

No. 22-690

**In the
Supreme Court of the United States**

ACQUANITTA L. HARRIS-PATTERSON,
Petitioner,

v.

ARMCO STEEL, A/K/A AK STEEL CORPORATION ET AL.,
Respondents.

**On Petition for a Writ of Certiorari to the
Supreme Court of Missouri**

PETITION FOR REHEARING

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April 12, 2023

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BOSTON, MASSACHUSETTS

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PETITION FOR REHEARING

Petitioner respectfully requests rehearing in this matter under Supreme Court Rule 44.1, which allows Petitions for Rehearing either for intervening circumstances of a substantial or controlling effect, or for other substantial grounds not previously presented.

After petitioner filed her Petition, for Writ of Certiorari asserting that the U.S. Supreme Court order of March 27, 2023 “denial” of standing by this lower court was an illegal violation of her rights to procedural due process law. Petitioner will present that there are Grounds for a Petition for Rehearing are limited to intervening circumstances of a substantial or controlling effect to other substantial grounds that were not previously presented.

Upon the time this Petition was file, the Supreme Court of the United States of America decided *Cruz v. Arizona*, 599 U.S. ____ (2023); 2023 LEXIS 945 (Feb. 22, 2023) which holds that an unjustified state court decision constitutes adequate grounds for the United States Supreme Court to review a federal question—namely, whether the Petition’s Due Process rights have been violated. In light of this intervening circumstance, the Court should consider the question of whether Petition’s Due Process Rights have been violated.



BACKGROUND

On or about December 2, 1984, the petitioners' husband Louis. Stevenson L. S. Howard, (hereinafter, Louis LS Howard) died of gunshot injuries in an attempted robbery, during his employment with Armco Steel a/k/a AK Steel Corporation company in December 2, 1984 in Kansas City Missouri. During the time of decedent (Louis L.S. Howard) death, Lawrence A. Jones & Sons Mortuary agreed to make the preparation for the burial services without Petitioner consent/approval, and the permission made by relative-employee, Norma J. Mendez, without giving any contract paperwork for signature or any notice presented to Petitioner

At that time considering that petitioner was not very conscience, and mourned the loss of spouse, decedent (Louis LS Howard) was in a state of shock, from the death of her spouse of 24 years, Norma J. Mendez, took the survivor spouses minor children to the funeral home to make all of the arrangements for the minor children to pick-out a casket for their father.

Upon the arrival to the mortuary the minor children said they were told to sign their mothers name on some papers, of which the minor children, said they thought they" trusting" what the family relative Norma J. Mendez was giving them the right guidance. At which the minor children did-in-fact sign all documents, without knowledge of petitioner who did not give permission to Norma J. Mendez. The petitioner did not give permission to Norma J. Mendez to follow those procedures with the signature of the minor children. Respondents, took it upon

themselves to make those arrangements and then stated that the funeral was free, which was told to petitioner by relative-employee Norma J. Mendez.

Petitioner was not made aware why it was free, but she Petitioner "Did Not" give permission to Norma J. Mendez, respondent(s) Employee nor did Petitioner give Permission to Lawrence A Jones and Sons Mortuary Funeral Home (Respondents, Armco Steel a/k/a AK Steel Corporation permission to "Disbursed Death Benefits Check Funds" to respondents, and did not discuss the reason why the funeral services were free told by Relative Employee Norma J. Mendez, who drove the minor children Kansas City, MO home dropped them off and drove away without speaking to the Petitioner. Since that time petitioner has been made aware by witnesses, that Armco Steel a/k/a AK Steel Corp. benefits manager Ms. Karen Dearth was notified by the Lawrence A. Jones and Sons Mortuary, by employee-relative Norma J. Mendez stating the death of decedent, and Norma J. Mendez ask to know the amount of insurance benefits payment to be paid to decedent, (hereinafter, Louis LS Howard) beneficiary spouse Acquanitta L. Harris-Patterson a/k/a Howard.

Permission was not given to Norma J. Mendez to handle all of the affairs for the petitioner, nor was Norma J. Mendez given permission to call decedent, employer, benefits human resources office. During the time of the call to the human resources benefits manager, Ms. Karen Dearth.

