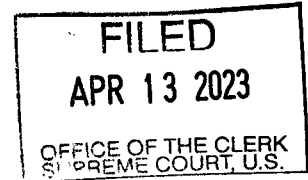


23-116

ORIGINAL

SUPREME COURT OF THE UNITED STATES



RAHIM CALDWELL.,

Petitioner

V.

JASON ANTHONY, FREDERICK GHIO,  
Respondents

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On Petition for Writ of Certiorari to the  
Rhode Island Supreme court

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PETITION FOR WRIT OF CERTIORARI

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RAHIM CALDWELL., PROSE PETITIONER

PO BOX 29660

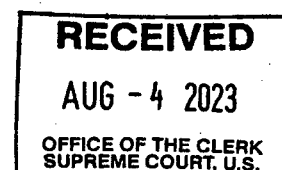
PROVIDENCE RI 02909

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586.260.8974

PROSE PETITIONER

1



## QUESTIONS PRESENTED

The questions presented are:

1. Whether affording no process, no process whatsoever satisfies the due process requirement where a **protected property** interest is involved, here a public education?
2. Whether petitioner was entitled to a **hearing**?
3. Whether **Student bill of rights** was followed?
4. Whether academic **dishonesty** policies were followed?
5. Whether academic **honesty** policies were followed?
6. Whether students at public colleges and universities are protected under a state law; here RIGL 16-81-1 (C) which explicitly affords students the following in any decision of the governing body: An **appeal**, Due Process, A prompt hearing, Opportunity prior to the hearings to review any evidence supporting the evidence?
7. Whether petitioners Trespass notice which cites RIGL 11-44-26.1 has validity when no criminal charge filed in a court of proper jurisdiction?
8. Whether petitioner's decisions are e. Sanctions J. Revocation of Admission in Student Handbook?
9. Whether an allegation outweighs the statutory requirements available to students at public colleges or public institutions?

10. Whether an allegation is evidence?
11. Whether petitioner's decisions are e. Sanctions J. Revocation of Admission in Student Handbook?
12. Whether petitioners Trespass Notice are e. Sanctions O. Trespass in Student Handbook
13. Whether students at public college or universities are protected under the public colleges or universities internal policies which **explicitly include** "admissions policies"?
14. Whether respondents complied with any requirements in RIGL 16-81-1 (C) ?

Whether respondents fully complied with RIGL 16-81-1 (c) which affords petitioner an appeal, a prompt hearing, evidence that will be used against petitioner, right to review any evidence supporting the allegation, and a written decision setting clearly the grounds for the action of the school?

15. Whether respondents qualify as impartial decision makers under RIGL 16-81-1 (c), especially where respondents made the decisions?

RIGL is RHODE ISLAND GENERAL LAW

16. Whether the First Circuit court of appeals decision in Gorman v. University of Rhode Island citing this court and other court decisions is applicable?

## **PARTIES TO THE PROCEEDINGS**

Rahim Caldwell, petitioner on review, was the appellant below, and plaintiff in the trial court.

Jason Anthony, Frederick Ghio respondents on review, were appellees below, and defendants in the trial court.

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## **STATEMENT OF RELATED PROCEEDINGS**

There are no related proceedings.

## **TABLE OF AUTHORITIES**

**Goss v. Lopez 419 US 565 (1975)**

**Gorman v. University of Rhode Island 837 F.2d 7 ( 1<sup>st</sup>  
Cir. 1988)**

**Estate of Griggs v. Heel 63 A.3d 867 (2013) Supreme  
court of Rhode Island at APPENDIX R.**

**Carter v. Visitors 835 F. Supp. 2d 100 (D.S.C. 2011)  
280 Ed. Law Rep. 910**

**Boddie v. Connecticut 401 US 371 (1971)**

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## **APPENDIX**

**APPENDIX A. Supreme court of Rhode Island order  
denying rehearing No. 2021-268-A January 13, 2023**

**APPENDIX B. Supreme Court of Rhode Island  
ORDER UNDER REVIEW FOR WRIT OF  
CERTIORARI NO. 2021-268-Appeal (PC-19-9870)  
December 20, 2022**

**APPENDIX C. Supreme Court of Rhode Island  
ORDER No. 2018-342-Appeal (PC-18-4590)**

**APPENDIX D. Superior court of Rhode Island  
Judgment PC-2019-09870**

**APPENDIX E. Superior court of Rhode Island Order  
PC-2019-09870**

**APPENDIX F. AMENDED COMPLAINT**

**APPENDIX G. FOURTEENTH AMENDMENT TO  
THE UNITED STATES STATES CONSTITUTION**

APPENDIX H. CONSTITUTION OF THE STATE OF  
RHODE ISLAND Article I, Section 2 No person shall  
be deprived of life, liberty or property without due  
process of law.

APPENDIX I. RHODE ISLAND COLLEGE  
STUDENT BILL OF RIGHTS

APPENDIX J. RIGL 16-81-1(c)

APPENDIX K. PAGE 1 OF RESPONDENTS MOTION  
TO DISMISS

APPENDIX L. REVOCATION OF ADMISSIONS  
LETTER UNDATED

APPENDIX M. REVOCATION OF ADMISSIONS  
LETTER DATED

APPENDIX N. SECTION 3.9.1

APPENDIX O. STUDENT CONDUCT CODE LETTER

APPENDIX P. TRESPASS LETTER



APPENDIX Q. RIGL 11-44-26.

APPENDIX R. Estate of Griggs, 63A.3d 867, 2013 R.I.  
LEXIS 50 (R.I. 2013). Supreme court of Rhode Island  
decision

APPENDIX S. Gorman v. University of Rhode Island  
837 F.2d 7 (1<sup>st</sup> Circuit 1988)

APPENDIX T. Carter v. Visitors 835 F. Supp. 2d 100  
(D.S.C. 2011) 280 Ed. Law Rep. 910

### **PETITION FOR A WRIT OF CERTIORARI**

Rahim Caldwell respectfully petitions for a writ of  
certiorari to review the orders of the Rhode Island  
Supreme court

**OPINION BELOW**

**The order submitted for review is**

**The Rhode Island Supreme court order is published, and is available at 285 A.3d 734 (2022), petitioners**

**Rahim Caldwell v. Jason Anthony et al No. 2021-268-Appeal (PC-19-9870) December 20, 2022 can be found at**

**Caldwell v. Anthony, 285 A.3d 734 (2022)  
Supreme Court Of Rhode Island**

**APPENDIX B.**

**2**

**“The amended complaint named Anthony, the Rhode Island college (RIC) director of admissions, and Ghio, the former director of campus security and Chief of police, as defendants.” p.1**

**“The plaintiff alleges that defendants “perpetrated violations of Rhode Island state constitutional rights, his United States\* \* \* constitutional rights under the due process clause of the fourteenth amendment..” p. 1**

**Caldwell v. Anthony, 285 A.3d 734 (2022)  
Supreme Court Of Rhode Island**

## **APPENDIX B.**

Petitioner claims failure to order transcripts did not prevent it from reaching the merits, as the court knew case involved fourteenth amendment due process clause to the United States constitution, as well as the Rhode Island state constitutional rights, as well as Rhode Island General law.

See Estate of Griggs “failure to order transcripts did not prevent it from reaching the merits”.

See Estate of Griggs 63 A.3d 867, 2013 R.I. LEXIS 50 (R.I. 2013)

“The order appealed from does not dispose of all claims against all parties; nor does the record reflect that judgment in accordance with rule 54 (b) of the Superior court Rules of Civil Procedure was entered in favor of one or more of the defendants.”

“ A final judgment or order for purposes of appealability is one that terminates all the litigation arising out of the action between the parties on the merits.”

Coates v. Ocean State Jobbers, Inc., 18 A.3d 554, 561 (R.I. 2011) ( brackets omitted ) ( quoting Retirement Board of Employees Retirement System of Providence v. Prignano, 991 A.2d 412, 412 (R.I. 2010) (mem.)). Thus, both the original order dismissing the plaintiff's claims against Mr. Anthony..., and the order denying plaintiff's second motion for consideration, are interlocutory.

"Furthermore, the judgment entered in favor of all defendants in the case after the plaintiff's appeal had been docketed in this court was improper."

It is well established that once an appeal has been docketed and the papers of a case transmitted to this court, the trial court is divested of its power to act in the case."

Krivitsky v. Krivitsky, 43 A.3d 23, 29 (R.I. 2012).

"After the Plaintiff's appeal was docketed in this court, the hearing justice no longer had jurisdiction to hear and decide the parties' motions."

"The orders and judgment entered while this appeal was pending are hereby vacated."

