No 22-5141

IN THE

SUPREME COURT OF THE UNITED STATES

Jodie Louise Byrne

Pétitionner

v.

State of Maryland, et al.

On Petition for a Writ of Certiorari

To the United States Court of Appeals for the First Circuit

PETITION FOR REHEARING

Jodie Louise Byrne

Petitioner

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(Corrected Font size 12) February 28, 2023

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PREAMBLE

Pursuant to Rule 44.2 of this court, Petitioner Jodie Louise Byrne, respectfully petitions for a rehearing of the denial of a writ of certiorari to review the judgement of the United States Court of Appeals for the First Circuit.

The Federal Court holds legal jurisdiction "review" over Mr. Deyesu and the State of Maryland. "Within the Eighth Amendment doctrine, legislators are arbiters of contemporary values". Kennedy v Louisiana (2008). All state actors violated House Concurrent Resolution 172. There is a National Consensus regarding Domestic Violence Kennedy v Louisiana (2008).

The evolving Standards of Decency which this court uses to evaluate death penalty cases applies to Domestic Violence cases. The death penalty is ancient and should be abolished as of January 5th, 2021, the USA was on par with other countries and just below Iran. One look at the Iran documentary "The Stoning of Soraya M." and you will see this case. The National consensus targets are always being elevated. The court system is full of bias and innocent people are surely detained and executed in this country.

Criminal are made not born and baked by society like in Booker (2005). The court sent a soccer mom to jail for a year and gifted a stay-at-home mom of 22 years homelessness, penniless, and childlessness. Restitution is required to heal. This atrocity illustrates how shattered the court system is. Women have a right to report crimes without fear that the govt will punish them.

This case arrives from a 22-year marriage between Anthony Michael Deyesu and the Petitioner. We were high school sweeties. I used limited birth control our entire marriage. The case has proceeded like all domestic violence cases do with

this argument among the 3 percent of the worst occurring by all statistical accounts proceeding without a solution and a hurricane still swirling. The best thing that can be said is the mother and children are still alive. A legal and further prosperous outcome is possible.

PETITION FOR REHEARING

The original writ of certiorari petition asked the court to review the
Domestic violence present and ongoing in the United States which is ceded in Constitutional deprivation. Human rights violations are ongoing. This case is sadly prevalent throughout the USA. Women are being tossed into permeant poverty.
Changes have occurred since I filed the writ which I began on Feb 5th, 2022.

My mother died on Feb 28th, and I filed Bankruptcy on May 23, 2022, after the writ was submitted on April 27, 2022. More abuse transpired. The Bankruptcy court in Maine is reviewing martial bills from 1992 that go unpaid. Mr. Deyesu is a creditor of mine.

Mr. Deyesu is a creditor which links him to Maine. Hahns V. Vermont Law School was missing from the writ but present in the First Circuit. Hahns has been recently discovered in a filing from November 21st, 2021, with the First Circuit.
Recently discovered, old but freshly discovered fabricated records from Judge Eaves connected to the Bankruptcy creditor Anthony Micheal Deyesu.

The court vacated Roe VS Wade on June 24,2022 while reviewing my writ which relied on this law. A rehearing should be granted on that basis alone. The usual rule today is that new rulings apply to all cases that are still pending both civil and criminal. This appears that a decision by a lower court can retroactively become wrong.

I request this court to Grant, Vacate, Remand and order immediate economic Restoration.

REASONS FOR THE REHEARING

According to Rule 44.2 a rehearing should present intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented during my writ. The clerk's office delayed my writ, and I was asked to resubmit after the June 24, 2022, abandonment

of Roe V Wade which was quoted in my writ. The publication of the American Public Health Association just published on August 15, 2022, a study on "Trends in Pregnancy-Associated Homicide, United States, 2020 and noted the movement."

My writ was delayed to the court. The Clerk's office returned my writ to me for frivolous reasons. I sent the petition in two separate envelops. One envelope contained the writ, and one contained the financial data which is evidence that my x husband has used over a million dollars of my money for the last decade which tosses me into poverty.

Furthermore, I noticed in my writ I did not bring to the court's attention Hahn v Vermont Law School. The Law Clerks must have overlooked this as well.
It was included in the First Circuit Panel Rehearing filed November 21,2021. Missing evidence is now included. This along with other substantial and controlling effects not presented empowers this court to GVR.

Court hearings in Maine have been held involving Mr Deyesu, with my Bankruptcy filed on 5/23/22. Mr. Deyesu is a creditor. Upon refreshing my battered brain regarding with Hahn, I discovered new additional fabricated records that Judges created which violate my human rights. Judges craft reports and plead error time and time again. I found another report that was altered regarding Child Support arrears which held my passport and driver's license and destroyed a church renovation project in Nice, France 2010 that I was working on. This hurt my company substantially.

1. New Court Hearings

   The Federal Bankruptcy Court in Bangor is reviewing where my income is from my first pension and marital bills that are turning up from a 22-year marriage. Below is a creditors list. Notice Mr. Deyesu's name. The standard for jurisdiction has gone beyond a simply mailing in Hahn v Vermont Law School. An excerpt from a State Appeal Brief which was included in the First Circuits review. This is new and missed information.

2. The rights to be lost" Touzeau V Deffinbaugh

   My mother left this world knowing this court gifted me poverty and poverty closes doors for me not for profit and marriage pool. I did not receive my economic rights. I did not

enjoy parental rights either from a 22year marriage contract. Other people in the State of Maryland received their constitution rights. Boemoe vs Boemoe (md 2010). The lost million or lost dollar. I was taught not to steal not one stick of gum. The amount is irrelevant but needed. The men fight for one stick of gum.

