

23-5234

ORIGINAL

FILED  
JUL 17 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Cheryl Kristy Jenkins — PETITIONER  
(Your Name)

vs.

The State of Pennsylvania — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Pennsylvania  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Cheryl Jenkins  
(Your Name)

(Confidential)  
(Address)

(Confidential)  
(City, State, Zip Code)

570-765-8552  
(Phone Number)

**QUESTION(S) PRESENTED**  
**(Attached)**

## QUESTIONS PRESENTED

1. Is it a violation of the Constitution for a judge to evaluate their own judge recusal and if they do should the case be vacated?
2. Is it unconstitutional that the State of Pennsylvania or any State not allow evidence to be entered at the Superior Court or Supreme Court Level and relies solely on the lower court's record?
3. Is it unconstitutional for a judge to assign a lawyer, in Pennsylvania a Guardian Ad Litem, to a child and for there to be no review or complaint board or a way for the child to ask for a new lawyer to represent their choice and their voice?
4. Is it unconstitutional for a Protection from Abuse Order or similar protective order, whether temporary or final, to be lifted, amended, or in any way limited to allow custody, a custodial arrangement, or a custody order to be made or adjusted to allow the named abuser to gain custody or exercise custodial rights?
5. Should it ever be lawful for a judge to deem the need to protect from domestic violence as parental or familial alienation ever?
6. Is it unconstitutional for the State of Pennsylvania, or any state, to require a referral to the Attorney General, such as from a District Attorney or State Trooper, and not allow a citizen to file a complaint even in the event of an emergency?

8. Any Judicial Misconduct violates the Constitution and therefore should vacate the case(s) affected?
9. Superior/Supreme court should be answered in county opposing jurisdictions to safeguard against corruption?
10. Protection Orders, Restraining Orders, Injunctions, or similar protective Order being superseded for any reason, even custody, is unconstitutional?
11. Does G.B. v. M.M.B., 670 A.2d 714 allow for abuse of power and is it unconstitutional?
12. Is it unconstitutional to allow the Judge to decide if a Child Advocate is allowed presence in a Custody Hearing or to allow a Judge to force a party to use a particular guardian ad litem, doctor, or other type of legal or medical personnel and not have the choice to choose another instead?
13. Genovese v. Genovese, 550 A.2d 1021 (Pa. Super 1988), Is the improper loss of a child through change of custody a sanction and is that not unconstitutional?
14. Is it unconstitutional for a Judge to make medical assumptions or form opinions outside that of a Doctor's written report or doctor's recommendation and still be covered under judicial immunity and/or for judge to not allow 2<sup>nd</sup> opinions and/or all medical opinions on said matter to be considered and entered?

15. Is it unconstitutional to have custodial arrangements that are grossly unequal when there is no danger present to the child and both parents have the ability to care for the everyday needs of the child?
16. Is it unconstitutional to not require a risk assessment on all parties with any arrest or history of domestic violence or child abuse in custody proceedings?
17. Is it unconstitutional for Pennsylvania Superior and/or Supreme Court to refuse to read or limit its ability to review transcriptional record?
18. Is it unconstitutional to hold pro se clients or clients acting on their own behalf to the same standards as other attorneys and not be given room for error in all filings?
19. Is it unconstitutional that in custody cases in Pennsylvania a parent is not always awarded a lawyer if they do not already have one before a custody case can proceed forward or be forced to represent themselves?
20. Is it unconstitutional for a Judge to deem the need to protect a child from domestic or sexual abuse as parental alienation from the abusive parent?
21. Is it unconstitutional for a Pennsylvania judge or any State judge to order supervised visitation, create or change a custody order, and/or limit access to a child for a parent based on a mental health diagnosis or neurological condition that does not negatively affect the child(ren), does not prevent the parent from taking care of the basic needs of the children, and for which the parent has not been abusive to the child(ren)?

## LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Westmoreland County - Judge Michele Bononi  
Superior Court of Pennsylvania  
Supreme Court of Pennsylvania

## RELATED CASES

(Attached)

List of Parties to the Proceeding in the Court whose judgement is sought to be reviewed:

Supreme Court of Pennsylvania, Western District

Superior Court of Pennsylvania, Western District

Westmoreland County Court of Common Pleas Pennsylvania, Judge Michele Bononi

Northumberland County Court of Common Pleas Pennsylvania, Judge Harold Woelful Jr.

