

IN THE SUPREME COURT OF THE UNITED STATES

DEVIN ANDRICH — PETITIONER

VS.

JEROME FRANCIS MEYERS, JR., ET AL.— RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO
THE ARIZONA COURT OF APPEALS – DIVISION ONE

PETITION FOR REHEARING

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PREAMBLE

Pursuant to Supreme Court Rule 44.2, and the Clerk's April 19, 2022 instructions, Petitioner Devin Andrich respectfully petitions for rehearing of the Court's order issued on March 21, 2022. *Andrich v. Meyers, et al.*, No. 21-6855. Petitioner moves this Court to grant this petition for rehearing and consider his case with merits briefing and oral argument. Pursuant to the Clerk's April 19, 2022 instructions, this corrected petition for rehearing is postmarked within 15 days of this Clerk's order in this case.

This Court's reasoning in *Turner v. Rogers*, et al., 131 S.Ct. 2507 (2011) set forth Petitioner's right to testify at his own civil trial. The same right to testify is further preserved by *Boddie v. Connecticut*, 401 U.S. 371, 375-76 (1971). This petition shows how when a self-represented litigant is not allowed by the trial court to testify, a self-represented litigant's due process rights remain violated until given a reasonable opportunity to both call witnesses and allow the self-represented litigant to testify in his/her matter.

PETITION FOR REHEARING

The original certiorari petition asked this Court to resolve an issue of first impression: whether a 2-hour trial "chess clock" violates a party's due process rights. However, other substantial grounds not previously presented exist.

Namely, may a trial court terminate a self-represented litigant's case without first giving the self-represented litigant a reasonable opportunity to testify in his/her own matter,

In *Turner v. Rogers*, et al., 131 S.Ct. 2507 (2011), the Court introduced the Fourteenth Amendment requirement of due process in analyzing a trial judge's obligations towards unrepresented persons. *Turner* provides the basis for articulating a right to "informational justice" for self-represented parties.

The U.S. Supreme Court explained that two important principles were embedded in due-process jurisprudence: (i) due process requires, at minimum, a "meaningful opportunity to be heard" for persons whose claims must be settled through the judicial process; and (ii) a statute or a rule may be held constitutionally invalid "when it operates to deprive an individual of a protected right." *Id.* at 377-79.

"Among other rights essential to freedom, the First Amendment protects 'the right of the people...to petition the Government for a redress of grievances.'" *Borough of Duryea, Pa. v. Guarnieri*, ___ U.S. ___, 131 S. Ct. 2488, 2491 (2011) (quoting U.S. CONST., Amdt. 1). The right to petition the government "includes a reasonable right of access to the courts." *Hudson v. Palmer*, 468 U.S. 517, 523 (1984). The right of access is "ancillary to the underlying claim, without which a plaintiff cannot have suffered injury by being shut out of court." *Christopher v.*

Harbury, 536 U.S. 403, 415 (2002); see also *Bracy v. Gramley*, 520 U.S. 899, 904 (1997) (“Due Process Clause clearly requires a fair trial in a fair tribunal[.]”) (citation and internal quotation marks omitted).

The presumption of access to judicial proceedings flows from an “unbroken, uncontradicted history” rooted in the common law notion that “justice must satisfy the appearance of justice.” *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573-74 (1980) (quoting *Levine v. United States*, 362 U.S. 610, 616 (1960)). “The right of access is thus an essential part of the First Amendment’s purpose to ‘ensure that the individual citizen can effectively participate in and contribute to our republican system of self-government.’” *Id.* (quoting *Globe Newspaper v. Superior Court*, 457 U.S. 596, 604 (1982)).


REASONS FOR GRANTING THE PETITION

A petition for rehearing should present intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. See Rule 44.2. Petitioner has described the requirement that in civil matters, the trial court is required to give a self-represented litigant the meaningful opportunity to testify in his case. To deny otherwise obstructs a self-represented party to serve as his/her own advocate. Petitioner now brings new information to this Court’s attention that trial court did not permit Petitioner as a self-represented litigant to testify at trial concerning a civil case initiated by Petitioner.

CONCLUSION

For the reasons set forth herein, Petitioner respectfully request that this Court grant the petition for rehearing and order full briefing and argument on the merits of this case.

Respectfully submitted,



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Date: May 4, 2022

CERTIFICATE OF PETITIONER

I hereby certify that this petition for rehearing is presented in good faith and not for delay.



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No.

IN THE

DEVIN ANDRICH

vs.

Serge Francis Mayes Jr, et al

PROOF OF SERVICE

I, DEVIN Roberts
may 4 2022

The names and addresses of those served are as follows:

Jason Pistiner and Robert Shawn Singer

Singer Pistiner, P.C.