"The case may be remanded to the Superior court for further proceedings in accordance with this with this

order.” “Entered as an order of this court, this 20<sup>th</sup> day of May, 2019.

**Supreme Court of Rhode Island ORDER NO.  
2018-342-Appeal**

**(PC-18-4590) APPENDIX C.**

The Rhode Island Supreme court order is unpublished and attached, petitioners

**APPENDIX C.**

**APPENDIX D. Superior court of Rhode Island  
Judgment PC-2019-09870 was vacated by  
APPENDIX C.**

**APPENDIX E. Superior court of Rhode Island  
Order PC-2019-09870 was vacated by APPENDIX  
C**

**JURISDICTION**

The Rhode Island Supreme court entered judgment on December 20, 2022. Petitioner thereafter filed a timely petition for rehearing on December 30, 2022, which the court denied on January 13<sup>th</sup>, 2023, Petitioners Appendix, the order denying petition for rehearing APPENDIX A, extended the time to file a petition for writ of Certiorari in this case to April 13, 2023. This Court has jurisdiction under 28 U.S. Code § 1257 (a)

## INTRODUCTION

In 1975, this court ruled

“ It is apparent that the claimed right of the State to determine unilaterally and **without process** whether that misconduct has occurred immediately collides with the requirements of the Constitution.

Goss v. Lopez 419 U.S. 565, 575 (1975)

Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.

Goss v. Lopez 419 U.S. 565,574 (1975)

Petitioner states the First Circuit court of Appeals which covers that state of Rhode Island recognizes petitioner right to a hearing.

“at the very minimum, students must be given " *some* kind of notice and afforded *some* kind of hearing." *Id.* at 579, 95 S.Ct. at 738. (emphasis in original).”

**Gorman v. University of Rhode Island**

United States Court of Appeals, (First Circuit Jan 19, 1988) 837 F.2d 7 (1st Cir. 1988)

For over 1,807 days petitioner has been treated as inferior to the protections afforded.

**RELEVANT CONSTITUTIONAL, STATUTE, AND  
REGULATION PROVISIONS**

**CONSTITUTION OF THE UNITED STATES**

Amendment XIV, section 1

Amendment XIV

The Due Process Clause of the Fourteenth Amendment provides in relevant part:

Section 1.

nor shall any state deprive any person of life, liberty, or property, without due process of law;

**APPENDIX G.**

**CONSTITUTION OF THE STATE OF RHODE  
ISLAND ARTICLE 1, section 2**

**ARTICLE 1, in relevant part**

Section 2. Due process —No person shall be deprived of life, liberty or property without due process of law,..  
APPENDIX H.

Title 16  
Education  
Chapter 81  
Right to a Safe School in Higher Education  
R.I. Gen. Laws § 16-81-1 (c)

In relevant part

Title 16 Education chapter 81 Right to a safe school in  
Higher Education RIGL 16-81-1(c)

R.I. Gen. Laws § 16-81-1

**(c)** Any decision of the designated governing body shall be subject to appeal by the student as provided by the rules and regulations of each institution of higher education. These procedures shall assure due process which shall include at a minimum time-lines for a prompt hearing; adequate notice to the student stating the rule allegedly violated and giving a specific description of the incident and evidence that will be used against the student; an opportunity prior to the hearings to review any evidence supporting the allegation; an impartial decision maker or team of decision makers; a right to confront and cross-examine witnesses; the opportunity to be represented by counsel; and a written decision setting forth clearly the grounds for the action of the school.



History of Section.

P.L. 1998, ch. 30, § 1; P.L. 1998, ch. 51, § 1.

APPENDIX J.

Respondents admitted petitioners “admission to Rhode Island college was revoked”

APPENDIX L.

APPENDIX M.

Respondents admitted the Trespass issued that petitioner was “barred from being on RIC property”.

APPENDIX P.

Respondents undated revocation of admissions letter contains allegations, which are not evidence.

APPENDIX L.

Respondents dated revocation of admissions letter contains allegations, which are not evidence.

APPENDIX M.

Respondents citing “academic honesty” citing Section 3.9.1 of the college handbook are controlled by 2017-2018 Student Handbook, the same 2017-2018 Student Handbook which explicitly includes admissions policies.

#### APPENDIX N.

Respondents Student conduct code letter is governed by 2017-2018 Student Handbook.

#### APPENDIX O.

Respondents Trespass letter contains no evidence.  
APPENDIX P.

Respondents' authority to issue Trespass on petitioner is not governed by RIGL 11-44-26.1, as first offense is by a fine of not less than \$50, and not more than \$500. Respondents filed no criminal charge in any court of proper jurisdiction.

## APPENDIX Q.

### RHODE ISLAND COLLEGE REGULATIONS APPENDIX I.

Student Bill of Rights

Student Handbook

Sanctions

Article III: Freedom from discrimination; Section 1.

Article III: Freedom from discrimination;

Section 1.

This non-discrimination policy encompasses the operation of the College's educational programs and activities **including admissions policies**

APPENDIX I.

When respondents made decisions to take  
petitioners educational benefits, respondents claimed  
to use admissions policies. When doing so respondents

triggered Article III, section 1 which explicitly includes  
“admissions policies”.

Article V: Notice of rules Section 1.

Article V: Notice of rules Section 1.

No sanction may be imposed for violations of rules and  
regulations for which there is not actual or  
constructive notice.

Respondents cannot provide any regulation or rules  
covering whatever defendants claim with respect to  
the unconstitutional taking of plaintiff's educational  
benefits.

Article VI: Freedom from disciplinary action without  
due process Section 1.

Article VI: Freedom from disciplinary action without  
due process Section 1. When misconduct may result in  
serious penalties, the student is entitled to a formal

hearing before the established College judicial system. In all situations, procedural fair play requires that the student be informed of the nature of the charges and be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision.

When respondents without any process whatsoever took petitioners educational benefits, they did so arbitrarily; affording no hearing, nor formal hearing, no charges no formal charges; hence petitioner could not be given opportunity to refute charges, and no provision for appeal.

Article VII: Violation of law and College discipline  
Section 3

Article VII: Violation of law and College discipline  
Section 4

Article VII: Violation of law and College discipline  
Section 5

## Article VII: Violation of law and College discipline

Section 3. If the student is accused of violating a campus regulation, charges will be instituted through the established College Judicial system.

In this instant case, educational benefits were taken arbitrarily through allegations, and not any charges whatsoever, and not instituted through the established college judicial system.

Section 4. No student shall be punished for an action, if such an action was committed before the College instituted regulations which prohibited said action.

The college has not instituted regulations for whatever respondents claim whatever regulation was violated by petitioner.

Respondents altered status of a student before disposition of charges, as no charges were filed on petitioner.

Section 5. Absent extraordinary circumstances, the status of a student shall not be altered, nor shall the student's right to be present on campus to attend classes and to participate in college activities be suspended **until disposition of charges** are made, except when the student's continued presence on campus poses imminent danger to the safety of that student or to the safety of other members of the college community or to college property. Any such exceptions shall be in accordance with the established college judicial procedures **which shall provide for an appeal**.

e. sanctions

An individual found responsible for violating the Student Conduct Code is subject to one or more of the following sanctions.

J. Revocation of Admission

O. Trespass

Both respondent's letters are sanctions under

APPENDIX I.

## **STATEMENT OF THE CASE**

Petitioner transferred to Rhode Island college in 2017. In petitioners third semester respondents held a secret meeting on May 1, 2018 which respondent(s) attended. Thereafter on May 2, 2018 respondent(s) served petitioner with the Revocation of Admission letter. On May 4, 2018, respondent(s) lay in wait inside Thorp Hall to intercept petitioner, to which petitioner was resident, on knowledge petitioner was enroute to a meeting with the college president.

Respondent Jason Anthony and respondent Frederick Ghio came to an agreement to have respondent Frederick Ghio hand-deliver the Revocation of Admission letter to petitioner.

The petitioner was not afforded any process, no process whatsoever; no due process, no hearing, no appeal, no charges, and was only subjected to sanctions in the form of Revocation of Admissions, and Trespass. Petitioner was punished for an action before the college instituted regulations which prohibit said action.

The college's student bill of rights explicitly covers admissions policies.



## REASONS FOR GRANTING THE WRIT

From the outset respondents ignored this court's decisions in Goss by failing to recognize petitioners' legitimate entitlement to public education as a property interest which is protected by due process and may not be taken without due process.

For over 1,807 days the petitioner has been treated as inferior to the protections afforded all students without a hearing, an appeal, and any due process.

To afford no rights whatsoever to a student at a public college or public university is to render petitioner as inferior. This court ruled in Goss education is protected as a property interest that cannot be taken away without due process.

