 1310, 1914 [P]rocedural matters, such as the admissibility of evidence, are governed by the law of the forum.); See also, **In the Interest of E.A.K.**, 192 S.W. 3d 133 (Tex. App. 2006) **Lisenba v. California**, 314 U.S. 219, 236 (1941)

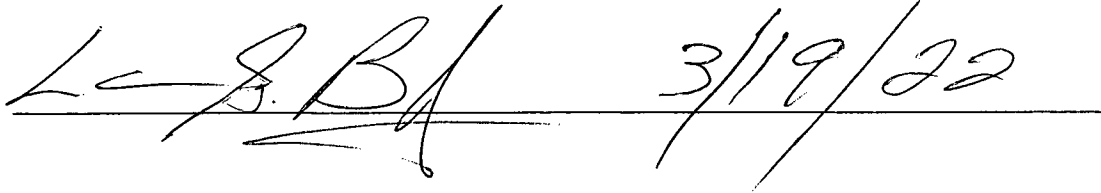
CONCLUSION

No parent should lose their children to a system or government entity without Due Process. Nor should any Court let stand the manipulatory scheme the Department of Family and Protective Services continue to use to systematically kidnap non-abused children.

CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing is presented in good faith and not for delay and that it is restricted to the grounds specified in Supreme Court Rule 44.2

Respectfully Submitted

A handwritten signature, likely "L. S. Brantley Jr.", is written in black ink over a horizontal line. To the right of the signature, the date "3/19/22" is handwritten in black ink.

Lawrence S. Brantley Jr.,
Petitioner, Pro'Se
PO BOX 23538
San Antonio, TX 78223
(210) 306-1347
davislydia23@gmail.com