7502 East Pinnacle Peak Road, Suite B118

Scottsdale, Arizona 85255

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

Executed on May 4, 2022

(Signature)

No. 21-6855

IN THE
SUPREME COURT OF THE UNITED STATES

DEVIN ANDRICH PETITIONER
(Your Name)

VS.

Jerome Francis Mayers, Jr. et al RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a ~~writ of certiorari~~ ^{Rehearing} without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

U.S. District Court of Arizona

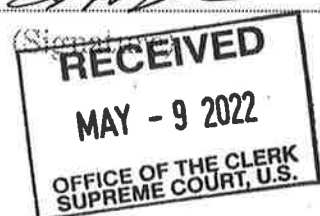
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____ or

☐ a copy of the order of appointment is appended.



**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, DEVIN ANDERICH, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

| Income source | Average monthly amount during the past 12 months | | Amount expected next month | |
|--|---|--------|-------------------------------|----------------------|
| | You | Spouse | You | Spouse |
| Employment | \$ 400 ⁰⁰ | \$ N/A | \$ 400 ⁰⁰ | \$ N/A |
| Self-employment | \$ — | \$ — | \$ — | \$ — |
| Income from real property (such as rental income) | \$ — | \$ — | \$ — | \$ — |
| Interest and dividends | \$ — | \$ — | \$ — | \$ — |
| Gifts | \$ — | \$ — | \$ — | \$ — |
| Alimony | \$ — | \$ — | \$ — | \$ — |
| Child Support | \$ — | \$ — | \$ — | \$ — |
| Retirement (such as social security, pensions, annuities, insurance) | \$ — | \$ — | \$ — | \$ — |
| Disability (such as social security, insurance payments) | \$ — | \$ — | \$ — | \$ — |
| Unemployment payments | \$ — | \$ — | \$ — | \$ — |
| Public-assistance (such as welfare) | \$ — | \$ — | \$ — | \$ — |
| Other (specify): | \$ — | \$ — | \$ — | \$ — |
| Total monthly income: | \$ 400 ⁰⁰ | \$ — | \$ 400 ⁰⁰ | \$ 400 ⁰⁰ |

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|--|---------------------|-------------------|
| AZ GTS | 201 South 24 th Street Phoenix, AZ 85006 | | \$ 400.00 |
| | | | \$ |
| | | | \$ |

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|---------|---------------------|-------------------|
| N/A | | | \$ |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ 8.00
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

| Type of account (e.g., checking or savings) | Amount you have | Amount your spouse has |
|---|-----------------|------------------------|
| Checking | \$ 8.00 | \$ N/A |
| | \$ | \$ |
| | \$ | \$ |

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value N/A

☐ Other real estate
Value

☐ Motor Vehicle #1
Year, make & model N/A
Value

☐ Motor Vehicle #2
Year, make & model
Value

☐ Other assets
Description N/A
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

Amount owed to you

Amount owed to your spouse

N/A

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

You

Your spouse

Rent or home-mortgage payment
(include lot rented for mobile home)

\$ N/A

\$ N/A

Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ 65.00

\$ _____

Home maintenance (repairs and upkeep)

\$ N/A

\$ _____

Food

\$ 200.00

\$ _____

Clothing

\$ N/A

\$ _____

Laundry and dry-cleaning

\$ N/A

\$ _____

Medical and dental expenses

\$ 100.00

\$ _____

| | You | Your spouse |
|---|----------------------------|---------------|
| Transportation (not including motor vehicle payments) | \$ <u>N/A</u> | \$ <u>N/A</u> |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>N/A</u> | \$ <u>/</u> |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ <u>N/A</u> | \$ <u>/</u> |
| Life | \$ <u>N/A</u> | \$ <u>/</u> |
| Health | \$ <u>N/A</u> | \$ <u>/</u> |
| Motor Vehicle | \$ <u>N/A</u> | \$ <u>/</u> |
| Other: _____ | \$ <u>N/A</u> | \$ <u>/</u> |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ <u>N/A</u> | \$ <u>/</u> |
| Installment payments | | |
| Motor Vehicle | \$ <u>N/A</u> | \$ <u>/</u> |
| Credit card(s) | \$ <u>N/A</u> | \$ <u>/</u> |
| Department store(s) | \$ <u>N/A</u> | \$ <u>/</u> |
| Other: _____ | \$ <u>N/A</u> | \$ <u>/</u> |
| Alimony, maintenance, and support paid to others | \$ <u>N/A</u> | \$ <u>/</u> |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>N/A</u> | \$ <u>/</u> |
| Other (specify): <u>Restitution</u> | \$ <u>315⁰⁰</u> | \$ <u>/</u> |
| Total monthly expenses: | \$ <u>680⁰⁰</u> | \$ <u>/</u> |

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Respondent's REMAIN IN LAST KNOWN POSSESSION
OF NEARLY ALL PETITIONER'S PERSONAL AND
BUSINESS POSSESSIONS

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

Executed on: May 4, 2022, 2022


(Signature)