The dissenting opinion from Touzeau is included. I met Ms. Touzeau in Annapolis, at the St Mary's Chapel by chance. I was crying looking at a photo of my daughter Meghan who was kidnapped at 6 years old. I believe this was destiny. God's grace for you to read.

Women are losing their children and Atty are being enriched and the court workers have recognized this for years as business as usual across the USA. Most people in jail are poor and the mothers that lose their children are impoverished. Atty work for money these are facts.

This court reversed Roe Vs Wade and that does not negate that the State of Maryland and The State of Maine have laws that are not affected by the Supreme Courts recent ruling. My rights have been denied.

My mother who loved her granddaughters and was present at their birth and until my x husband kidnapped them has died. My mother left this world without ever seeing Carissa and Meghan again after they were kidnapped. How cruel can everyone? My destiny will be the same considering the current state of the USA.

3. The First Circuit Jurisdictional Claims Fail

A. Hahn v Vermont Law School the First Circuit failed to follow established precedents and ignored the laws of this country. Primarily, doing business in the State of Maine has been established with the Hahn v Vermont Law Schools case regarding Mr. Deyesu.

Mr. Deyesu is engaged in cruel and inhuman treatment of his daughters and his x wife of 22 years which carried over to my deceased mother who never saw her granddaughters even on her death bed.

I reported abuse in 2007 and my mother who treated Mr. Deyesu as a son and loved her only granddaughters. Imagine never spending time with your only granddaughters again after your daughter reports a crime. This is very cruel. Mr. Deyesu will have the same for me.

Mr. Deyesu has certainly bought things from LLBEAN which ties him to Maine. As evidence, I recently recalled I carry a toiletry bag purchased by Mr. Deyesu. Please, see the photo below I took here in Camden today, October 15,2022.

Vermont Law School was involved in litigation and an Inmate was mailed information regarding its school. That simply mailing provided jurisdiction over a federal case. The standard here is way past a simple letter. Mr. Deyesu has conducted business with the State of Maine for over 30 years. In addition to the Bankruptcy case that he currently involved as a creditor.

Mr. Deyesu bought this toiletry bag, and it has travelled with me since he bought it while we were married before we separated in 2006. It is his toiletry bag. He only bought himself a single size one. I would not have selected a small one and I would not have chosen the color black. I would have thought about my daughters.

A bankruptcy case has been filed since the Writ has been submitted. Mr. Deyesu has a Judgement against the Petitioners for 54K in child support arrears. A fabricated Master report was written by sitting judges to cover up their atrocities. I guess this is normal for Judges to write fictious reports in the United States or are reading about Iran?

Mr. Deyesu has not made an official claim on that Judgement because he fears the Federal Courts in Maine which would clear the water for this court.

I offer the LL bean toiletry bag as doing business with the State of Maine. It seems off that Mr. Deyesu does not place a claim for 54k against my assets? Mailings have been sent to Mr. Deyesu and there is a Judgement against me to pay my attacker. Please see the bankruptcy mailing labels.

The District Court of Maine is mistaken, and the First Circuit has ignored the laws and facts. Doing business like in Hahn's is giving jurisdiction to the State of Maine over Anthony Deyesu. Abuse occurred in Maine and is occurring in Maine today.

The Federal District Court and the First Circuit absolutely have jurisdiction over Mr. Deyesu. Marital debt from a 22 marriage is being evaluated in Bangor, Maine in Federal District Bankruptcy court in Maine and this is new and evolving.

We have several ties to the State of Maine for Mr. Deyesu for which the First Circuit ignored. Judges can alter court outcomes by ignoring evidence. That's what Judge Eaves did in Harford County Maryland. She pretended a Federal Protection order did not exist that she signed on Novembe13,2007.

Ignoring evidence is not moral. My life has been destroyed and my mother died and suffered from the violence ongoing as I have. The courts must not ignore evidence and fabricate reports. You don't have to be a trained lawyer to realize these two actives can toss a woman to the streets for life. The court must remember the only one who had an Attorney was the wealthy white man. The young children and mother had none when one was requested.

Directly from a request from a Panel rehearing in the First Circuit Filed November 21, 2021.

> In Hahn v Vermont Law School, the court held that a law school transacted business in Massachusetts when, at the plaintiff's request, it mailed application information to him in Massachusetts and later mailed him an offer of Admission.
> (698 F.2d 48,49 (1st Cir 1983). "We reasoned that the purposeful actions of Vermont Law School in mailing to Plaintiff in Massachusetts application information and an acceptance letter were sufficient, without more to constitute transacting business under the broadly construed.
> Massachusetts long arm Statue "

Mr. Deyesu bought buoy bells in Camden for Christmas gifts at my request when residing at the Camden Maine Stay Inn where abuse took place, Mr. Deyesu ate dinner in Kennebunkport where he abused me while eating a Lobster.

Mr. Deyesu purchased Christmas gifts in Freeport, Maine in the early 90's where he abused me. Mr. Deyesu was on business trip reviewing Bed and Breakfasts to purchase in Maine which is clear transaction of business under the broadly-construed long arm statute.

In addition, to conducting in person business and committing crimes in Maine which goes far past sending and receiving cloths from LL Bean which is the standard applied to Vermont Law School. I am the mother of his two middle biological children. I cannot think of a closer connection to a human then a 22-year marriage where he was the first man, I was intimate with at 16 years old.

I married him at 19. Mr. Deyesu is the only person I share children with. These are the facts. Marriages end but the connection to a person you share children with never ends. My children love their father and because they do I hold an obligation to ensure his welfare on this planet. You hurt a father you hurt his children and vice versa for Mothers. The connection runs in both directions to Maine to Maryland and it happens to be in Boston and Megeve, France today.