The Fourteenth amendment is clearly established.

The authority possessed by the state to prescribe and enforce standards of conduct in its schools although concededly very broad, must be exercised consistently with constitutional safeguards.

Pp. 574 Goss v. Lopez 419 U.S. 565,574 (1975)

Petitioner states respondents failed to recognize students' public education as a property interest.

Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.

Goss v. Lopez 419 U.S. 565,574 (1975)

Petitioner states respondents claimed actions collided with the requirements of the constitution.

"It is apparent that the claimed right of the State to determine unilaterally and without process whether that misconduct has occurred immediately collides with the requirements of the constitution."

Goss v. Lopez 419 U.S. 565,575 (1975)

"The fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures- Board of Education not excepted."

West Virginia v. Board of Education, 319 U.S. 624, 637 (1943).

Petitioner states respondents failed to afford petitioner a hearing.

“Since the hearing may occur almost immediately following the misconduct, it follows that as a general rule notice and hearing should precede removal of the student from school. We agree with the District Court, however, that there are recurring situations in which prior notice and hearing cannot be insisted upon. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and rudimentary hearing should follow as soon as practicable, as the District Court indicated.”

Goss v. Lopez 419 U.S. 565, 682-583 (1975)

Petitioner states respondents conduct was exercised inconsistently with constitutional safeguards.

The authority possessed by the state to prescribe and enforce standards of conduct in its schools although

concededly very broad, must be exercised consistently with constitutional safeguards.

Goss v. Lopez 419 U.S. 565, 574 (1975)

Respondents altered status of petitioner before disposition of charges. No charges were filed on petitioner, whatsoever.

See APPENDIX I.

Petitioner states respondents failed to comply with their internal procedures that were necessary to afford due process.

#### D. Failure to Follow Internal Procedures

Because federal constitutional standards, rather than school rules, define the requirements of procedural due process, not every deviation from a school's regulations is of constitutional significance. *See Winnick v. Manning*, 460 F.2d 545, 550 (2d Cir.1972). Rather, a school's "violation of its own regulations is unconstitutional only if those regulations are necessary to afford due process."

CARTER v. CITADEL BOARD OF VISITORS 835 F. Supp. 2d 100 (D.S.C. 2011)

280 Ed. Law Rep. 910

United States District Court, D. South Carolina,  
Charleston Division.

APPENDIX T.

The authority possessed by the State to prescribe and enforce standards of conduct in its schools, although concededly very broad, must be exercised consistently with constitutional safeguards.

Goss v. Lopez 419 U.S. 565, 574 (1975)

Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the **Due Process** Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.

Goss v. Lopez 419 U.S. 565, 574 (1975)

The Due Process Clause also forbids arbitrary deprivations of liberty. "Where a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him," the minimal requirements of the Clause must be satisfied.

Wisconsin v. Constantineau, 400 U. S. 433, 437 (1971);  
Board of Regents v. Roth, *supra*, at 573.

Goss v. Lopez 419 U.S. 565, 574 (1975)

At the very minimum, therefore, students facing suspension and the consequent interference with a protected property interest must be given some kind of notice and afforded some kind of hearing. "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified." *Baldwin v. Hale*, 1 Wall. 223, 233 (1864).

*Goss v. Lopez* 419 U.S. 565, 579 (1975)

The potential for arbitrary action on the part of the school officials, and the absence of any immediate danger posed by the students, led the court to hold that the Board of Education was required to exercise "at least the fundamental principles of fairness by giving the accused students notice of the charges and an opportunity to be heard in their own defense." *Id.*

**Gorman v. University of Rhode Island**

United States Court of Appeals, First Circuit Jan 19, 1988

837 F.2d 7 (1st Cir. 1988)

When respondents took petitioners educational benefits without any process whatsoever, respondents did so **without due process of law.**

The fourteenth amendment to the United States Constitution provides that no state shall deprive any person of life, liberty, or property without due process of law. There is no doubt that due process is required when a decision of the state implicates an interest protected by the fourteenth amendment. It is also not questioned that a student's interest in pursuing an education is included within the fourteenth amendment's protection of liberty and property. *See Goss v. Lopez*, 419 U.S. 565, 574-75, 95 S.Ct. 729, 736, 42 L.Ed.2d 725 (1975). Hence, a student facing expulsion or suspension from a public educational institution is entitled to the protections of due process. *See id.* at 575-76, 95 S.Ct. at 737; *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150, 157 (5th Cir.), *cert. denied*, 368 U.S. 930, 82 S.Ct. 368, 7 L.Ed. 2d 193 (1961).

*Gorman v. University of Rhode Island* 837 F.2d 7 (1<sup>st</sup> Cir. 1988)

#### APPENDIX S.

When respondents took petitioners educational benefits without any providing any process whatsoever, petitioners did so **without a hearing**.

Appellees were excluded from school only temporarily, it is true, but the length and consequent severity of a

deprivation, while another factor to weigh in determining the appropriate form of hearing, "is not decisive of the basic right" to a hearing of some kind. *Fuentes v. Shevin*, 407 U. S. 67, 86 (1972).

*Goss v. Lopez* 419 U.S. 565, 576 (1975)

"at the very minimum, students must be given " *some* kind of notice and afforded *some* kind of hearing." *Id.* at 579, 95 S.Ct. at 738. (emphasis in original)."

**Gorman v. University of Rhode Island**

United States Court of Appeals, (First Circuit Jan 19, 1988) 837 F.2d 7 (1st Cir. 1988)

There is **no doubt that due process is required** when a decision of the state implicates an interest protected by the fourteenth amendment. **It is also not questioned that a student's interest in pursuing an education is included within the fourteenth amendment's protection of liberty and property.** See *Goss v. Lopez*, 419 U.S. 565, 574-75, 95 S.Ct. 729, 736, 42 L.Ed.2d 725 (1975). **Hence, a student facing expulsion or suspension from a public educational institution is entitled to the protections of due process.** See *id.* at 575-76, 95 S.Ct. at 737; *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150, 157 (5th Cir.), cert. denied, 368 U.S. 930, 82 S.Ct. 368, 7 L.Ed. 2d 193 (1961).



Gorman v. University of Rhode Island 837 F.2d 7 ( 1<sup>st</sup> Cir. 1988)

#### APPENDIX S.

To res judicata

“Denial of request for preliminary injunction is interlocutory rather than final...” Montaquila v. St. Cyr, 120 R.I. 130, 385 A.2d 673 (1978). Appeal And Error image 78 (1)

“Thus both the original order dismissing the plaintiffs claims against Mr. Anthony, and the order denying plaintiffs second motion for reconsideration, are interlocutory.”

Rahim Caldwell v. Stephen King et al No. 2018-342-Appeal (PC-18-4590)

#### Appendix C.

Both the lower court completely avoided the fourteenth amendment by orders dismissing case on res judicata, and failure to state a claim.

Rhode Island supreme court ruled in case PC-2018-4590, the orders and judgment interlocutory, in the

instant case Rhode island Supreme court referenced PC-2018-4590, same case which Rhode Island supreme court ruled the orders and judgment interlocutory, in the instant case RI Supreme court referenced 4590. Those decisions in PC-2018-4590 were not final.

#### APPENDIX C.

"The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures-Boards of Education not excepted." West Virginia Board of Education v. Barnette, 319 U. S. 624, 637 (1943).

Goss v. Lopez 419 U.S. 565, 574 (1975)

"We do so bearing in mind what this court has repeatedly said: the office of a preliminary injunction is not ordinarily to achieve a final and formal determination of the rights of the parties or of the merits of the controversy, but is merely to hold matter approximately in status quo, and in the meantime to prevent the doing of any acts whereby the rights in question may be irreparably injured or endangered."

Coolbeth v. Berberian 112 R.I. 558 (1974)

#### To Collateral Estoppel

On May 20, 2019 The Rhode Island Supreme court in  
Rahim Caldwell v. Stephen King et al No. 2018-342  
Appeal (PC-2018-4590)

Order held:

We conclude the appeal is premature. The order  
appealed does not dispose of all claims against all  
parties nor does the record reflect that judgment in  
accordance with rule 54(b) of the superior court of the  
superior court Rules of Civil Procedure was entered in  
favor of one or more of the defendants.

“A final judgment or order for purposes of  
Appealability is one that terminates all the litigation  
arising out of the action between the parties on the  
merits.” Coates v. Ocean State Jobbers, Inc 18 A.3d  
554, ,561 (R.I. 2011) (brackets omitted) (quoting  
Retirement Board of Employees Retirement System of  
Providence v. Prignano, 991 A.2d 412 (R.I.  
2010)(mem.)).