Upon the services that were rendered a check was disbursed to the mortuary and Norma J. Mendez, employee, of Lawrence A. Jones & Sons Mortuary, had known that the funeral home had received the petitioners'/spouse disbursement and did not notify

that the monies that had been disbursed to the mortuary by Benefit Manager, Ms. Karen Dearth employed by Armco Steel at that time. Norma J. Mendez, had made arrangements with Karen Dearth, Armco Steel's benefits manager to send the benefits check disbursement to the funeral home. Lawrence A. Jones & Sons Mortuary, located at 1800 Linwood Blvd., Kansas City Missouri, 64110 Ms. Karen Dearth, benefits manager, never contacted the Petitioner/spouse of the deceased for preparations to disburse the benefits to the beneficiary petitioner.

An alleged crime was committed and the respondents has since covered-up by telling lies, and sending papers showing that decedent was allegedly not employed during the time of his death (*See exhibit, Notice of Separation document*). Petitioner filed a Petition for Writ of Certiorari on January 25, 2023.¹ The Supreme Court decided under *Rose v. Arkansas State Police*, 479 U.S. 1 (1986) 107 S.Ct. 334, However, Petitioner's Writ of Certiorari was "Denied" on March 27, 2023.²

¹ This case was file the Presiding Judges Missouri county of Jackson, the presiding John D. Torrance, Circuit Court Judge, Division 14 in Jackson County and Judge J.D. Williamson Jr. in division 11. On both of the cases a Dismissal w/o prejudice. Due to the dismissal, it was noted by a letter sent to appellee stating to both appellants *Quote*: Any monies taken should be barred time, statute of limitations.

² Even though this case was "dismissed w/o prejudice", I have found that the said appellants committed a crime. The respondents did not take time to contact the petitioner about the funds disbursed by the decedent employers. Even though the services by the funeral home were administered for my decedent, spouse, Louis L. Howard no contractual agreement were present to deceased's spouse, Acquanitta L. Howard, at that time that services



ARGUMENTS

I. THE SUPREME COURT'S DECISION IN *HENDERSON* AN INTERVENING CIRCUMSTANCES, WARRANTING A REHEARING IN THIS CASE BECAUSE, HERE THE MISSOURI SUPREME COURT DID NOT FOLLOW ITS FIRMLY ESTABLISHED STATE PROCEDURAL LAW.

The decedent's spouse, who is the sole beneficiary, was entitle for about Two Hundred and Fifty Thousand Dollars (\$250,000.00) since then the family has suffer tremendously due to the negligence and alleged crime of the Respondents. The minor children were not able to receive the family financial support, nor were they able to attend a prominent college of their choice. Each of the two minor children was to receive approximately about Twenty-Five Thousand Dollars for each minor child.

Since the time of the decedent's death, Petitioner/ spouse has hired numerous of attorneys, who all have requested the records and files of the decedents. Discovery was the attempted to make sure that what the benefits manager, Ms. Karen Dearth, stated about the descendent that he was not employed at the time of his death was a true statement, Over the last 24+ years, Petitioner has consistently tried to pursue the company for payment on the life insurance policy purchase by the decedent during the term of his employment with Armco Steel Corp.

were rendered. The Petitioner will present that the appellants committed a crime.

When attempting to provide a “burden of proof” Armco Steel’s manager Ms. Karen Dearth has presented Contempt by not producing the production of documents to prove that decedent was not employed during the time of his death. *See ILL—People ex rel. General Motors Corp v. Bua*, 37 ILL.2d 180, 226 N.E.2d 6 (1967) there have been numerous occasions that Petitioner has asked why the corporation attorneys had not been notified by benefits manager of the legal documents submitted by petitioners’ attorneys. On October 10, 2006, petitioner call the office of Ms. Karen Dearth, (513) 425-2619 located AK Steel Corp, 703 Curtis Street, Middletown, OH 45043, time of call was at 10:30 am, regarding why paper of the case not sent to corporate attorney office. Ms. Dearth, replied by stating they (corporate attorneys) have other matters that they are attending too. Within about a week Ms. Karen Dearth, sent only a few papers stating that the decedent did not work at Armco Steel. (*See exhibit, Notice of Separation document*) During the time of the phone conversation, Petitioner told Ms. Dearth that she had a witness listening to the conversation, who has signed a Sworn Affidavit on her behalf.