Mr. Deyesu connection to Maine is indisputable as he tortures me today which are human rights violations. These are human rights crimes ongoing. The Federal Court has jurisdiction.

'Asserting Jurisdiction of the due process clause, after considering whether a defendants contacts are related to a plaintiffs claim and where the defendant purposefully availed himself of the forum state, the court asks whether asserting personal jurisdiction would be reasonable.' USCA Const, Amend.14

B. State of Maryland Does Not Hold Immunity

The State of Maryland does not hold Immunity. I request that this court grant the Writ, Vacate the District Court and Appeals Court Judgement, remand and make

economic rights available today. Human rights laws and international laws are decimated. State Laws were ignored which are Constitutional twins.

The State does not have the right to infringe on my Constitutional rights and human rights. The State of Maryland does not get to pick and choose who gets their Constitutional rights and who does not. That's called bias (Booker)

Bias has played a huge part in this human rights case. I am a United States born Citizen. The States do not hold immunity given the evidence and they also can waiver their immunity. The State of Maryland recognizes the courts can do better.

The Federal court never even asked them if they wanted to act moral or legal? Not one hearing was ever held in the Federal Courts regarding these human rights atrocities.

A State does not have the right to deny me my economic rights or my constitutional rights. They do not have the right to engage in Human rights violations which Congress has directed the States to avoid.

The State of Maryland is squandering the Domestic Violence funds like many states. They put abused women on welfare. Poverty breeds poverty. They place women in positions of the lowest paying jobs with section 8 vouchers or they force them into new relationships while their abusers take all the money and the kids.

One million dollars has been withheld from me since I filed for divorce. I surely need that money and my daughters do too.

A hearing is requested since the Federal Court never granted one single hearing on my decimated Human Rights which are constitutional infractions of the highest kind. Seems odd that the Arbiters of Decency would ignore the evolving standards of Decency.

C. Harford County Maryland

All parties agree they are under the review of this court without delay. This defendant should be paying today. Why is this not occurring? Why aren't they making payments today? I need housing, food and so does my dog.

4. Evolving Standards of Decency and National Consensus

Mass shooting are overwhelming conducted by male domestic violence victims not mentally ill humans. Trauma victims who dis respect women are prevalent in society.

I would argue that mental illness is a human's reaction to trauma, and cost billions to society. Mental illness and Domestic violence are different subjects in the same trauma room. It is best to avoid trauma and the wealthy have the money to avoid this deep hole many are pushed into.

When you toss women into poverty the exposure level to trauma and healing environments is elevated and depleted. Women fight like my mother to climb out.

The emotional banks become empty at the same time the economic banks are depleted. The US is creating its own social ills. You can trace this to the higher drug overdose crisis and gun violence in this country.

Domestic Violence is learnt behavior. Considering the vast about of domestic violence victims the culture disease has evolved into a major health problem for society. A global problem. The death Penalty and abortion garners a lot of attention, but the US ships are sinking in this neighborhood.

Psychiatrists commit suicide as a group on the higher end of the spectrum than any other profession. Once you study the field of human behavior you begin to realize sometimes it is like having your tarot cards read as a child.

I met a friend that grew up in England on a mental health campus because his father worker there as a Dr. Imagine as a little boy growing up learning about the world. He discovered a wide range of normal behavior.

In the 50's, if you asked for your human rights you were sent to the mental health hospital where human experiments were ongoing and kept secret at times. Perhaps, you

enjoyed a newborn out of wed lock etc or objected to eating meat you went to the Mental Health hospital even if you were due to inherit the family farm over a male heir… you enjoyed a visit to the Mental Health Hospital. If you are a gifted artist like Camille Claudel women were not allowed to outshine another. The Arbitrary or Arbiters of the Evolving Standards of Decency. is an interesting concept title for an article.

Domestic Violence victims grow up in a closed off country club of people infected with a global cultural disease. I have interviewed many regarding this subject in a few countries. Family gatherings are breeding ground for this disease. What you think is normal is toxic behavior with your aunts, Uncles, and siblings. They suffer different a shadow of the same infection with the same culture disease. Judges and lawyers ect are infected.

Your childhood role models are teaching poor communication skills. Maybe, you die at 79 and realize and the damage done is unfixable. Or maybe you realize it at 38 years old. Evolving Standards of Decency in

Society…

My daughters think it is normal to abuse their mother. My x husband probably views his mother's abuse as normal. Baltimore especially has a culture that is behind schedule. The white flight from the city brought with it the same mentality that is the essence of Baltimore. Mr. Deyesu might die in denial. Like Iran and the USA culture appears far apart yet its similar once you observe it.

Mr. Deyesu may leave this earth not fully realizing the damage he has done. The Supreme Court may also die in ignorance regarding domestic violence and how it is affecting the USA culture on a wide destructive scale.

Domestic violence is preventable and more deadly than the common cold. The Damage being done is deadly and the money squandered on a simple fix (washing your hands and economic rights) is the same. The lost economic production and lost lives is unaccountable. The Govt needs to gift direct money to Domestic Violence Victims. Women are not children and the quickest way to do so is through economic rights already established throughout the land. It is my stick of gum and I need it.

This court should focus on "economic rights lost". Selecting the ripest fruits for rehearing. We need a hand washing campaign, and we need it today and a funding source that is already present. The Domestic Violence funds are being squandered and oppressing women with section 8 vouchers is not the answer. This is more oppression. What kind quality of life are women really living?