Thus, both the original order dismissing the plaintiff's  
claims against Mr. Anthony, and the order denying  
plaintiff's second motion for reconsideration, are  
interlocutory.

The plaintiff's appeal is therefore dismissed as  
premature.

Furthermore, the judgment entered in favor of all defendants in the case after plaintiff's appeal had been docketed in this Court was improper.

“ it is well established that once an appeal has been docketed and the papers of a case transmitted to this Court, the trial court is divested of its power to act in the case. “ Krivitsky v. Krivitsky, 43 A.3d 23, 29 (R.I. 2012).

After the plaintiff's appeal was docketed in this court the hearing justice no longer had jurisdiction to hear and decide the parties' motions. The orders and judgment entered while this appeal was pending are hereby vacated.

Caldwell v. Stephen King et al. NO 2018-342 Appeal.  
(PC-18-4590)

The lower court and RI supreme court both ignored the merits, only saying on the merits, but not actually doing on the merits.

Both the lower court and Rhode Island supreme court made errors, in rulings which the Rhode Island supreme court ruled were improper, resulting in vacated orders on respondents, where the fourteenth amendment was involved.

## APPENDIX C.

(I ) This writ of certiorari seeks a review of the Rhode Island supreme court order denying petitioner's appeal.

Petitioner from the outset in the Amended complaint raised the federal question involving due process clause of the fourteenth amendment of the United States constitution and the property interest in a public education.

The Superior court ignored petitioners fourteenth amendment due process clause claim by granting respondents motion to dismiss. The Rhode Island supreme court likewise ignored petitioners due process clause claims and dismissed petitioners' appeal.

## APPENDIX F.

The petition for rehearing was denied by Rhode Island Supreme court in

Rahim Caldwell v. Jason Anthony, No.2021-268-A on January 13, 2023.

## APPENDIX A.

In 1998 the Rhode Island state legislature codified student rights to ..... in RIGL 16-81-(C) "ANY

DECISION OF THE GOVERNING BODY.....SHALL  
BE SUBJECT TO APPEAL..

APPENDIX J.

REGULATIONS RHODE ISLAND COLLEGE

Article VIII:

Section 2. The institution is neither arbiter nor enforcer of student morals. Social morality on campus, not in violation of law or institutional rules, is of no disciplinary concern to the institution.

When respondents acted as arbiter and decided with ultimate authority to take petitioner's educational benefits, respondents made claims against plaintiff which are not a violation of institutional rules.

It is apparent that the claimed right of the State to determine unilaterally and **without process** whether that misconduct has occurred immediately collides with the requirements of the Constitution.

Goss v. Lopez 419 U.S. 565, 575 (1975)

In 1975 this court ruled students have property interest in continued educational benefits.  
Respondents taking of petitioner's educational benefits

is the taking of a property interest without due process of law and unconstitutional .... )

"The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

Petitioner states

"Providing no process whatsoever fails to satisfy the hearing required by due process."

"there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for **hearing** appropriate to the nature of the case."

Boddie v. Connecticut 401 US 371, Pp. 378 (1971)

That the **hearing required by due process** is subject to waiver and is not fixed in form does not affect its root requirement that an individual be given an opportunity for a **hearing** before he is deprived of any significant property interest,<sup>5</sup> except for extraordinary situations where some valid governmental interest is at stake that justifies postponing the hearing until after- the event.'

Boddie v. Connecticut 401 US 371, Pp. 378-379 (1971)

Petitioner states

"Affording no process whatsoever is not a meaningful opportunity to be heard, and is a failure to fulfil the promise of the Due Process Clause."

In short, "within the limits of practicability," *id.*, at 318, a State must afford to all individuals a meaningful opportunity to be heard if it is to fulfill the promise of the Due Process Clause.

Boddie v. Connecticut 401 US 371, Pp. 378-379 (1971)

Petitioner states

"The failure to afford a hearing is a matter for analysis under the Due Process Clause."

Certainly, there is at issue the denial of a hearing, a matter for analysis under the Due Process Clause.

Boddie v. Connecticut 401 US 371, Pp. 388 (1971)

Petitioner states

Affording no process whatsoever fails to satisfy due process; right to be heard in one's defence."



The theme that "due process of law signifies a right to be heard in one's defence,, ' Hovey v. Elliott, supra, at 417, has continually recurred in the years since Baldwin, Windsor, and Hovey.

Boddie v. Connecticut 401 US 371, Pp. 377 (1971)

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When respondents took petitioners education benefits without due process of law, petitioners did so in contrary to RIGl 16-81-1 ( c ).

The Fourteenth Amendment forbids the State to deprive any person of life, liberty, or property without due process of law. Protected interests in property are normally "not created by the Constitution. Rather, they are created and their dimensions are defined" by an independent source such as **state statutes or rules** GOSS v. LOPEZ 565 Opinion of the Court entitling the citizen to certain benefits. Board of Regents v. Roth, 408 U. S. 564, 577 (1972).

Goss v. Lopez 419 US 565 (1975)

RHODE ISLAND GENERAL LAW (RIGL) RIGL 16-81-1(c)

Title 16  
Education  
Chapter 81  
Right to a Safe School in Higher Education  
R.I. Gen. Laws § 16-81-1

**(c) Any decision** of the designated governing body **shall be subject to appeal** by the student as provided by the **rules and regulations** of each institution of higher education. These procedures shall assure **due process** which shall include at a **minimum** time-lines for a prompt **hearing**; adequate notice to the student stating the rule allegedly violated and giving a specific description of the incident and evidence that will be used against the student; an opportunity **prior to the hearings** to review any evidence supporting the allegation; an impartial decision maker or team of decision makers; a right to confront and cross-examine witnesses; the opportunity to be represented by counsel; and a written decision setting forth clearly the grounds for the action of the school.

History of Section.

P.L. 1998, ch. 30, § 1; P.L. 1998, ch. 51, § 1.

In 1998, the Rhode Island state Legislature codified student protections which afford student in **any decision** of the governing body among other things;

1. an appeal
2. due process
3. a prompt hearing
4. evidence that will be used against petitioner
5. an opportunity prior to the hearings to review any evidence supporting the allegation
6. an impartial decision maker or team of decision makers.
7. the opportunity to be represented by counsel
8. a written decision setting forth clearly the grounds for the action of the school.

It does not look as if Rhode Island Supreme has heard any case under RIGL 16-81-1(c).

In this instant case the petitioner was afforded no process whatsoever when respondents acted as the governing body to make the decision to take plaintiff's educational benefits.

The authority possessed by the State to prescribe and enforce standards of conduct in its schools although concededly very broad, must be exercised consistently with constitutional safeguards.

Goss v. Lopez 419 U.S. 565, 574

It is apparent that the claimed right of the State to determine unilaterally and without process whether that misconduct has occurred immediately collides with the requirements of the Constitution.

Goss v. Lopez 419 U.S. 565, 575

Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.

Goss v. Lopez 419 U.S. 565, 574 (1975)

Respondents treated petitioner as inferior to the College's regulations which explicitly cover "admissions policies

---“including admissions policies”---

---Respondents treated petitioner as inferior to RIGL 16-81-1( a) which states

(c) Any decision of the designated governing body shall be subject to appeal by the student as provided by the rules and regulations of each institution of higher education. These procedures shall assure due process which shall include at a minimum time-lines for a prompt hearing; adequate notice to the student stating the rule allegedly violated and giving a specific description of the incident and evidence that will be used against the student; an opportunity prior to the hearings to review any evidence supporting the allegation; an impartial decision maker or team of decision makers; a right to confront and cross-examine witnesses; the opportunity to be represented by counsel; and a written decision setting forth clearly the grounds for the action of the school.

History of Section.

P.L. 1998, ch. 30, § 1; P.L. 1998, ch. 51, § 1.

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Article VI: Section 1 there be **provision for appeal** of a decision.

Please, the highest court in the land allow me my public education.

### CONCLUSION

I am not an attorney. I am prose. I am simply applying the most basic rights afforded to all students.

Students in the United States have rights, though for whatever reason these respondents failed to afford me any process whatsoever despite the protections available. Petitioner has no rights which respondents are bound to respect is how respondents, and both lower court's view petitioner claims of rights.

Complying with Supreme court of United States is mandatory, when not optional.

It is incontrovertible Petitioner was treated as inferior to the decision of the highest court in the land, The United States Supreme court relating to the protections in Goss v. Lopez.

The respondents in this instant case ignored the law of the land created by Supreme court in Goss v. Lopez 419 U.S. 565 (1975) No. 73-898.

when respondents made the decision to take plaintiff's educational benefits, they did so contrary to the standing United States Supreme court authority, RIGL 16-81-1(c) the college's Student Bill of Rights, and the college's internal regulations, United States Court of Appeals authority and

As a matter of law and fact,

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Prose plaintiff Rahim Caldwell.

