

301 Clerk U.S. Supreme Court

Fr: William J. Webb Jr.  
# 00256086  
1181 Paddock Road  
Smyrna, OR 99727

Re: Docketing Motion for Extension of Time for Filing  
of Petition for Writ of Certiorari, and  
In Form Papers paperwork.

May 9, 2023

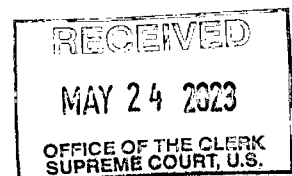
Dear Clerk,

Please find the enclosed, assign a Number  
to be used for any further filings if necessary.

Please see Exhibit B which has prevented  
me from filing a timely Petition.

Thank you.

Respectfully,  
William J. Webb Jr.



No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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William J. Webb Jr. - Petitioner

VS.

Div. of Child Services, Youth, and their Families / Div. of Family Services  
- Respondent

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Motion For Extension Of Time For Filing Of  
Petition For Writ Of Certiorari

Comes now, Petitioner, William J. Webb Jr.  
in presenting His Motion for Extension of Time  
for Filing of Petition for Writ of Certiorari  
to be heard at the Court's earliest convenience.

In support, the following Cause is shown:

1. The Supreme Court of Delaware failed its obligation to send Petitioner its order Affirming the Family Court's decision, along with the failure to send the ~~mandate~~ closing the case in Appeal No. 243, 2022. (See Ex. B)

2. Petitioner has filed a Motion for Appointment of Counsel which has not been ruled on. (See Ex. A)

3. Petitioner has an insufficient record for filing a Petition for Writ of Certiorari due to erroneous and willful misconduct behaviors placed upon his Constitutional guarantees.

4. Petitioner has claims that are reviewable on Writ of Certiorari, which include:

(a). Denial of Due Process for failure to have a neutral and detached judicial officer oversee the proceedings pretrial and the trial.

(b). Violation of XII<sup>th</sup> Amendment U.S.C.A. against self-incrimination in a civil proceeding.

(c). Violation of XIV<sup>th</sup> Amendment U.S.C.A. against discrimination because of sex and indigenous status.

(d). Violation of Rules of Evidence 609(b) and convictions that were not final.

(e). Violation of XIV<sup>th</sup> Amendment U.S.C.A. and Del. Constitution Art. I § 9 where new Counsel should have been appointed where new Counsel should have been appointed when Counsel filed a Motion to Withdraw and failed to present Petitioner's meritorious claims to the Delaware Supreme Court.

Wherefore, Petitioner, William J. Webb Jr. respectfully requests the Court grant His Motion for Extension of Time for Filing Petition for Writ of Certiorari for the great Cause shown.

Respectfully Submitted,  
William J. Webb Jr.

Dated: May 9, 2023

William J. Webb Jr. # 00256056  
1181 Paddock Road  
Smyrna, DE 19977

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WYATT WALDROP, <sup>1</sup>	§ No. 243, 2022
	§
Respondent Below,	§ Court Below—Family Court
Appellant,	§ of the State of Delaware
	§
v.	§ File No. 20-05-06TN
	§
DEPARTMENT OF SERVICES	§ Petition No. 20-10758
FOR CHILDREN, YOUTH AND	§
THEIR FAMILIES/DIVISION OF	§
FAMILY SERVICES,	§
	§
Petitioner Below,	§
Appellee.	§

Submitted: February 6, 2023  
Decided: March 10, 2023

Before **SEITZ**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

**ORDER**

After consideration of the brief and motion to withdraw filed by the appellant’s counsel under Supreme Court Rule 26.1(c), the responses, and the Family Court record, it appears to the Court that:

(1) The appellant (“Father”) filed this appeal from the Family Court’s order dated June 13, 2022, terminating his parental rights in his child born in April 2018

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<sup>1</sup> The Court previously assigned pseudonyms to the parties and the child under Supreme Court Rule 7(d).

remained incarcerated since that time; he also incurred additional criminal charges arising from his alleged conduct while incarcerated.

(3) On February 14, 2019, Mother filed a petition for an order of protection from abuse (“PFA”) against Father. A Family Court Commissioner issued a lifetime PFA order against Father and in favor of Mother and the Child, after finding, among other things, that Father “intentionally or recklessly caused or attempt[ed] to cause physical injury or sexual offense” to Mother. The PFA order prohibited Father from having any contact with Mother or the Child and from being within 100 yards of Mother, the Child, or the Child’s daycare. Father sought review of the Commissioner’s order, and the Family Court affirmed after finding that there was a history of domestic violence by Father against Mother; Father committed acts of abuse against Mother, including grabbing her by the neck and pinning her to a bed, which interfered with her breathing; and Father prevented Mother from calling 911 for help.