The Congress and current laws have elevated the *Evolving Standard of Decency an*d this case illustrates that this court perhaps mis applied some evolving laws. Billions of Dollars are being spent to combat domestic violence. Who receives these funds in the end? Not women.

5. Fact Finding

The Fact Finding under Booker (2005) like this case astoundingly similar. Booker exposed detainees routinely met with their Constitutional rights denied. Like this case, void of finding of facts, it is a common denominator with both rehearing petitions presented to the court. I was denied even one hearing in Federal Court.

Where is the finding of facts? After a 22-year marriage, I receive less than one month's marital income and was tossed to the streets without a driver's license, a house, or my kids all for reporting a crime. All from a six-figure income and half million-dollar home. Would you enjoy gift to you?

My x husband has been spending my million-interest free for a decade plus. Imagine the trauma I have been gifted as money protects all. The price for carrots has been high. My x husband earned 150k per year. The family income. A section 8 voucher is about 550 per month in substandard crime ridden buildings. Is that where you are placing your spouses and partners of 22 years? If we had some truthful finding of facts, this certainly should not match this outcome.

In United States v Booker (2005), I noticed Judicial fact finding was the reason for granting the rehearing. A Quote from in the article *Rehearing and Finality in the Supreme Court.* "These cases involved Federal Criminal defendants who raised constitutional challenges to judicial fact-finding at sentencing." Dr Seuss "Horton Hears a Who! … Judicial Fact finding has been missing since I filed for divorce.

I brought this up in the Appeals court see below. I offer evidence to back up my statements, but the lower court judges ignore this Judicial Fact finding. I cannot make you look in the mirror at the shatter court system.
Someone must clean up the mess the ending must be better then today.

To continue to deny me my constitutional rights is not legal or moral. I also see a quote in *Rehearing and Finality in the Supreme Court*

> . "There is no timetable on which the court must rule on the petition for rehearing: petitions have sometimes been left to linger for a couple of years, during which events ripened to a point where rehearing was granted based on an eventual change in the legal landscape E.g. Fla v Rodriquez, 461 U.S. 940 (1983); Place V Weinberger, 426 US 932 (1976).

CONCLUSION

The equal rights of crime victims who are Domestic Violence victims deserve equal rights which are guaranteed by the Constitution. Marriages that last more than two decades, surely hold economic rights and parental rights. My mother suffered since I reported a crime, and she died suffering without seeing her granddaughters.

I fear this will be the same outcome for myself if this court does not commence following the laws of the USA. A Dr in Florence, Italy gentile reminded me children look at the houses their parents live. Domestic violence groups pay their staff and direct their clients to section 8 housing vouchers. The solution offered by society is to abuse women further. Women move from one abusive situation to the next enriching the wealthy. Women are sentenced to a lifetime of abuse without their economic rights and first pension.

This is not acccptablc whcn it is thc court systcm inflicting thc huge disparity by ignoring the Constriction of the USA. The world can't tell women to report abuse and punish them for life. This is not equality. People open doors according to your bank account. This is a fact. Doors have been closed to me and most people that are tossed into poverty with high interest rates are buried in the crab pot. My life has been forever altered.

You must respect all women. Even the mothers who choose to stay home with their children. Even those women who are forced to terminate their pregnancy for the safety of their living children after 5 miscarriages. Who was supporting us?

Who is supporting battered moms today? The answer is I am welcome to be placed on a sect 8 waiting list after ten years of abuse while my x husband spends my million and gifts my daughters Stockholm syndrome.

Crumbs fall to keep women oppressed. I am on top of the recycling pile digging instead of being productive and spending Christmas with my daughters which I haven's since I reported a crime in 2007. Consider the last time I saw my daughters.

I am not an advocate of abortion but of economic rights for women. I would like more children in my sphere. I would have employed a fertility clinic by now or adopted if I had my economic rights. My pursuit of happiness has been decimated.

I endured 8 pregnancies. Consider all the doctors' visits. The cost and high standard of health care involved and provided for a stay-at-home mom of 22 years.
I do not hold health insurance today. I held the very best coverage while married.

I have presented to this court what is moral and legal for society it is your turn to engage in whats legal and moral for women and children in civilization. I can die with a clean conscious, can you? I ask you once again to Grant my writ for the greater elevation of humanity. Hahns and Booker surely motivate. With the Bankruptcy and toiletry bag you can't ignore.

For all the reasons set forth in this petition, Jodie Louise Byrne respectfully requests this Honorable Court to grant a rehearing and Petition for Writ of Certiorari. The court can Grant the Petition, Vacate the Judgement given the Vermont Case, the toiletry present and bankruptcy attached to marital bills. This court can end the economic abuse present which bring with it Human Rights.

