

NO. 22-5357

IN THE
SUPREME COURT OF UNITED STATES

DEANNA DUFFER PRO-SE PETITIONER

VS

TENNESSEE DEPARTMENT OF CHILDREN SERVICES RESPONDENT

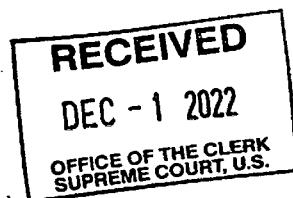
PETITION FOR REHEARING

DEANNA DUFFER

306 NORTH 4TH ST. APT. # 2

SCOTTSVILLE KY 42164

270-606-1157



GROUND FACTS THAT HAD BEEN VIOLATED:

- 1.) DUE PROCESS**
- 2.) HUMAN RIGHTS**
- 3.) CIVIL RIGHTS**
- 4.) CHILDREN ACT AND RIGHTS**
- 5.) CONSTITUTIONAL RIGHTS**
- 6.) AMERICAN DISABILITY ACT**
- 7.) SOCIAL SECURITY ACT**
- 8.) FREEDOM OF SPEECH RIGHTS**
- 9.) FUNDAMENTAL RIGHTS**
- 10.) PARENTAL RIGHTS**
- 11.) RELIGION RIGHTS**
- 12.) PROPERTY RIGHTS**
- 13.) CIVIL LIBERTY RIGHTS**
- 14.) PRIVACY RIGHTS**
- 15.) AMENDMENT RIGHTS**

BILL OF RIGHTS ARE TO GUARANTEE
PROTECTION FOR EVERY INDIVIDUAL'S
HUMAN RIGHTS:

- 1.) HAVE AND EXPRESS OWN OPINIONS.
- 2.) TO AN EDUCATION.
- 3.) PRIVATE AND FAMILY LIFE.
- 4.) NOT TO BE MISTREATED OR WRONGFULLY PUNISHED BY THE STATE.

AMENDMENT ONE: GUARANTEE'S
FREEDOM OF SPEECH, RELIGION,
EXPRESSION, ASSEMBLY, AND THE RIGHT
TO PETITION, AND ALSO ALLOWS
INDIVIDUALS TO EXPRESS THEMSELVES
WITHOUT GOVERNMENT INTERFERENCE
OR REGULATION, AND GUARANTEE'S

PROTECTION OF EVERY INDIVIDUAL'S FUNDAMENTAL RIGHTS.

AMENDMENT TWO: GUARANTEE'S PROTECTION TO ALLOW EVERY INDIVIDUAL TO DEFEND THEMSELVES AND THEIR PROPERTY AND ALSO PROVIDE FOR THEIR FAMILIES WITHOUT INTRUSION BY GOVERNMENT.

AMENDMENT THREE: GUARANTEE'S PROTECTION FOR ALL INDIVIDUAL'S FROM INVOLUNTARY, TO BE FREE OF THEIR CHOICE, AND ALSO TO KEEP PERSONAL MATTERS PRIVATE.

AMENDMENT FOUR: GUARANTEE'S PROTECTION FROM ABUSE OF POWER, SUCH AS TAKING UNJUST ADVANTAGE OF INDIVIDUALS, ORGANIZATIONS, OR GOVERNMENTS.

AMENDMENT FIVE: GUARANTEE'S PROTECTION ON BOTH CRIMINAL AND CIVIL PROCEEDINGS, IT ALSO REQUIRES THAT "DUE PROCESS OF LAW" TO BE A PART OF ANY PROCEEDING THAT DENIES ANY INDIVIDUAL "LIFE, LIBERTY OR PROPERTY" AND REQUIRES THE GOVERNMENT TO COMPENSATE CITIZENS WHEN IT TAKES PRIVATE PROPERTY FOR PUBLIC USE.

AMENDMENT SIX: GUARANTEE'S PROTECTION FOR INDIVIDUALS TO HAVE A FAIR AND SPEEDY TRIAL AND ALSO, IT'S ONE OF THE CORNERSTONES OF THE AMERICAN CRIMINAL JUSTICE SYSTEM. FIFTH AND SIXTH AMENDMENTS PROTECT THE RIGHT TO A COUNSEL OF THE INDIVIDUALS CHOICE.

AMENDMENT SEVEN: GUARANTEE'S FOR
INDIVIDUALS TO EXTEND THEIR RIGHTS TO
FEDERAL TO BE HEARD IN JURY OF THEIR
PEERS, AND ALSO ENSURES THAT CIVIL OR
CRIMINAL CASES CAN BE HEARD AND
DECIDED UPON A JURY OF THEIR PEERS.