(4) In July 2019, the maternal grandparents notified DFS that they could no longer care for the Child. The Family Court awarded emergency *ex parte* custody to DFS. DFS then filed a petition for custody of the Child, alleging that the Child was dependent, neglected, and abused in Mother’s and Father’s care. Specifically, DFS alleged that Mother had no housing and was actively abusing drugs and that Father was incarcerated. The petition also alleged that Father had written a

conduct, threatening behavior, and domestic violence; resolving his criminal charges; complying with no-contact orders; completing parenting and domestic-violence-prevention courses; and procuring stable housing. Father testified that he had completed a parenting class through Child Inc. and asserted that he had undergone a mental-health evaluation and had received mental-health treatment in prison. He also testified that he had completed the “6 for 1” program, which he stated included a domestic-violence component.

(8) Father appeared for a review hearing on December 16, 2019. He remained incarcerated pending trial. Father stated that he received mental-health treatment while in prison and that he planned to continue mental-health treatment after his release. Father received pictures of the Child from DFS but had not had any visits with her. The Family Court found that the Child remained dependent. The court found that Father had not made satisfactory progress toward completing his case plan, but the permanency plan continued to be reunification.

(9) In February 2020, a DFS worker received a threatening letter from Father; she filed a criminal complaint and notified the prison. Because of Father’s repeated threats directed to DFS, all communication between DFS and Father after that time occurred through counsel.

(10) On March 17, 2020, Father filed a *pro se* petition seeking visitation with the Child. On April 21, 2020, Father’s counsel moved to withdraw, asserting among



instead use an application (the “Getting Out application”) on a computer tablet that was used for inmates to conduct virtual visits with friends and family. The Family Court ordered DFS to obtain more information about whether the Getting Out application could be used in the future “if the virtual visit on the 26th goes well.”

(13) Following a permanency hearing on October 19, 2020, the court approved a change in the permanency plan to concurrent planning for reunification and for TPR/adoption. The Child had been in DFS custody for approximately fifteen months, and Father remained incarcerated. Father testified that he received mental-health treatment and attended anger-management groups while incarcerated.

(14) Also on October 19, 2020, Father’s second court-appointed counsel moved to withdraw, asserting that Father’s conduct had rendered the attorney-client relationship unreasonably difficult and that Father did not want his representation. The court referred the motion to another Family Court judge in order to avoid any appearance of prejudice to Father’s case. The other Family Court judge granted the motion after Father admitted on the record making extremely pejorative and offensive statements to his counsel. Shortly thereafter, the court appointed a third counsel to represent Father. This third counsel represented Father through the TPR hearing and filed this appeal on Father’s behalf.

(15) On August 11, 2021, Father appeared for a post-permanency review hearing. He remained incarcerated. Father had been found guilty in Family Court

who worked at James T. Vaughn Correctional Center (“JTVCC”) testified that Father had been involved in an assault on a correctional officer before his transfer to JTVCC on November 25, 2019, resulting in his placement in the maximum-security pretrial unit. Father had also accumulated numerous disciplinary reports while in custody in 2019, 2020, and 2021. Moreover, on May 22, 2019, Father was charged with three felony counts of breaching a no-contact order protecting Mother. The correctional counselor testified that Father’s most recent disciplinary infraction had occurred on April 4, 2021, and his behavior had improved since then, resulting in his transfer out of the maximum-security pretrial unit to the general pretrial unit in November 2021. The correctional counselor testified that Father had regularly attended the mental-health sessions that were offered to him as a pretrial detainee, but that they did not include a domestic-violence-prevention component, and that all other programs were available only to sentenced inmates.

(17) A DFS worker testified that she observed the fifteen-minute virtual visit between Father and the Child in March 2021 and that Father behaved appropriately. She testified that the Child recognized Father’s voice and appeared frightened and did not want to be in front of the camera. She further testified that after the visit, the Child reported that Father looked “scary.” The DFS worker also testified that DFS had determined that virtual visits using the Getting Out application would be inappropriate because other inmates would be able to see the Child and that the

(21) Father asserted that he had completed the domestic-violence-prevention and anger-management elements of his case plan. He claimed that he had completed all programs available to him as a pretrial detainee and that his pretrial detention, rather than his own conduct, was the cause of his failure to complete his case plan. Father claimed that he satisfied the anger-management element of his case plan by completing the “6 for 1” program in May of 2019. When the Child’s attorney asked Father about the offensive and threatening letters that Father had sent to DFS and his attorneys, Father testified that he did not believe that they represented his acting out in anger. He claimed that he was justified in threatening the life of his former attorney and stated that if a similar situation arose in the future he would respond the same. He also warned the Child’s attorney that he should “watch [his] tone.”