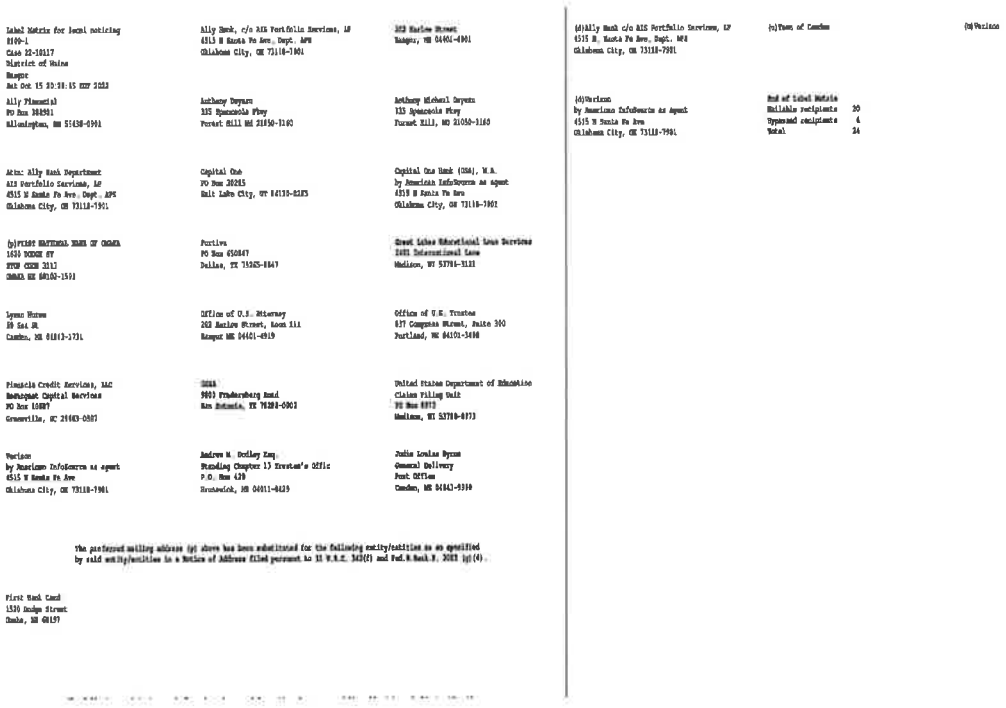
Respectfully Submitted,

Feb 28th, 2023 (Corrected to 15 pages font size 12pt)

Jodie Louise Byrne

Jodie Louise Byrne

Appendix



Label Matrix for local noticing
8109-1
Case 22-10117
District of Maine
Bangor
Sat Oct 15 23:58:15 EDT 2022

Ally Financial
PO Box 380901
Bloomington, MN 55438-0901

Attn: Ally Bank Department
AIS Portfolio Services, LP
4515 N Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

(p)FIRST NATIONAL BANK OF OMAHA
1620 DODGE ST
STOP CODE 3113
OMAHA NE 68102-1591

Lyman Morse
39 Est St
Camden, ME 04843-1734

Pinnacle Credit Services, LLC
Bankruptcy Capital Services
PO Box 15887
Greenville, SC 29603-0887

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United States Department of Education
Claims Filing Unit
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Madison, WI 53708-8973

John Louise Dyess
General Delivery
Post Office
Camden, ME 04843-9999

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

First Nasd Card
1620 Dodge Street
Omaha, NE 68197

(d)Ally Bank c/o AIS Portfolio Services, LP
4515 N. Santa Fe Ave. Dept. APS
Oklahoma City, OK 73118-7901

(d)Verizon
by American InfoSource as Agent
4515 N Santa Fe Ave
Oklahoma City, OK 73118-7901

(e)Town of Camden

End of Label Matrix
Mailable recipients 30
Bypassed recipients 4
Total 34

(d)Verizon

Figure 1 Bankruptcy Creditors

Figure 2 LL Bean toiletry bag Mr. Deyesu's Purchased

Federal Court Exclusive Jurisdiction

The Federal Appellant Court has the exclusive jurisdiction in cases involving.

1. Constitutional Violations.
2. Violations of Federal Law
3. Controversies between States
4. Disputes Between Parties from different States
5. Suits by or against the Federal government
6. Foreign Governments and Treaties
7. Admiralty and Maritime Law
8. US Diplomats.

Sect 1983

> "When a person injured by the conduct of a government official wishes to bring a claim in federal court, the general practice is to allege a violation under 42 U.S.C. § 1983.59 Section 1983 creates a civil cause of action against persons who violate federal constitution."

See Alpert et al., Constitutional Implications, supra note 2, at 601 ("Innocent third parties, who are injured during high-speed pursuits, may seek recovery under either state law or under federal law pursuant to 42

U.S.C. § 1983."); Jensen, supra note 2, at 1282-90 (noting and arguing the inadequacy of both § 1983 and state law actions to redress an injured bystander's injuries). (University of Baltimore Law Review 1999)

The Federal Appellant Court is needed to address these serious conflicts in law. We have an inadequacy to redress an injured mom and her daughters,.. bystanders' injuries.

Most states offer some legislatively enacted tort liability for illegal acts committed by governmental officials in the scope of their employment. See, e.g., Jeremy D. Arkin, Note, Police Chase the Bad Guys, and Plaintiffs Chase the Police: Young v. Wendall and the

Figure 3 Excerpt from First Circuit Brief page 23-24

"advanced" and were placed one grade ahead in public school. What kind of women purposely destroys a mother child bond? Mr. Deyesu 2 wife is not a good role model for my daughters.

The Petitioner stayed home with her daughters and dedicated her entire life to her children whereby never getting wrapped up in the details of money. (E28) It is truly unbelievable the human rights violations that have been **preventable** since November 13, 2007. The Petitioner was not represented at trial by an Attorney and Mr. Deyesu was. When one was requested. (39-41) The Court of Appeals in its dissenting opinion in Touzeau v. Deffinbaugh(2005) reflected on the importance of the "rights to be lost"."The child's best interest, which is the heart of this case, is served best when the parents are on equal footing, so that the custody fight is fought fairly and the court has before ita ll relevant information. That is not likely to happen when one parent is unrepresented.