AMENDMENT EIGHT: GUARANTEE'S
PROTECTION TO INDIVIDUALS FROM
EXCESSIVE BAIL SHALL NOT BE REQUIRED,
EXCESSIVE FINES TO BE IMPOSED, NOR
CRUEL AND UNUSUAL PUNISHMENTS
INFILCTED SUCH AS OVERLY PAINFUL,
TORTUROUS, DEGRADING OR
HUMILIATING.

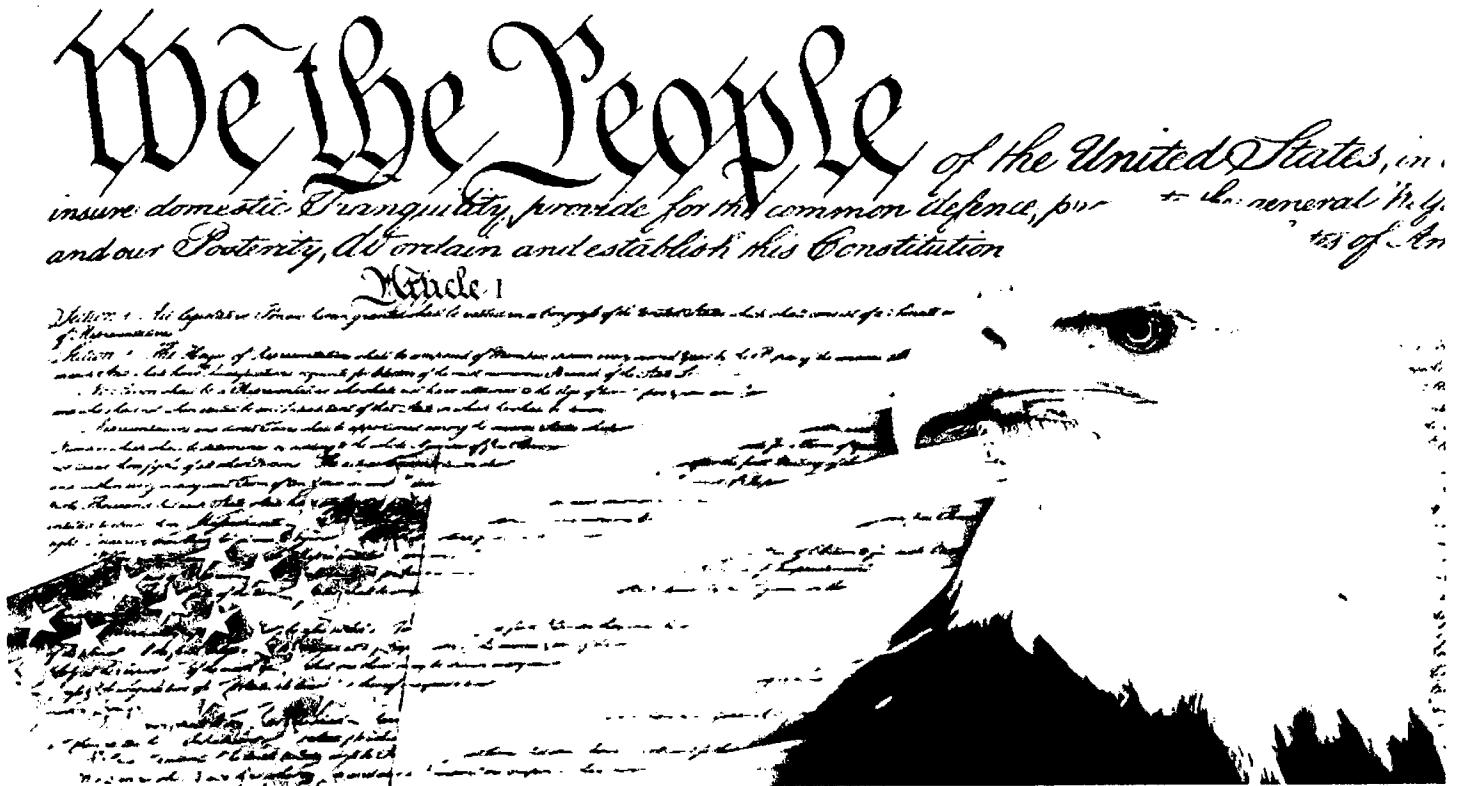
AMENDMENT NINE: GUARANTEED
PROTECTION OF INDIVIDUALS RIGHTS
HAVE BEEN ADDRESSED PROPERLY, HAVE

RIGHTS TO PRIVACY, AND TO KEEP PERSONAL MATTERS PRIVATE.