List of all Proceedings in State and Federal Trial and Appellate Courts

Supreme Court of Pennsylvania, 16 WM 2019, C.K.J. v. M.J.T., April, 9, 2019

Supreme Court of Pennsylvania, 67 WM 2019, C.K.J. v. M.J.T., September 17, 2019

Supreme Court of Pennsylvania, 267 WAL 2020, C.K.J. v. M.J.T., October 02, 2020

Supreme Court of Pennsylvania, 210 WAL 2021, C.K.J. v. M.J.T., August 16, 2021

Superior Court of Pennsylvania, 1416 WDA 2018, C.K.J. v. M.J.T., November 15, 2018

Superior Court of Pennsylvania, 101 WDM 2019, C.K.J. v. M.J.T., July 24, 2019

Superior Court of Pennsylvania, 77 WDA 2020, C.K.J. v. M.J.T., August 20, 2020

Superior Court of Pennsylvania, 1364 WDA 2020, C.K.J. v. M.J.T., January 27, 2021

Superior Court of Pennsylvania, 1352 WDA 2020, C.K.J. v. M.J.T., June 10, 2021

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph Tengowski vs. Cheryl Kristy Jenkins, April 19, 2018

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph Tengowski vs. Cheryl Kristy Jenkins, August 28, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph Tengowski vs. Cheryl Kristy Jenkins, February 25, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph Tengowski vs. Cheryl Kristy Jenkins, May 20, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph Tengowski vs. Cheryl Kristy Jenkins, June 20, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph Tengowski vs. Cheryl Kristy Jenkins, June 21, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph Tengowski vs. Cheryl Kristy Jenkins, August 16, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph

Tengowski vs. Cheryl Kristy Jenkins, December 16, 2019

Westmoreland County Court of Common Pleas, 1948 of 2017D, Mark Joseph

Tengowski vs. Cheryl Kristy Jenkins, October 28, 2020

Northumberland County Court of Common Pleas, No. 19-1205, Cheryl Jenkins

vs. Mark Tengowski, June 18, 2019

Northumberland County Court of Common Pleas, No. 19-1205, Cheryl Jenkins

vs. Mark Tengowski, July 3, 2019

Northumberland County Court of Common Pleas, No. 19-1205, Cheryl Jenkins

vs. Mark Tengowski, August 6, 2019

Northumberland County Court of Common Pleas, No. 19-1205, Cheryl Jenkins

vs. Mark Tengowski, September 25, 2019

C.K.J. v. M.J.T., No. 19-8496, Supreme Court of the United States, October 5,

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- C. 1-4 Westmoreland County April 19, 2018 Order, 1948 of 2017D (DD)
  - 4-6 Westmoreland County February 25, 2019 Order, 1948 of 2017D (QQ)
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  - 10-14 Westmoreland County August 16, 2019 Order, 1948 of 2017D (AAAA)
- D. 1-2 Supreme Court Order 210 WAL 2021 August 16, 2021 Denial (A)
- E. 1-4 Superior Court Order 1352 WDA 2020 June 10 2021 Denial (B)
- F. 1-2 Westmoreland County 1948 of 2017D Order October 28, 2020 (C)
- G. Supreme Court of Pennsylvania 367 WAL 2020 Denial October 2 2020 (D)
- H. 1-7 Superior Court of Pennsylvania 77 WDA 2020 Denial August 20, 2020 (E)
- I. 1-30 Westmoreland County Order December 12, 2019 and Explanation of decision (F)
- J. 1-2 Supreme Court of Pennsylvania 67 WM 2019 Order Denial on September 17, 2019 (G)
- K. 1-2 Superior Court of Pennsylvania 101 WDM 2019 Order Denied July 24, 2019 (H)
- L. 1-3 Westmoreland County June 20, 2019 Order, 1948 of 2017D
  - 4 Westmoreland County June 21, 2019 Order, 1948 of 2017D
- M. 1-4 Westmoreland County Custody Conciliation Conference Order February 1, 2018, cancelled during for genetic testing (R2-5 and CC 1-4 and Z)
  - 5 Westmoreland County Order for Genetic Testing February 28, 2018 (R1 and AA)
- N. Supreme Court of Pennsylvania 1<sup>st</sup> appeal Order
- O. 1 Superior Court of Pennsylvania 1416 WDA 2018 Order to Show Cause
  - 2 Superior Court of Pennsylvania 1416 WDA 2018 Order Quashed (XXXXXX)
- P. Westmoreland County Order August 28, 2018, 1948 of 2017D
- Q. 1-2 Father's Domestic Arrest, Aspinwall Pennsylvania (Allegheny County)
  - 3-12 Father's DUI Arrest 11/29/2011
- R. 1-5 February 1<sup>st</sup>, 2018 Order for Genetic Testing on February 28, 2018 at 10am, 1948 of 2017D
- S. 1 Pittsburgh Women's Shelter Domestic Violence Counseling
  - 2 Mom, Cheryl Jenkins (Alias Sarah Jacobs) call history to Domestic Violence Shelter 03/2015 to 01/08/2018
  - 3 Women's Center Verification of Stay (Under Alias last name Jacobs)

T. August 29, 2018 successful Mailing from Judge Michele Bononi to Mom Cheryl Jenkins, at mailing address P.O. Box 149, Lewisburg, Pa 17837 (T)

U. 1 Father's self reported Locations and Rehabs

2 3 Father's rehab treatment plan 2009

3 6 Father's Hospital Record, Resolve Crisis Team involvement, December 01, 2012

4 8 Father's treatment plan April 11, 2013 by David Haynor, counselor Greenbriar Treatment Center

5 9 Book provided to Father as part of treatment from David Haynor, Greenbriar Treatment Center, Title "Understanding Personality Problems and Addiction"