" We have never, nor should we, equated a college degree wan some prose experience to an adequate level of experience needed to defend oneself in a matter before this Court, never mind a trial court, much less a matter of such significance and complexity as the case sub judice. The dissenting opinion went on to conclude "As the record indicates, Mr. Touzeau was unable to perform the pertinent tasks required to defend herself adequately against the competent counsel of Mr. Deffinbaugh and because of this lost custody of her daughter. Ms. Touzeau has had custody of her daughter from birth. She deserved to be able to fight for her daughter on equal footing with Mr. Deffinbaugh. Mothers are losing their children in Maryland because of legal system will not reform itself and is more interested in administrative laws.

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Mr. Deyesu also threw the family home into the foreclosure process in addition to emptying his IRA and other financial miss conduct all while the court watched. Judge Eaves ignored the Marital bills and allowed Mr. Deyesu to toss IRA funds. Ignored the facts that the Petitioners name was not on a 100,000k loan tied to the marital house and did not address a $1,138. vet bill or cared about the family pets. (E74) The Circuit Court ignored a $15,000k student loan not paid off acquired during the marriage and normally paid on during the 22-year marriage. There exists an IRS bill from 2008 of $2,372.70 and a $1,000 bill to Capital one. Mr. Deyesu lied about the amount in the IRA and dispatched marital funds from it to pay his Attorney. Finally, the Family car valued at 12,225. was only sold for just $4,000.

The most egregious abuse is selling the marital home with no hearing or testimony given to its value in court under oath. The Appellant requested restitution for all the abuse suffered. The circuit just ignored the request in court. Which is requested on the Complaint for divorce and the Appellant filed the proper Pleadings. (E69) The court just wants to blame the pro si litigate for its own errors. (E105)

A legislature could hardly make a stronger statement of the importance of considering domestic violence when determining custody. Yet the statutory law is being ignored, subverted, and violated time and time again - putting the children directly in harm's way. The court may not alter the law or fashion it to his own liking. This is the function of the legislative branch of the government. (AZBMTP)

When no finding of facts is articulated by a judge is it abuse of discretion, and it becomes easy to change evidence. In Johnson v State 8Md App. 28 quoting from Barcallo v Barcallo 18 Md App 600 (1973). ", in order that a fact may be judicially noticed, it must be a matter of common and general knowledge, it must be well and authoritatively settled, and not doubtful or uncertain, and it must be known to be (such) within the limits of the jurisdiction of the court." There is no dispute Mr. Deyesu was on probation for assaulting the mother of his children on

Figure 4 Excerpt from State Appeals Brief $ 15,000 student loan vs 100k loan (equal rights) Page143-144

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Figure 5 State Appeals Extract 104-106

uninterested in replicating.[24] Instead, the Court concluded that it would continue to follow the rule it had theretofore employed: "But the rule of the court is this, -- that no reargument will be heard in any case after judgment is entered, unless some member of the court who concurred in the judgment afterwards doubts the correctness of his opinion, and desires a further argument on the subject."[25]

The Court recited the rule several years later when it denied rehearing in *Ambler v. Whipple*.[26] The case involved a patent dispute between Ambler and Whipple after they entered into a partnership to exploit some of Ambler's inventions.[27] Whipple sought to dissolve the partnership and obtain the benefits of the joint enterprise at the exclusion of Ambler, which he justified by claiming that Ambler's unsavory lifestyle was detrimental to the partnership.[28] After an adverse judgment, Whipple petitioned the Court to rehear the case because the trial court erroneously determined that Ambler left the District of Columbia on August 21, 1872 rather than in early September.[29]

The Court denied rehearing, relying on the rule set forth in *Brown* that it called "well-settled."[30] *Ambler* went further than *Brown*, though, explaining that material

[24] *Id.*
[25] *Id.* at 27–28.
[26] 90 U.S. (23 Wall.) 278 (1874).
[27] Ambler v. Whipple, 87 U.S. (20 Wall.) 546, 558 (1874), *reh'g denied*, 90 U.S. (23 Wall.) 278 (1874). Ambler's inventions involved the process of extracting gas from petroleum for heating and lighting purposes. *Id.*
[28] *Id.* at 556–57. Whipple sought to discredit Ambler by calling attention to Ambler's "bad character, dishonesty, and dishonesty," in addition to Ambler's felony conviction. *Id.* at 557. The problem with Whipple's argument, the Court noted, was twofold: first, Ambler's moral standing was irrelevant to the patent partnership they undertook, and second, the charges and supporting evidence were duplicative – they were already part of the record that the Court reviewed when it decided the case originally. *Id.*
[29] *Id.* at 556–57. Ambler's departure from the city concerned whether he abandoned the partnership, which the Court found he did not. *Id.* Furthermore, upon considering Whipple's rehearing petition, the Court explained that the factual discrepancy bore no weight on the original judgment. *Ambler*, 90 U.S. (23 Wall.) at 283.
[30] *Ambler*, 90 U.S. (23 Wall.) at 281–82. The Court explained: "It is the well-settled rule of this court, to which it has steadily adhered, that no rehearing is granted unless some member of the court who concurred in the judgment, express a desire for it, and not then unless the proposition receives the support of a majority of the court." *Id.*

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omissions in the record that affect the disposition of a case provide a "strong appeal for reargument."[31] Since the Court found that the error was immaterial to the outcome of the case, it denied Whipple's petition.[32]

Today, the Court's rule-making authority comes from the Rules Enabling Act,[33] whereby the Court "and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business."[34] Supreme Court Rule 44 articulates the Court's authority to rehear cases.[35] The first paragraph of the Rule provides that the Court can rehear cases on the merits – cases, like *Kennedy*, that the Court may have already been briefed on, heard oral arguments for, and rendered decisions on – if the party seeking rehearing petitions the Court within twenty-five days of the Court's decision.[36] The Rule, while slightly more refined, is virtually identical to the one employed by the *Brown* and *Ambler* Courts. The rehearing petition must "state its grounds briefly and distinctly" and certify that it is "presented in good faith and not for delay."[37] Furthermore, a majority of the Justices, including one who concurred in the original decision, must vote to rehear.[38] In essence, rehearing is granted only when at least one Justice from the majority believes that he or she may have decided in error. As

[31] *Id.* at 282.
[32] *Id.* at 282–83.
[33] 28 U.S.C. §§ 2071 – 2077 (2006).