APRIL 12, 2023

Rahim Caldwell prose  
plaintiff

/S/ RAHIM CALDWELL



SUPREME COURT OF THE UNITED STATES

RAHIM CALDWELL.,

Petitioner

V.

JASON ANTHONY, FREDERICK GHIO,  
Respondents

---

On Petition for Writ of Certiorari to the  
Rhode Island Supreme court

---

PETITION FOR WRIT OF CERTIORARI

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RAHIM CALDWELL., PROSE PETITIONER

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PROSE PETITIONER

## QUESTIONS PRESENTED

The questions presented are:

1. Whether affording no process, no process whatsoever satisfies the due process requirement where a **protected property** interest is involved, here a public education?
2. Whether petitioner was entitled to a **hearing**?
3. Whether **Student bill of rights** was followed?
4. Whether academic **dishonesty** policies were followed?
5. Whether academic **honesty** policies were followed?
6. Whether students at public colleges and universities are protected under a state law; here RIGL 16-81-1 (C) which explicitly affords students the following in any decision of the governing body: An **appeal**, Due Process, A prompt hearing, Opportunity prior to the hearings to review any evidence supporting the evidence?
7. Whether petitioners Trespass notice which cites RIGL 11-44-26.1 has validity when no criminal charge filed in a court of proper jurisdiction?
8. Whether petitioner's decisions are e. Sanctions J. Revocation of Admission in Student Handbook?
9. Whether an allegation outweighs the statutory requirements available to students at public colleges or public institutions?

10. Whether an allegation is evidence?
11. Whether petitioner's decisions are e. Sanctions J. Revocation of Admission in Student Handbook?
12. Whether petitioners Trespass Notice are e. Sanctions O. Trespass in Student Handbook
13. Whether students at public college or universities are protected under the public colleges or universities internal policies which **explicitly include** "admissions policies"?
14. Whether respondents complied with any requirements in RIGL 16-81-1 (C) ?

Whether respondents fully complied with RIGL 16-81-1 (c) which affords petitioner an appeal, a prompt hearing, evidence that will be used against petitioner, right to review any evidence supporting the allegation, and a written decision setting clearly the grounds for the action of the school?

15. Whether respondents qualify as impartial decision makers under RIGL 16-81-1 (c), especially where respondents made the decisions?

RIGL is RHODE ISLAND GENERAL LAW

16. Whether the First Circuit court of appeals decision in Gorman v. University of Rhode Island citing this court and other court decisions is applicable?

## **PARTIES TO THE PROCEEDINGS**

Rahim Caldwell, petitioner on review, was the appellant below, and plaintiff in the trial court.

Jason Anthony, Frederick Ghio respondents on review, were appellees below, and defendants in the trial court.

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## **STATEMENT OF RELATED PROCEEDINGS**

There are no related proceedings.

## **TABLE OF AUTHORITIES**

**Goss v. Lopez 419 US 565 (1975)**

**Gorman v. University of Rhode Island 837 F.2d 7 ( 1<sup>st</sup>  
Cir. 1988)**

**Estate of Griggs v. Heel 63 A.3d 867 (2013) Supreme  
court of Rhode Island at APPENDIX R.**

**Carter v. Visitors 835 F. Supp. 2d 100 (D.S.C. 2011)  
280 Ed. Law Rep. 910**

**Boddie v. Connecticut 401 US 371 (1971)**

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## **APPENDIX**

**APPENDIX A. Supreme court of Rhode Island order  
denying rehearing No. 2021-268-A January 13, 2023**

**APPENDIX B. Supreme Court of Rhode Island  
ORDER UNDER REVIEW FOR WRIT OF  
CERTIORARI NO. 2021-268-Appeal (PC-19-9870)  
December 20, 2022**

**APPENDIX C. Supreme Court of Rhode Island  
ORDER No. 2018-342-Appeal (PC-18-4590)**

**APPENDIX D. Superior court of Rhode Island  
Judgment PC-2019-09870**

**APPENDIX E. Superior court of Rhode Island Order  
PC-2019-09870**

**APPENDIX F. AMENDED COMPLAINT**

**APPENDIX G. FOURTEENTH AMENDMENT TO  
THE UNITED STATES STATES CONSTITUTION**

APPENDIX H. CONSTITUTION OF THE STATE OF  
RHODE ISLAND Article I, Section 2 No person shall  
be deprived of life, liberty or property without due  
process of law.

APPENDIX I. RHODE ISLAND COLLEGE  
STUDENT BILL OF RIGHTS

APPENDIX J. RIGL 16-81-1(c )

APPENDIX K. PAGE 1 OF RESPONDENTS MOTION  
TO DISMISS

APPENDIX L. REVOCATION OF ADMISSIONS  
LETTER UNDATED

APPENDIX M. REVOCATION OF ADMISSIONS  
LETTER DATED

APPENDIX N. SECTION 3.9.1

APPENDIX O. STUDENT CONDUCT CODE LETTER

APPENDIX P. TRESPASS LETTER



**APPENDIX Q. RIGL 11-44-26.**

**APPENDIX R. Estate of Griggs, 63A.3d 867, 2013 R.I.  
LEXIS 50 (R.I. 2013). Supreme court of Rhode Island  
decision**

**APPENDIX S. Gorman v. University of Rhode Island  
837 F.2d 7 (1<sup>st</sup> Circuit 1988)**

**APPENDIX T. Carter v. Visitors 835 F. Supp. 2d 100  
(D.S.C. 2011) 280 Ed. Law Rep. 910**

**PETITION FOR A WRIT OF CERTIORARI**

**Rahim Caldwell respectfully petitions for a writ of  
certiorari to review the orders of the Rhode Island  
Supreme court**

## **OPINION BELOW**

**The order submitted for review is**

**The Rhode Island Supreme court order is published, and is available at 285 A.3d 734 (2022), petitioners**

**Rahim Caldwell v. Jason Anthony et al No. 2021-268-Appeal (PC-19-9870) December 20, 2022 can be found at**

**Caldwell v. Anthony, 285 A.3d 734 (2022)  
Supreme Court Of Rhode Island**

## **APPENDIX B.**

### **2**

**“The amended complaint named Anthony, the Rhode Island college (RIC) director of admissions, and Ghio, the former director of campus security and Chief of police, as defendants.” p.1**

**“The plaintiff alleges that defendants “perpetrated violations of Rhode Island state constitutional rights, his United States\* \* \* constitutional rights under the due process clause of the fourteenth amendment..” p. 1**

**Caldwell v. Anthony, 285 A.3d 734 (2022)  
Supreme Court Of Rhode Island**

## **APPENDIX B.**

Petitioner claims failure to order transcripts did not prevent it from reaching the merits, as the court knew case involved fourteenth amendment due process clause to the United States constitution, as well as the Rhode Island state constitutional rights, as well as Rhode Island General law.

See Estate of Griggs “failure to order transcripts did not prevent it from reaching the merits”.

See Estate of Griggs 63 A.3d 867, 2013 R.I. LEXIS 50 (R.I. 2013)

“The order appealed from does not dispose of all claims against all parties; nor does the record reflect that judgment in accordance with rule 54 (b) of the Superior court Rules of Civil Procedure was entered in favor of one or more of the defendants.”

“ A final judgment or order for purposes of appealability is one that terminates all the litigation arising out of the action between the parties on the merits.”

Coates v. Ocean State Jobbers, Inc., 18 A.3d 554, 561 (R.I. 2011) ( brackets omitted ) ( quoting Retirement Board of Employees Retirement System of Providence v. Prignano, 991 A.2d 412, 412 (R.I. 2010) (mem.)). Thus, both the original order dismissing the plaintiff's claims against Mr. Anthony..., and the order denying plaintiff's second motion for consideration, are interlocutory.

"Furthermore, the judgment entered in favor of all defendants in the case after the plaintiff's appeal had been docketed in this court was improper."

It is well established that once an appeal has been docketed and the papers of a case transmitted to this court, the trial court is divested of its power to act in the case."

Krivitsky v. Krivitsky, 43 A.3d 23, 29 (R.I. 2012).

"After the Plaintiff's appeal was docketed in this court, the hearing justice no longer had jurisdiction to hear and decide the parties' motions."

"The orders and judgment entered while this appeal was pending are hereby vacated."

"The case may be remanded to the Superior court for further proceedings in accordance with this with this

order.” “Entered as an order of this court, this 20<sup>th</sup> day of May, 2019.