(22) On March 3, 2022, the Family Court entered an order staying its TPR decision until after Father’s criminal trial, which was scheduled for May 9, 2022. In May 2022, a Superior Court jury found Father guilty of stalking, act of intimidation, and multiple charges of breach of release. On June 13, 2022, the Family Court issued its decision terminating Father’s and Mother’s parental rights. The court found that DFS had established, by clear and convincing evidence, statutory grounds for termination under 13 *Del. C.* § 1103(a)(5). Specifically, the court found that the Child had been in DFS’s custody for approximately thirty-five months and that

completed a domestic-violence-prevention course or demonstrated his ability to avoid domestic violence. Among other things, the court observed that Father's discharge report from the "6 for 1" program reflected that Father had reported a long history of substance abuse since he was five years old and that he had "made progress on displaying ability to control his emotions" but had only begun to "explore his triggers and high-risk situations" and "struggled to accept responsibility for some of his past negative behaviors, choosing to believe the behaviors were beneficial in helping others change." The court further observed that the discharge report noted that Father's progress was "fair" and that he would "benefit from ongoing substance abuse and anger management treatment."

(24) The court further found that Father could not provide housing for the Child. The court rejected Father's contention that he was not to blame for his failure to complete his case plan because of his pretrial detention, concluding instead that he was detained because of his own conduct. The court further observed that, by the time of its decision, Father had been convicted of numerous criminal offenses and that, although he had not yet been sentenced for those offenses, the sentence would likely encompass the three years that he had already been detained plus several additional years. Finally, applying the factors set forth in 13 *Del. C.* § 722(a), the court determined that it was in the Child's best interests to terminate Father's parental rights. Father has appealed to this Court.

(27) Father did not submit points to his counsel as permitted by Rule 26.1(c). Because of concerns regarding whether Father was receiving correspondence from counsel, on December 22, 2022, the Senior Court Clerk sent a letter to Father directing him to submit to the Court, by January 23, 2023, any points that he wanted the Court to consider. On January 13, 2023, Father requested additional time, and the Clerk directed Father to submit any points that he wanted the Court to consider by February 6, 2023. On February 16, 2023, Father filed a “Motion for Remand for Appointment of Counsel” in which he asserts that the Family Court violated his Due Process rights by not appointing new counsel to represent him after allowing his court-appointed counsel to withdraw; his testimony in this case violated his Fifth Amendment protection against self-incrimination; and the Family Court erroneously considered the potential length of his criminal sentences, when he had not yet been sentenced.

(28) After careful review of the record, we find no reversible error. First, the Family Court appointed three different attorneys to represent Father, because Father’s offensive and threatening conduct toward the first two attorneys resulted in the Family Court’s permitting them to withdraw.<sup>14</sup> Thus, his claim that the Family

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<sup>14</sup> Cf. *Sackman v. Seaburn*, 2020 WL 1061690, at \*2 (Del. Mar. 4, 2020) (holding that Family Court did not abuse its discretion by determining that father “forfeited any right to counsel he may have had” in a guardianship proceeding by his “extremely serious misconduct,” including his “angry reactions to counsel’s advice, acting in a loud and aggressive manner, using profanity, claiming that counsel was a racist, accusing her of conspiring with opposing counsel, making reference to his own violent criminal history in a manner that was intended to intimidate counsel,

Court did not err by considering Father's potential criminal sentence in the circumstances of this case. We find no error in the Family Court's application of the law to the facts and are satisfied that Father's counsel made a conscientious effort to examine the record and the law and properly determined that Father could not raise a meritorious claim on appeal.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED. Counsel's motion to withdraw is moot. The appellant's motion for remand for appointment of counsel is denied.

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Chief Justice

EXHIBIT

A

# The Family Court of the State of Delaware

In and For  New Castle County  Kent County  Sussex County

Debra V. E. / D.F.S.  
Petitioner

v.

William J. Webb Jr.  
Respondent

File No.: 20-05-06TN

Petition No.: 20-10758

## NOTICE OF MOTION

TO: Eslanda Fingmore  
820 North French Street  
Wilmington, DE 19801

PLEASE TAKE NOTICE that the attached Motion for Appointment of Counsel is herewith presented to the Court for consideration. If you are opposed to this motion, you must file a written response with the Court within ten (10) days of the service of this motion. If no response is timely filed, the motion may be decided without further opportunity for you to be heard on the matter. Family Court Rules, Rule 7(b)(2).