Figure 6 Doubts ... Not one Hearing.. gifted.. Hahns

concurred in the judgment of the Court "despite the correctness of his opinion."[39]

Rule 44.2 pertains to rehearing denials of writs of certiorari.[40] Like the Rule governing rehearing cases on the merits, Rule 44.2 includes the twenty-five day time provision and the voting requirement.[41] Unlike Rule 44.1, however, Rule 44.2 constrains the justification on which litigants may rely in their petition; litigants are instructed to base their petition only on facts that have intervened since the Court's original denial or on facts that have not already been presented to the Court.[42] Rule 44.2, therefore, seems to curtail the broad discretion implicit in Rule 44.1. The difference, though, is far less apparent in practice. An estimated 2000 paid writs of certiorari petitions are filed with the Court each term, of which the Court grants only eighty—approximately four percent.[43] The enormous amount of resources required to review all rehearing petitions would be unjustifiably high if litigants had complete discretion over their rehearing filings.[44]

Yet because cert denials are not issued as written opinions, there are few plausible grounds on which a party seeking rehearing can petition other than those enumerated in

[39] Brown v. Mathias Ayden's Adm'rs, 55 U.S. (14 How.) 425, 26–27 (1852).
[40] Sup. Ct. R. 44.2.
[41] *Id.*
[42] *Id.* "[Any rehearing petition] shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented." *Id.* Furthermore, Rule 44.2 requires that counsel filing the petition certify that the petition is limited to those narrow grounds—in addition to certifying that counsel has presented the petition "in good faith and not for delay," similar to Rule 44.1. *Id.*
[43] Messitt, Peter L., *The Writ of Certiorari: Deciding Which Cases to Review*, July 28, 2008, http://www.america.gov/st/usg-english/2008/July/20080714211720xlyrret00.5790301.html. The numbers are even starker for unpaid petitions: an estimated 9000 such *in forma pauperis* petitions are filed each year, of which only about 5 petitions are granted. *Id.*
[44] Another explanation for the Court's double standard is that the Court is more invested in cases that have already been partially or completely adjudicated. Once the Court has ruled on an issue, the litigants involved in the case should have confidence that they had a full and fair opportunity to make their arguments. Furthermore, denials of cert create no precedent, whereas written opinions do. The necessity for the Court to be correct is thus greater considering that its decisions affect more people than just the opposing litigants.

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Rule 44.2. *Kennedy* illustrates this point. Louisiana argued that the Court overlooked a critical piece of information, the NDAA. Without the benefit of a written opinion, Louisiana could not have argued that the NDAA was unjustifiably overlooked because Louisiana could not have known how the law applied to the Court's rationale, nor could it have known that the law was even overlooked. So the apparent additional burden articulated by Rule 44.2 is just an assertion of the only practical means by which the Court would grant rehearing.[45]

Returning to *Ambler*, the Court explained that because of both the rehearing rule and "the better reason that the pressure of business in the court does not permit it," the Court refused to accept a response from the opposing party and refrained from issuing a response itself to any rehearing petition.[46] *Ambler*, however, established that the case before it required a "departure" from the practice of denying rehearing petitions without discussion.[47] The basis for the departure, according to *Ambler*, was that certain facts had been omitted from the "transcript certified to [the] court."[48] *Ambler* found that if such omissions could have assisted the Court's disposition of the case, rehearing may be warranted:

> If this statement be correct, and if the omissions in the transcript on which the case was heard are material to the decision of the case, it presents a strong appeal for reargument; and we have, therefore, given a careful

[45] While not contained within the Rules, the Court has exercised its authority to request rehearings on its own accord, *sua sponte*, after hearing arguments but before rendering a decision. Krimbel, *supra* note 17 at 919. Krimbel explained that the Court's authority to rehear cases *sua sponte* is necessary to the judiciary's duties. *Id.* This authority raises the following question: what purpose do the Supreme Court Rules really serve? Are the Rules intended to inform Congress how the Court proceeds, thus allowing Congress more effective oversight? Are the Rules meant to bind the Court? Both questions are likely

Figure 7 Critical Evidence Missing

consideration to the very full petition for rehearing, and availed ourselves of its copious references to the original and supplemental transcripts.[49]

The Court denied rehearing because it found that the omission under consideration was not material.[50] *Ambler* is significant because it represents such a clear expression of the Court's understanding of why a case should be reheard. Yet it implicitly raises the question of the kind of rehearing arguments the Court had received until *Ambler*; that is, *Ambler* departed from the practice of denying rehearing petitions without discussion but found that discussion was warranted in that case because an omission from the certified transcript was a good reason for rehearing. The underlying proposition of *Ambler* was that strong rehearing arguments deserve discussion more than do weaker arguments.

Part III. *Kennedy* and the Arguments For and Against Rehearing

Kennedy was bound to be contentious; death penalty cases often are. Considering that the case involved the gruesome rape of an eight-year old girl by her stepfather, the likelihood that *Kennedy* would attract significant attention was that much greater. Thus, the inherent difficulty of the issue, the five-to-four ruling, and the NDAA oversight assured the vitriol accompanying the case.