**Supreme Court of Rhode Island ORDER NO.  
2018-342-Appeal**

**(PC-18-4590) APPENDIX C.**

The Rhode Island Supreme court order is unpublished and attached, petitioners

APPENDIX C.

**APPENDIX D. Superior court of Rhode Island  
Judgment PC-2019-09870 was vacated by  
APPENDIX C.**

**APPENDIX E. Superior court of Rhode Island  
Order PC-2019-09870 was vacated by APPENDIX  
C**

**JURISDICTION**

The Rhode Island Supreme court entered judgment on December 20, 2022. Petitioner thereafter filed a timely petition for rehearing on December 30, 2022, which the court denied on January 13<sup>th</sup>, 2023, Petitioners Appendix, the order denying petition for rehearing APPENDIX A, extended the time to file a petition for writ of Certiorari in this case to April 13, 2023. This Court has jurisdiction under 28 U.S. Code § 1257 (a)

## INTRODUCTION

In 1975, this court ruled

“ It is apparent that the claimed right of the State to determine unilaterally and **without process** whether that misconduct has occurred immediately collides with the requirements of the Constitution.

Goss v. Lopez 419 U.S. 565, 575 (1975)

Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.

Goss v. Lopez 419 U.S. 565,574 (1975)

Petitioner states the First Circuit court of Appeals which covers that state of Rhode Island recognizes petitioner right to a hearing.

“at the very minimum, students must be given " *some* kind of notice and afforded *some* kind of hearing." *Id.* at 579, 95 S.Ct. at 738. (emphasis in original).”

**Gorman v. University of Rhode Island**

United States Court of Appeals, (First Circuit Jan 19, 1988) 837 F.2d 7 (1st Cir. 1988)

For over 1,807 days petitioner has been treated as inferior to the protections afforded.

**RELEVANT CONSTITUTIONAL, STATUTE, AND REGULATION PROVISIONS**

**CONSTITUTION OF THE UNITED STATES**

Amendment XIV, section 1

Amendment XIV

The Due Process Clause of the Fourteenth Amendment provides in relevant part:

Section 1.

nor shall any state deprive any person of life, liberty, or property, without due process of law;

APPENDIX G.

**CONSTITUTION OF THE STATE OF RHODE ISLAND ARTICLE 1, section 2**

ARTICLE 1, in relevant part

Section 2. Due process —No person shall be deprived of life, liberty or property without due process of law,...  
APPENDIX H.

Title 16  
Education  
Chapter 81  
Right to a Safe School in Higher Education  
R.I. Gen. Laws § 16-81-1 (c)

In relevant part

Title 16 Education chapter 81 Right to a safe school in  
Higher Education RIGL 16-81-1(c)

R.I. Gen. Laws § 16-81-1

**(c)** Any decision of the designated governing body shall be subject to appeal by the student as provided by the rules and regulations of each institution of higher education. These procedures shall assure due process which shall include at a minimum time-lines for a prompt hearing; adequate notice to the student stating the rule allegedly violated and giving a specific description of the incident and evidence that will be used against the student; an opportunity prior to the hearings to review any evidence supporting the allegation; an impartial decision maker or team of decision makers; a right to confront and cross-examine witnesses; the opportunity to be represented by counsel; and a written decision setting forth clearly the grounds for the action of the school.



History of Section.

P.L. 1998, ch. 30, § 1; P.L. 1998, ch. 51, § 1.

APPENDIX J.

Respondents admitted petitioners “admission to Rhode Island college was revoked”

APPENDIX L.

APPENDIX M.

Respondents admitted the Trespass issued that petitioner was “barred from being on RIC property”.

APPENDIX P.

Respondents undated revocation of admissions letter contains allegations, which are not evidence.

APPENDIX L.

Respondents dated revocation of admissions letter contains allegations, which are not evidence.

APPENDIX M.

Respondents citing “academic honesty” citing Section 3.9.1 of the college handbook are controlled by 2017-2018 Student Handbook, the same 2017-2018 Student Handbook which explicitly includes admissions policies.

#### APPENDIX N.

Respondents Student conduct code letter is governed by 2017-2018 Student Handbook.

#### APPENDIX O.

Respondents Trespass letter contains no evidence.  
APPENDIX P.

Respondents' authority to issue Trespass on petitioner is not governed by RIGL 11-44-26.1, as first offense is by a fine of not less than \$50, and not more than \$500. Respondents filed no criminal charge in any court of proper jurisdiction.

## APPENDIX Q.

### RHODE ISLAND COLLEGE REGULATIONS APPENDIX I.

Student Bill of Rights

Student Handbook

Sanctions

Article III: Freedom from discrimination; Section 1.

Article III: Freedom from discrimination;

Section 1.

This non-discrimination policy encompasses the operation of the College's educational programs and activities **including admissions policies**

APPENDIX I.

When respondents made decisions to take  
petitioners educational benefits, respondents claimed  
to use admissions policies. When doing so respondents

triggered Article III, section 1 which explicitly includes  
“admissions policies”.

Article V: Notice of rules Section 1.

Article V: Notice of rules Section 1.

No sanction may be imposed for violations of rules and  
regulations for which there is not actual or  
constructive notice.

Respondents cannot provide any regulation or rules  
covering whatever defendants claim with respect to  
the unconstitutional taking of plaintiff's educational  
benefits.

Article VI: Freedom from disciplinary action without  
due process Section 1.

Article VI: Freedom from disciplinary action without  
due process Section 1. When misconduct may result in  
serious penalties, the student is entitled to a formal

hearing before the established College judicial system. In all situations, procedural fair play requires that the student be informed of the nature of the charges and be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision.

When respondents without any process whatsoever took petitioners educational benefits, they did so arbitrarily; affording no hearing, nor formal hearing, no charges no formal charges; hence petitioner could not be given opportunity to refute charges, and no provision for appeal.

Article VII: Violation of law and College discipline  
Section 3

Article VII: Violation of law and College discipline  
Section 4

Article VII: Violation of law and College discipline  
Section 5

## Article VII: Violation of law and College discipline

Section 3. If the student is accused of violating a campus regulation, charges will be instituted through the established College Judicial system.

In this instant case, educational benefits were taken arbitrarily through allegations, and not any charges whatsoever, and not instituted through the established college judicial system.

Section 4. No student shall be punished for an action, if such an action was committed before the College instituted regulations which prohibited said action.

The college has not instituted regulations for whatever respondents claim whatever regulation was violated by petitioner.

Respondents altered status of a student before disposition of charges, as no charges were filed on petitioner.

Section 5. Absent extraordinary circumstances, the status of a student shall not be altered, nor shall the student's right to be present on campus to attend classes and to participate in college activities be suspended **until disposition of charges** are made, except when the student's continued presence on campus poses imminent danger to the safety of that student or to the safety of other members of the college community or to college property. Any such exceptions shall be in accordance with the established college judicial procedures **which shall provide for an appeal**.

e. sanctions

An individual found responsible for violating the Student Conduct Code is subject to one or more of the following sanctions.

J. Revocation of Admission

O. Trespass

Both respondent's letters are sanctions under

APPENDIX I.

## **STATEMENT OF THE CASE**

Petitioner transferred to Rhode Island college in 2017. In petitioners third semester respondents held a secret meeting on May 1, 2018 which respondent(s) attended. Thereafter on May 2, 2018 respondent(s) served petitioner with the Revocation of Admission letter. On May 4, 2018, respondent(s) lay in wait inside Thorp Hall to intercept petitioner, to which petitioner was resident, on knowledge petitioner was enroute to a meeting with the college president.

Respondent Jason Anthony and respondent Frederick Ghio came to an agreement to have respondent Frederick Ghio hand-deliver the Revocation of Admission letter to petitioner.

The petitioner was not afforded any process, no process whatsoever; no due process, no hearing, no appeal, no charges, and was only subjected to sanctions in the form of Revocation of Admissions, and Trespass. Petitioner was punished for an action before the college instituted regulations which prohibit said action.

The college's student bill of rights explicitly covers admissions policies.



## REASONS FOR GRANTING THE WRIT

From the outset respondents ignored this court's decisions in Goss by failing to recognize petitioners' legitimate entitlement to public education as a property interest which is protected by due process and may not be taken without due process.

For over 1,807 days the petitioner has been treated as inferior to the protections afforded all students without a hearing, an appeal, and any due process.

To afford no rights whatsoever to a student at a public college or public university is to render petitioner as inferior. This court ruled in Goss education is protected as a property interest that cannot be taken away without due process.

The Fourteenth amendment is clearly established.

The authority possessed by the state to prescribe and enforce standards of conduct in its schools although concededly very broad, must be exercised consistently with constitutional safeguards.

Pp. 574 Goss v. Lopez 419 U.S. 565,574 (1975)

Petitioner states respondents failed to recognize students' public education as a property interest.

Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.

Goss v. Lopez 419 U.S. 565,574 (1975)

Petitioner states respondents claimed actions collided with the requirements of the constitution.

"It is apparent that the claimed right of the State to determine unilaterally and without process whether that misconduct has occurred immediately collides with the requirements of the constitution."

Goss v. Lopez 419 U.S. 565,575 (1975)

"The fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures- Board of Education not excepted."

West Virginia v. Board of Education, 319 U.S. 624, 637 (1943).

Petitioner states respondents failed to afford petitioner a hearing.

“Since the hearing may occur almost immediately following the misconduct, it follows that as a general rule notice and hearing should precede removal of the student from school. We agree with the District Court, however, that there are recurring situations in which prior notice and hearing cannot be insisted upon. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and rudimentary hearing should follow as soon as practicable, as the District Court indicated.”

Goss v. Lopez 419 U.S. 565, 682-583 (1975)

Petitioner states respondents conduct was exercised inconsistently with constitutional safeguards.

The authority possessed by the state to prescribe and enforce standards of conduct in its schools although

concededly very broad, must be exercised consistently with constitutional safeguards.

Goss v. Lopez 419 U.S. 565, 574 (1975)

Respondents altered status of petitioner before disposition of charges. No charges were filed on petitioner, whatsoever.

See APPENDIX I.

Petitioner states respondents failed to comply with their internal procedures that were necessary to afford due process.

#### D. Failure to Follow Internal Procedures

Because federal constitutional standards, rather than school rules, define the requirements of procedural due process, not every deviation from a school's regulations is of constitutional significance. *See Winnick v. Manning*, 460 F.2d 545, 550 (2d Cir.1972). Rather, a school's "violation of its own regulations is unconstitutional only if those regulations are necessary to afford due process."

CARTER v. CITADEL BOARD OF VISITORS 835 F. Supp. 2d 100 (D.S.C. 2011)

280 Ed. Law Rep. 910

United States District Court, D. South Carolina,  
Charleston Division.

#### APPENDIX T.

The authority possessed by the State to prescribe and enforce standards of conduct in its schools, although concededly very broad, must be exercised consistently with constitutional safeguards.

Goss v. Lopez 419 U.S. 565, 574 (1975)

Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the **Due Process** Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.

Goss v. Lopez 419 U.S. 565, 574 (1975)

The Due Process Clause also forbids arbitrary deprivations of liberty. "Where a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him," the minimal requirements of the Clause must be satisfied.

Wisconsin v. Constantineau, 400 U. S. 433, 437 (1971);  
Board of Regents v. Roth, supra, at 573.

Goss v. Lopez 419 U.S. 565, 574 (1975)

At the very minimum, therefore, students facing suspension and the consequent interference with a protected property interest must be given some kind of notice and afforded some kind of hearing. "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified." *Baldwin v. Hale*, 1 Wall. 223, 233 (1864).

*Goss v. Lopez* 419 U.S. 565, 579 (1975)

The potential for arbitrary action on the part of the school officials, and the absence of any immediate danger posed by the students, led the court to hold that the Board of Education was required to exercise "at least the fundamental principles of fairness by giving the accused students notice of the charges and an opportunity to be heard in their own defense." *Id.*

**Gorman v. University of Rhode Island**

United States Court of Appeals, First Circuit Jan 19, 1988

837 F.2d 7 (1st Cir. 1988)

When respondents took petitioners educational benefits without any process whatsoever, respondents did so **without due process of law.**

The fourteenth amendment to the United States Constitution provides that no state shall deprive any person of life, liberty, or property without due process of law. There is no doubt that due process is required when a decision of the state implicates an interest protected by the fourteenth amendment. It is also not questioned that a student's interest in pursuing an education is included within the fourteenth amendment's protection of liberty and property. *See Goss v. Lopez*, 419 U.S. 565, 574-75, 95 S.Ct. 729, 736, 42 L.Ed.2d 725 (1975). Hence, a student facing expulsion or suspension from a public educational institution is entitled to the protections of due process. *See id.* at 575-76, 95 S.Ct. at 737; *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150, 157 (5th Cir.), *cert. denied*, 368 U.S. 930, 82 S.Ct. 368, 7 L.Ed. 2d 193 (1961).

*Gorman v. University of Rhode Island* 837 F.2d 7 (1<sup>st</sup> Cir. 1988)

#### APPENDIX S.

When respondents took petitioners educational benefits without any providing any process whatsoever, petitioners did so **without a hearing**.

Appellees were excluded from school only temporarily, it is true, but the length and consequent severity of a

deprivation, while another factor to weigh in determining the appropriate form of hearing, "is not decisive of the basic right" to a hearing of some kind. *Fuentes v. Shevin*, 407 U. S. 67, 86 (1972).

*Goss v. Lopez* 419 U.S. 565, 576 (1975)

"at the very minimum, students must be given " *some* kind of notice and afforded *some* kind of hearing." *Id.* at 579, 95 S.Ct. at 738. (emphasis in original)."

**Gorman v. University of Rhode Island**

United States Court of Appeals, (First Circuit Jan 19, 1988) 837 F.2d 7 (1st Cir. 1988)

There is **no doubt that due process is required** when a decision of the state implicates an interest protected by the fourteenth amendment. **It is also not questioned that a student's interest in pursuing an education is included within the fourteenth amendment's protection of liberty and property.** See *Goss v. Lopez*, 419 U.S. 565, 574-75, 95 S.Ct. 729, 736, 42 L.Ed.2d 725 (1975). **Hence, a student facing expulsion or suspension from a public educational institution is entitled to the protections of due process.** See *id.* at 575-76, 95 S.Ct. at 737; *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150, 157 (5th Cir.), cert. denied, 368 U.S. 930, 82 S.Ct. 368, 7 L.Ed. 2d 193 (1961).



Gorman v. University of Rhode Island 837 F.2d 7 ( 1<sup>st</sup> Cir. 1988)

#### APPENDIX S.

To res judicata

“Denial of request for preliminary injunction is interlocutory rather than final...” Montaquila v. St. Cyr, 120 R.I. 130, 385 A.2d 673 (1978). Appeal And Error image 78 (1)

“Thus both the original order dismissing the plaintiff’s claims against Mr. Anthony, and the order denying plaintiff’s second motion for reconsideration, are interlocutory.”

Rahim Caldwell v. Stephen King et al No. 2018-342-Appeal (PC-18-4590)

#### Appendix C.

Both the lower court completely avoided the fourteenth amendment by orders dismissing case on res judicata, and failure to state a claim.

Rhode Island supreme court ruled in case PC-2018-4590, the orders and judgment interlocutory, in the

instant case Rhode island Supreme court referenced PC-2018-4590, same case which Rhode Island supreme court ruled the orders and judgment interlocutory, in the instant case RI Supreme court referenced 4590. Those decisions in PC-2018-4590 were not final.

#### APPENDIX C.

"The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures-Boards of Education not excepted." West Virginia Board of Education v. Barnette, 319 U. S. 624, 637 (1943).

Goss v. Lopez 419 U.S. 565, 574 (1975)

"We do so bearing in mind what this court has repeatedly said: the office of a preliminary injunction is not ordinarily to achieve a final and formal determination of the rights of the parties or of the merits of the controversy, but is merely to hold matter approximately in status quo, and in the meantime to prevent the doing of any acts whereby the rights in question may be irreparably injured or endangered."

Coolbeth v. Berberian 112 R.I. 558 (1974)

To Collateral Estoppel

On May 20, 2019 The Rhode Island Supreme court in  
Rahim Caldwell v. Stephen King et al No. 2018-342  
Appeal (PC-2018-4590)

Order held:

We conclude the appeal is premature. The order  
appealed does not dispose of all claims against all  
parties nor does the record reflect that judgment in  
accordance with rule 54(b) of the superior court of the  
superior court Rules of Civil Procedure was entered in  
favor of one or more of the defendants.

“A final judgment or order for purposes of  
Appealability is one that terminates all the litigation  
arising out of the action between the parties on the  
merits.” Coates v. Ocean State Jobbers, Inc 18 A.3d  
554, ,561 (R.I. 2011) (brackets omitted) (quoting  
Retirement Board of Employees Retirement System of  
Providence v. Prignano, 991 A.2d 412 (R.I.  
2010)(mem.)).

Thus, both the original order dismissing the plaintiff's  
claims against Mr. Anthony, and the order denying  
plaintiff's second motion for reconsideration, are  
interlocutory.

The plaintiff's appeal is therefore dismissed as  
premature.

Furthermore, the judgment entered in favor of all defendants in the case after plaintiff's appeal had been docketed in this Court was improper.