AMENDMENT TEN: GUARNATEED TO PROTECT INDIVIDUALS FROM BIG, INTRUSTIVE GOVERNMENT ACTIONS.

AMENDMENT FOURTEEN: GUARANTEE PROTECTION FOR NO STATE SHALL MAKE OR ENFORCE ANY LAW THAT WHICH SHALL REMOVE PRIVILEGES OR IMMUNITIES OF INDIVIDUALS, NOR SHALL THE STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS, NOR DENY INDIVIDUALS WITHIN ITS JURISDICTION THE EQUEAL PROTECTION OF LAWS.

Civil liberties are a core value of American culture. The individuals have the right and freedom to live their lives as they choose, independent from government control. Read to know about the rights an American citizen has.



The US Bill of Rights guarantees some civil liberties that are protected under the US Constitution. (Image: W. Scott McGill/Shutterstock)

Civil Liberties and Civil Rights

Civil liberties and civil rights are core features of American political institutions, but they are not the same thing.

A civil liberty is a specific individual right that is protected from government infringement under the US Constitution. One can think of it as a freedom from government power. A civil right, on the other hand, is the right of a group of people to be treated equally by the government. One can think of this as protection by government.

Learn more about

Amendments in the Bill of Rights

American civil liberty protections are found in the Bill of Rights. It's what is called the collection of the first 10 Amendments to the Constitution.

The First Amendment includes the inability of government to restrict freedom of religion, speech, press, assembly, and petition. The Second Amendment prohibits the government from infringing upon the right to keep and bear arms. The Third Amendment guarantees that the government will not require people to provide housing for US soldiers in their own homes without first making a law to do so.

The Fourth Amendment protects against unreasonable search and seizure, and the means for obtaining a warrant when a search is needed. The Fifth Amendment concerns protections from being tried twice for the same crime, from testifying against oneself, and includes the right to due process of law. The Sixth Amendment includes the right to a speedy trial and legal counsel.

The Seventh Amendment includes the right to a jury trial. The Eighth Amendment includes protection from excessive bail and fines, as well as from cruel and unusual punishment. The Ninth Amendment says the Constitution cannot be used to deny people rights, rather it guarantees them. And the Tenth Amendment, more or less, says that rights not guaranteed in the Constitution are within the power of states.

*This is a transcript from the video series **Understanding the US Government**.*

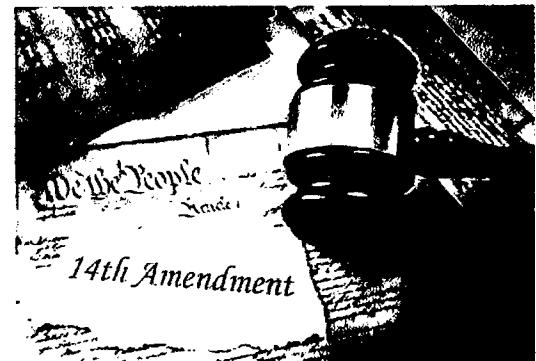
The 14th Amendment

It wasn't until the 14th Amendment was adopted in 1868 that the Constitution included a mechanism that could guarantee civil liberties at the state level as well as the federal level.

The due process clauses in the Fifth and 14th Amendments have worked together to be interpreted by the judiciary to protect civil liberties at the state level, but not all at once. Civil liberty protections at the state level have been guaranteed through a process known as selective incorporation.

Selective Incorporation

Selective incorporation refers to the process of individual civil liberties being guaranteed at the state level one at a time through a series of Supreme Court decisions.



The 14th Amendment helped guarantee civil liberties at the state level. (Image: zimmytws/Shutterstock)

For example, the right to freedom of speech was not guaranteed at the state level until 1925 when the Supreme Court decided a case called *Gitlow v. New York* in which the court used the Due Process Clause of the 14th Amendment as the legal basis to apply freedom of speech protections for citizens from their state governments.

The freedom of the press occurred in 1931 in a case called *Near v. Minnesota*. For the free exercise of religion, it happened in 1934 in a case called *Hamilton v. Regents of The University of California*.

In 1961, the Supreme Court decided a landmark case called *Mapp v. Ohio* that applied the Fourth Amendment protections against unreasonable search and seizure at the state level.