May 9, 2023  
Date

William J. Webb Jr.  
Movant/Attorney

William J. Webb Jr.  
Print Name

Name and address of Movant/Attorney	<u>William J. Webb Jr. #0025608</u>
Street Address (including Apt)	<u>1181 Paddock Road</u>
P.O. Box Number	
City/State/Zip Code	<u>Smymna, DE 19977</u>



# The Family Court of the State of Delaware

In and For  New Castle County  Kent County  Sussex County

## MOTION FOR Appointment of Counsel

Petitioner

Respondent

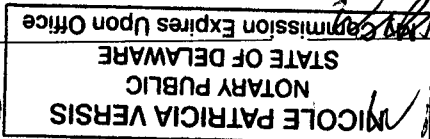
Name <u>D. C. S. Y. F. / D. F. S.</u>	Name <u>William J. Webb Jr.</u>	File Number <u>20-05-06TN</u>
Street Address (including Apt) <u>92 Churchmann's Road</u>	Street Address (including Apt) <u>1181 Paddock Road</u>	Petition Number <u>20-10758</u>
P.O. Box Number <u></u>	P.O. Box Number <u></u>	
City/State/Zip Code <u>New Castle, DE 19720</u>	City/State/Zip Code <u>Smyrna, DE 19977</u>	
Date of Birth <u></u>	Date of Birth <u>10/21/1972</u>	
Attorney Name <u>Islands Financial</u>	Attorney Name <u>WJA</u>	
Interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Language <u></u>	Language <u></u>	

A PROCEEDING involving T.R.R. having been filed heretofore in this Court, Movant hereby moves the Court for Appointment of Counsel and, in support thereof, alleges the following facts:

1. Respondent has filed for an extension of time to file WRIT of Certiorari in the U.S. Supreme Court.
2. There are reversible errors that were not addressed at the Family Court and DE Supreme Court levels.
3. Due to illegal mail tampering, Counsel is requested.

SWORN TO AND SUBSCRIBED before me this date,

5/9/2023

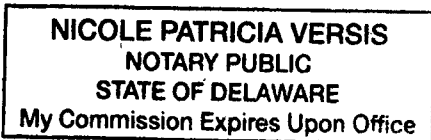
Mrs. Patricia Klein  William J. Webb Jr.  
Clerk of Court/Notary Public Movant/Attorney  
Print Name

I, the Movant, affirm that a true and correct copy of this Motion was placed in the U.S. Mail on this date \_\_\_\_\_, and sent to the other party or attorney at the address listed on the petition, being \_\_\_\_\_

Islands Financial 820 North French Street first class postage pre-paid.  
Wilmington, DE 19901

SWORN TO AND SUBSCRIBED before me this date,

5/9/2023

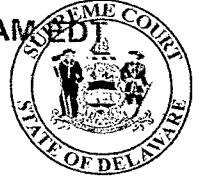
Mrs. Patricia Klein  William J. Webb Jr.  
Clerk of Court/Notary Public Movant/Attorney

**NICOLE PATRICIA VERSIS**  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires Upon Office



EXHIBIT

B



SUPREME COURT OF DELAWARE

LISA A. DOLPH  
*Clerk*

SUPREME COURT BUILDING  
55 THE GREEN  
DOVER DE 19901

DANIELLE M. DRAKE  
*Chief Deputy Clerk*  
ELIZABETH A. FELICIANO  
*Senior Court Clerk*  
JOANNE K. HASTINGS  
*Senior Court Clerk*

(302) 739-4155  
(302) 739-4156

April 3, 2023

Mr. William Webb  
SBI #00256056  
James T. Vaughn Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

RE: *Wyatt Waldrop v. DSCYF/DFS*, No. 243, 2022

Dear Mr. Webb:

The Supreme Court is in receipt of your document entitled "Motion for Reargument and Rehearing En Banc" in the above-captioned matter. This case was closed when the mandate issued and was returned to the Family Court on March 28, 2023. This Court no longer has jurisdiction to address the matters raised in your documents. Therefore, the Court will take no further action with respect to your documents regarding this matter.

Very truly yours,  
*/s/ Joanne K. Hastings*

cc: Christofer C. Johnson, Esquire  
Islanda L. Finamore, Esquire  
David H. Holloway, Esquire