" it is well established that once an appeal has been docketed and the papers of a case transmitted to this Court, the trial court is divested of its power to act in the case. " Krivitsky v. Krivitsky, 43 A.3d 23, 29 (R.I. 2012).

After the plaintiff's appeal was docketed in this court the hearing justice no longer had jurisdiction to hear and decide the parties' motions. The orders and judgment entered while this appeal was pending are hereby vacated.

Caldwell v. Stephen King et al. NO 2018-342 Appeal.  
(PC-18-4590)

The lower court and RI supreme court both ignored the merits, only saying on the merits, but not actually doing on the merits.

Both the lower court and Rhode Island supreme court made errors, in rulings which the Rhode Island supreme court ruled were improper, resulting in vacated orders on respondents, where the fourteenth amendment was involved.

## APPENDIX C.

(I ) This writ of certiorari seeks a review of the Rhode Island supreme court order denying petitioner's appeal.

Petitioner from the outset in the Amended complaint raised the federal question involving due process clause of the fourteenth amendment of the United States constitution and the property interest in a public education.

The Superior court ignored petitioners fourteenth amendment due process clause claim by granting respondents motion to dismiss. The Rhode Island supreme court likewise ignored petitioners due process clause claims and dismissed petitioners' appeal.

## APPENDIX F.

The petition for rehearing was denied by Rhode Island Supreme court in

Rahim Caldwell v. Jason Anthony, No.2021-268-A on January 13, 2023.

## APPENDIX A.

In 1998 the Rhode Island state legislature codified student rights to ..... in RIGL 16-81-(C) "ANY

DECISION OF THE GOVERNING BODY.....SHALL  
BE SUBJECT TO APPEAL..

APPENDIX J.

REGULATIONS RHODE ISLAND COLLEGE

Article VIII:

Section 2. The institution is neither arbiter nor enforcer of student morals. Social morality on campus, not in violation of law or institutional rules, is of no disciplinary concern to the institution.

When respondents acted as arbiter and decided with ultimate authority to take petitioner's educational benefits, respondents made claims against plaintiff which are not a violation of institutional rules.

It is apparent that the claimed right of the State to determine unilaterally and **without process** whether that misconduct has occurred immediately collides with the requirements of the Constitution.

Goss v. Lopez 419 U.S. 565, 575 (1975)

In 1975 this court ruled students have property interest in continued educational benefits.  
Respondents taking of petitioner's educational benefits

is the taking of a property interest without due process of law and unconstitutional .... )

"The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

Petitioner states

"Providing no process whatsoever fails to satisfy the hearing required by due process."

"there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for **hearing** appropriate to the nature of the case."

Boddie v. Connecticut 401 US 371, Pp. 378 (1971)

That the **hearing required by due process** is subject to waiver and is not fixed in form does not affect its root requirement that an individual be given an opportunity for a **hearing** before he is deprived of any significant property interest,<sup>5</sup> except for extraordinary situations where some valid governmental interest is at stake that justifies postponing the hearing until after- the event.'

Boddie v. Connecticut 401 US 371, Pp. 378-379 (1971)

Petitioner states

“Affording no process whatsoever is not a meaningful opportunity to be heard, and is a failure to fulfil the promise of the Due Process Clause.”

In short, "within the limits of practicability," *id.*, at 318, a State must afford to all individuals a meaningful opportunity to be heard if it is to fulfill the promise of the Due Process Clause.

Boddie v. Connecticut 401 US 371, Pp. 378-379 (1971)

Petitioner states

“The failure to afford a hearing is a matter for analysis under the Due Process Clause.”

Certainly, there is at issue the denial of a hearing, a matter for analysis under the Due Process Clause.

Boddie v. Connecticut 401 US 371, Pp. 388 (1971)

Petitioner states

Affording no process whatsoever fails to satisfy due process; right to be heard in one's defence.”



The theme that "due process of law signifies a right to be heard in one's defence,, ' Hovey v. Elliott, supra, at 417, has continually recurred in the years since Baldwin, Windsor, and Hovey.

Boddie v. Connecticut 401 US 371, Pp. 377 (1971)

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When respondents took petitioners education benefits without due process of law, petitioners did so in contrary to RIGl 16-81-1 ( c ).

The Fourteenth Amendment forbids the State to deprive any person of life, liberty, or property without due process of law. Protected interests in property are normally "not created by the Constitution. Rather, they are created and their dimensions are defined" by an independent source such as **state statutes or rules** GOSS v. LOPEZ 565 Opinion of the Court entitling the citizen to certain benefits. Board of Regents v. Roth, 408 U. S. 564, 577 (1972).

Goss v. Lopez 419 US 565 (1975)

RHODE ISLAND GENERAL LAW (RIGL) RIGL 16-81-1(c)

Title 16  
Education  
Chapter 81  
Right to a Safe School in Higher Education  
R.I. Gen. Laws § 16-81-1

**(c) Any decision** of the designated governing body **shall be subject to appeal** by the student as provided by the **rules and regulations** of each institution of higher education. These procedures shall assure **due process** which shall include at a **minimum** time-lines for a prompt **hearing**; adequate notice to the student stating the rule allegedly violated and giving a specific description of the incident and evidence that will be used against the student; an opportunity **prior to the hearings** to review any evidence supporting the allegation; an impartial decision maker or team of decision makers; a right to confront and cross-examine witnesses; the opportunity to be represented by counsel; and a written decision setting forth clearly the grounds for the action of the school.

History of Section.

P.L. 1998, ch. 30, § 1; P.L. 1998, ch. 51, § 1.

In 1998, the Rhode Island state Legislature codified student protections which afford student in **any decision** of the governing body among other things;

1. an appeal
2. due process
3. a prompt hearing
4. evidence that will be used against petitioner
5. an opportunity prior to the hearings to review any evidence supporting the allegation
6. an impartial decision maker or team of decision makers.
7. the opportunity to be represented by counsel
8. a written decision setting forth clearly the grounds for the action of the school.

It does not look as if Rhode Island Supreme has heard any case under RIGL 16-81-1(c).

In this instant case the petitioner was afforded no process whatsoever when respondents acted as the governing body to make the decision to take plaintiff's educational benefits.

The authority possessed by the State to prescribe and enforce standards of conduct in its schools although concededly very broad, must be exercised consistently with constitutional safeguards.

Goss v. Lopez 419 U.S. 565, 574

It is apparent that the claimed right of the State to determine unilaterally and without process whether that misconduct has occurred immediately collides with the requirements of the Constitution.

Goss v. Lopez 419 U.S. 565, 575

Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause.

Goss v. Lopez 419 U.S. 565, 574 (1975)

Respondents treated petitioner as inferior to the College's regulations which explicitly cover "admissions policies

---“including admissions policies”---

----Respondents treated petitioner as inferior to RIGL 16-81-1( a) which states

(c) Any decision of the designated governing body shall be subject to appeal by the student as provided by the rules and regulations of each institution of higher education. These procedures shall assure due process which shall include at a minimum time-lines for a prompt hearing; adequate notice to the student stating the rule allegedly violated and giving a specific description of the incident and evidence that will be used against the student; an opportunity prior to the hearings to review any evidence supporting the allegation; an impartial decision maker or team of decision makers; a right to confront and cross-examine witnesses; the opportunity to be represented by counsel; and a written decision setting forth clearly the grounds for the action of the school.

History of Section.

P.L. 1998, ch. 30, § 1; P.L. 1998, ch. 51, § 1.

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Article VI: Section 1 there be **provision for appeal** of a decision.

Please, the highest court in the land allow me my public education.

### CONCLUSION

I am not an attorney. I am prose. I am simply applying the most basic rights afforded to all students.

Students in the United States have rights, though for whatever reason these respondents failed to afford me any process whatsoever despite the protections available. Petitioner has no rights which respondents are bound to respect is how respondents, and both lower court's view petitioner claims of rights.

Complying with Supreme court of United States is mandatory, when not optional.

It is incontrovertible Petitioner was treated as inferior to the decision of the highest court in the land, The United States Supreme court relating to the protections in Goss v. Lopez.

The respondents in this instant case ignored the law of the land created by Supreme court in Goss v. Lopez 419 U.S. 565 (1975) No. 73-898.

when respondents made the decision to take plaintiff's educational benefits, they did so contrary to the standing United States Supreme court authority, RIGL 16-81-1(c) the college's Student Bill of Rights, and the college's internal regulations, United States Court of Appeals authority and

As a matter of law and fact,

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Prose plaintiff Rahim Caldwell.

APRIL 12, 2023

Rahim Caldwell prose  
plaintiff

/S/ RAHIM CALDWELL