A. The Opinion

Before discussing the *Kennedy* rehearing arguments, it is important to ascertain a more detailed explanation of the ideas presented in the opinion itself. As noted above, *Kennedy* was decided in the modern trend of Eighth Amendment jurisprudence: "cruel and unusual" is interpreted by what those terms mean today, not what they meant when the Constitution was adopted.[51] The applicable and operative method of Eighth

[49] *Id.*
[50] *Id.* at 282–83.
[51] Kennedy v. Louisiana, 128 S. Ct. 2641, 2649 (2008).

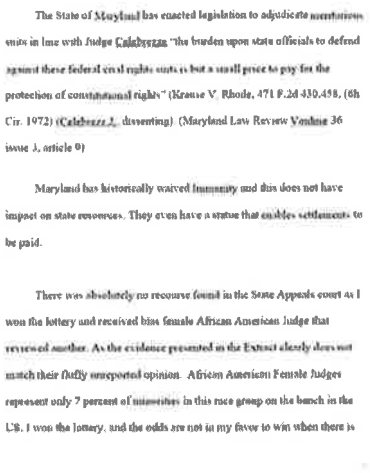
Amendment analysis was first announced in *Trop v. Dulles*,[52] cited by *Kennedy*, whereby judges discerning whether punishment is cruel or unusual should apply the "evolving standards of decency that mark the progress of a maturing society."[53]

Capital punishment for child rape was permissible and meted out until 1964.[54] The Court noted that between 1930 and 1964, the states, the District of Columbia, and the federal government executed 455 people for the rape of a child.[55] Since 1964, no State has executed anyone for child rape.[56] While outside the scope of this Comment, some scholars have focused on the racial component underlying capitalizing child rape.[57]

In *Kennedy*, the Court looked to its previous Eighth Amendment holdings to find support to limit its authorization of the death penalty.[58] The Court relied on three cases in particular. In *Roper v. Simmons*,[59] the Court had held that capital punishment for a person under the age of majority is unconstitutional.[60] The Court in *Atkins v. Virginia*[61] had held that executing a mentally retarded person is unconstitutional.[62] In *Enmund v. Florida*,[63] also cited in *Kennedy*, the Court struck down as unconstitutional a Florida law that made felony murder a capital offense.[64] The number of states that did not make child

[52] 356 U.S. 86 (1958).

Figure 8 Cruel and unusual punishment todays standard.

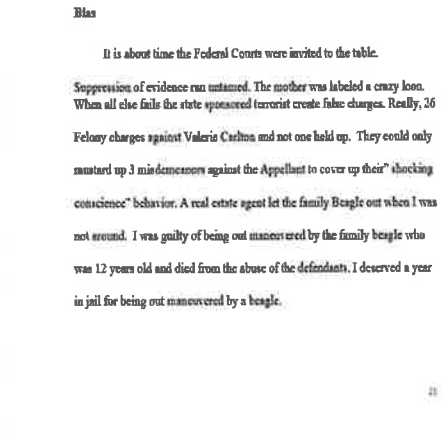


The State of Maryland has enacted legislation to adjudicate meritorious suits in line with Judge Celebrezze "the burden upon state officials to defend against these federal civil rights suits is but a small price to pay for the protection of constitutional rights" (Krause V. Rhode, 471 F.2d 430,458, (6h Cir. 1972) (Celebrezze J., dissenting) (Maryland Law Review Vendine 36 issue 3, article 9)

Maryland has historically waived Immunity and this does not have impact on state resources. They even have a statue that enables settlements to be paid.

There was absolutely no recourse found in the State Appeals court as I won the lottery and received bias female African American Judge that reviewed mother. As the evidence presented in the Extract clearly does not match their flatly unreported opinion. African American Female Judges represent only 7 percent of minorities in this race group on the bench in the U'S. I won the lottery, and the odds are not in my favor to win when there is

Figure 9 Bias unintentional or not the problem is present.



Bias

It is about time the Federal Courts were invited to the table.

Suppression of evidence ran untamed. The mother was labeled a crazy loon. When all else fails the state sponsored terrorist create false charges. Really, 26 Felony charges against Valerie Carlton and not one held up. They could only mustard up 3 misdemeanors against the Appellant to cover up their" shocking conscience" behavior. A real estate agent let the family Beagle out when I was not around. I was guilty of being out maneuvered by the family beagle who was 12 years old and died from the abuse of the defendants. I deserved a year in jail for being out maneuvered by a beagle.

Figure 10 Out Maneuvered by the Family Beagle the court system needs reform

CERITIFICATION OF (RULE 44)

I certify that the Petition for Rehearing from Denial of Certiorari is presented in good faith and not for delay and is restricted to the grounds specified in Supreme Court Rule 44.2.

Oct 21, 2022

Jodi Louise Byrne

CERTIFICATE OF SERVICE

I, Jodie Louise Byrne, representing myself hereby certify that on this October 21, 2022, I served a copy of the foregoing on the opposing side by mailing/hand delivering a copy thereof to or electronic email. I certify that a corrected copy utilizing a number 12 font was used to resubmit the Rehearing on February 28, 2023 and a copy was sent to the opposing side.

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Writ History

Feb 25, Writ was Crafted and submitted mailed on April 27, 2022.

Resubmitted June 4, 2022, upon the courts request from Megeve, France. and Oct 3 Writ Denied. Rehearing submitted October 16, 2022.

Included in the Writ Submitted on May 13, 2022 absent Hahns v Vermont Law and Roe not overturned

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Award Number: 2006-WG-BX-0006 by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally funded grant final report available electronically in addition to traditional paper copies.

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