II. THE PETITION FOR WRIT OF CERTIORARI HERE ASSERTS THE LOWER COURT’S DISMISSAL FOR LACK OF STANDING WAS IMPROPER, THE SAME ISSUE AS IN *UZUEGBUNAM*.

Petitioner seeks to remedy the violation of her procedural due process rights when she was denied standing on appeal to obtain review of a court decision depriving her of property rights both as an estate beneficiary and as a wrongful death claimant.

The appellate court here actually reversed the trial court's decision properly granting Petitioner standing to address these issues. Here the central meaning of procedural due process is: "Parties whose rights are to be affected are entitled to be heard." *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972).

The Due Process Clauses of the 14th Amendment requires that the opportunity to be heard occur, "at a meaningful time and in a meaningful manner."

Acquanitta L. Harris-Patterson (a/k/a Howard) rights are therefore affected by the (improper) settlement compromising to the Estate claim and such interest of Acquanitta L. Harris-Patterson (a/k/a Howard) is entitled her to procedural due process rights to be heard and protect this interest. This matter is of great general importance, as Estate legatees deserves to have her rights as to the Estate heard and protected as she proceeds through the judicial system.

The constitutional right to be heard is a basic aspect of the duty of government to follow a fair process of decision-making when it acts to deprive a person of her possessions. *Fuentes*, 407 U.S. at 80," For when a person a person has an opportunity to speak up on her own defense, and when the State must listen to what she has to say, substantively unfair and simply mistaken deprivations of property interests can be prevented." *Id* at 81.

The probate process is perhaps the most widespread use of the legal system is among Americans, and this Court should ensure there is a uniform body of state and federal law that estate beneficiaries do have the right to be heard and their rights protected under the constitutional principles of due process.

Acquanitta L. Harris-Patterson (a/k/a Howard), must have standing under *Uzuegbunam*, *Mathews* and *Fuentes* to obtain her procedural due process rights and be heard to present any objections in order to protect her property interest in the wrongful death claim at issue on appeal before such claim is compromised.

In this common and heartbreaking tort of wrongful death, it is of great importance throughout the country that this Court ensure that wrongful death parties of interest, such as Acquanitta L. Harris-Patterson (a/k/a Howard) also have her due process rights protected for the property interest.

Finally, the Court's new standing findings in *Uzuegbunam* may be further emphasized in the next few days by the upcoming court opinion in *California b. Texas* affirm. Ct. Nos. 19-840 and 19-10190 as the Courts' 2020-2021 term concluded.

Petitioner here has also shown such a "quintessential economic injury" to her property rights in both her Estate beneficiary rights and as the party in interest in the wrongful; death claimed thus Petitioner is likewise entitled to stand under the Due Process Clause to be heard and protected her property rights. Though this Court in the Missouri decision upheld those Petitioners' standing in its upcoming opinion (the lower court of Missouri Did Not write An Opinion nor did the presiding circuit judge have me to appear to the Court of Missouri) it would be appropriate for this Supreme Court to grant the Petitioner for Writ of Certiorari here to reverse the Lower court's decision and remand for consideration in light of this Court's opinions in both *Uzuegbunam* and *California v. Texas*.



CONCLUSION

Based on this Court's recent decision that the petitioners in *Uzuegbunam* have standing to seek relief from violations of her rights, Petitioner Acquanitta L. Harris-Patterson (a/k/a Howard) respectfully requests that this Petition for Rehearing and her Petition for Writ of Certiorari be "Granted," with either full consideration on the merits or alternatively to vacate the lower court decision and remand to the lowered court for consideration in light of *Uzuegbunam* (and potentially *California v. Texas* as well).

Respectfully submitted,

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April 12, 2023

RULE 44 CERTIFICATE

I, Acquanitta L. Harris-Patterson, petitioner pro se, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. This petition for rehearing is presented in good faith and not for delay.

2. The grounds of this petition are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

/s/ Acquanitta L. Harris-Patterson
Petitioner

Executed on April 12, 2023



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