Other selective incorporation landmark cases include: *Gideon v. Wainwright* in 1963 that guarantees the Sixth Amendment right to counsel; the 1966 decision *Miranda v. Arizona* that protects against self-incrimination; and the 1965 case *Griswold v. Connecticut* that recognized a right to privacy found in the third, fourth, and fifth amendments.

And it wasn't until 2010 that the right to keep and bear arms found in the Second Amendment was incorporated as a civil liberty that is guaranteed at both the national and the state level in a case called *McDonald v. Chicago*.

Learn more about

The US Court System

For such an important document, the US Constitution is pretty short and leaves a lot of room for interpretation and growth by the American legal system and that's by design. The court system is designed to interpret laws and the Constitution to help build a body of legal rulings.



The legal opinions that courts provide determine how American law is shaped and how it grows over time. (Image: ErenMotion/Shutterstock)

Over time, these rulings have become a part of American law and its system of justice. By issuing rulings in cases, the courts can expand upon or constrain existing laws.

So, one cannot hope to understand American rights or laws without referring to the body of cases that the courts have decided.

It's important to remember, however, that courts do not have the power to begin a legal process or to make a ruling on whatever they may seek to speak on. Only legislatures have the power to create new laws.

Instead, courts rule on the legal questions that are brought before them. The details and confines of those cases, and the legal opinions that courts have provided on them, determine how American law is shaped and how it grows over time.

Learn more about

The Lemon Test

The first serious attempt at establishing a legal rule for religious establishment came in a Supreme Court case in 1971 known as *Lemon v. Kurtzman*.

As a part of their ruling, the Supreme Court attempted to establish a test that became known as the 'Lemon test', which would allow any legal observer to determine whether or not a law violated the constitutional prohibition on establishment of religion.

The Lemon test has three parts. First, the statute is supposed to have a 'secular legislative purpose', meaning that it denotes attitudes that are free from religion. Second, the statute's primary effect is supposed to be one that neither advances nor inhibits religion. And, third, the statute must not foster an 'excessive government entanglement with religion'.

If any of these three conditions were violated, then the policy or statute would be said to fail to satisfy the Lemon test.

However, the test was too subjective and led to many conflicting judgments. By the 1990s, the Lemon test was widely criticized, although it has not been formally overruled yet.

Common Questions about the Bill of Rights

Q: What is meant by selective incorporation?

Selective incorporation refers to the process of individual civil liberties being guaranteed at the state level, one at a time, through a series of Supreme Court decisions.

Q: What are the three parts of the Lemon test?

The following are the three parts of the **Lemon test**: first, the statute is supposed to have a 'secular legislative purpose', meaning that it denotes attitudes that are free from religion; second, the statute's primary effect is supposed to be one that neither advances nor inhibits religion; and, third, the statute must not foster an 'excessive government entanglement with religion'.

Q: What is the difference between civil liberty and civil right?

A **civil liberty** is a specific individual right that is protected from government infringement under the US Constitution. A civil right, on the other hand, is the right of a group of people to be treated equally by the government.

CERTIFICATE OF COUNSEL

Deanna Duffer

DEANNA DUFFER

PETITIONER, PRO-SE

PETITIONER DEANNA DUFFER

**THE PETITION FOR REHEARING IS
PRESENTED WITH SUBSTANIAL GROUNDS
IN “GOOD FAITH” AND NOT FOR DELAY.**

DATE SIGNED:

NOVEMBER 27, 2022

A handwritten signature in black ink that reads "Deanna Duffer". The signature is written in a cursive, flowing style with a prominent "D" at the beginning.

**DEANNA DUFFER,
PRO-SE**

CERTIFICATE OF PETITION HAD BEEN SENT TO:

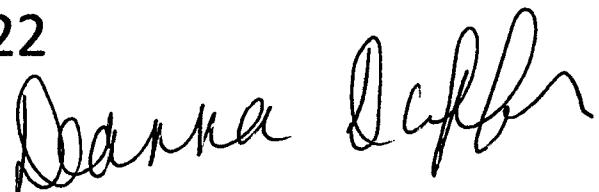
JORDON CREWS- CIVIL LAW DIVISION P O BOX
20207 NASHVILLE TN 37202

ALEAH CAGLE- 119 PUBLIC SQUARE GALLATIN
TN

MATHEW EDWARDS- 117 EAST MAIN STREET
SUITE 2 HENDERSONVILLE TN

DATE SIGNED:

NOVEMBER 27, 2022



DEANNA DUFFER