6 10 Father's page of problems and objections, "past episodes with limited sustained sobriety" and behavior difficulties by David Haynor, B.A.B.S., Peggy Oniel, M.A., and John Six, M.D. 7

7 13 Father's DUI lawyer convincing officer

V. 1 2 Mother's 2<sup>nd</sup> Parenting Class online 08/15/2013

W. 1 Father's Note that Mother was never abusive to him

2 Father's Note, signed, that he pulled Mother's hair in front of the child

3 Father's Note, signed, that he will not have contact with Mother or child because he is unfit, 03/ 29/2013

4 Father explaining how his abuse will impact his son

5 Father's Note that he is going to counseling for being abusive

6 Father's Note saying he is going to see Paul Bernstein for abusing Mother for 2 years and a Note that Mother asked him, Father, to go to abuse classes and he made no effort to go

7 Mother's Call log, as an example, of Father's calling habits, at times, 9 times on 4/25, 5 times on 4/26, and 10 times on 4/27

8 Father's Text Messages to Mother

X. 1 6 Father's Note that he was abusive and that Mother had to leave to go with her Mom, Maternal Grandmother of child, 4 days after the child was born

Y. 1-3 Threats before Father's Domestic Violence Hearing in Aspinwall Pennsylvania,

Z. Mother's USPS address forwards to mailing address 1540 Oakland Avenue #164, Indiana Pa 15701-4059 from 2303 Locust Street, Greensburg, Pa 15601 and 29 2<sup>nd</sup> Street, Irwin, Pa 15642 (B)

AA. Letter from Mother's Ex-Boss, Jeff Spitz, address used for Mother's service was incorrect on March 28, 2018 as Mother was no longer employed there and he doesn't recognize the Fed Ex Signature by S. Tidwell of supposed delivery (C)

BB. 1- Child's Dog Allergy Confirmed by Skin Prick Test UPMC Children's hospital  
2- May 5, 2019 Shows Dog Allergy

CC. Affidavit of Service for Mom at Ex-Employer, Spitz Auto, which was unsuccessful on March 26, 2018 pertaining to Original Order April 19, 2018, hearing held on April 16, 2018 (D)

DD. Affidavit of Service, March 26, 2018, at Spitz Auto, Fed Ex Signature by S. Tidwell (unknown person to Spitz Auto CEO Jeff Spitz) (E)

EE. 2<sup>nd</sup> Incorrect service to Spitz Auto for an August 2018 hearing, signed by ex-coworker Mitchell Sikes, Mother no longer worked there and Mitchell did not receive any paperwork in exchange for his signature (F)

FF. 1 Transcript Excerpt August 28, 2018 Mom does not Reside in Westmoreland County  
2 Transcript Excerpt, Father not violent because in Public

GG. 1-2 Justice Works Visitation Center- Mom Put on a Waiting List on 09/04/2018

HH. 1 Child's Note while Mother was working on Superior Court Appeal #1 1416 WDA 2018, Nicholas Nicholas (Nicholas Corsetti?)

II. 1-4 Superior Court of Pennsylvania Docket Sheet, Page 3 October 18, 2018 Appellant's (Mother's) address changed per information provided by Appellee's (Father's) counsel, in Big Bold Letters

JJ. Child's Report Card 2018-2019 Shikellamy School District, Northumberland County Pa (Sunbury Pa)

KK. 1 Mother's Doctor Note, couldn't work January 22, 2019- April 30, 2019  
2-4 Statement of Incapacity for Vertigo, Mom (Temporary- ended May 1, 2019)

LL. 1-2 Domestic Violence Shelter Mother and Child Stayed 2/8/2019- 3/8/2019 and Letter from the YWCA, Williamsport Pennsylvania (Lycoming County) stating a PFA was denied in Lycoming County Only because of Mom and Child's Permanent Residence being in Northumberland County

MM. 1-2 Judge Recusal submitted by Mom, February 21, 2019

NN. 1-2 Child's Doctor Visit in relation to CYS at the Child Advocacy Center in Sunbury, Pa  
3-7 Detective Jacob Brownshields Transcript Testimony, CYS case, involving suspected sexual abuse

OO. Mother's Psychological Evaluation scheduled with Jamie Wagaman for March 2019. Judge Bononi said Jamie Wagaman was not a psychologist and did not have a license when she does.

PP. February 22, 2019, Mother's Drug and Alcohol Evaluation showing no recommendation for treatment, West Branch Drug and Alcohol (submitted to Court on February 25, 2019)

QQ. -1 Father's apartment at 481 Browns Lane Apt B27 Pittsburgh, Pa 15237, only 1 person on lease, year 2013  
-2 Northway Apartments Address and Father's address of 481 Browns Lane again (G)

RR. 1 February 25, 2019 transcript excerpt, part deleted, threatened to jail Mother and place child in CYS in Westmoreland County to integrate father  
2 Transcript excerpt, 3, "The Court has not displayed impartiality or fairness..."

SS. 1-2 Mother's Petition for Emergency Custody, February 25, 2019, Westmoreland County

TT. 1-2 Mother's Petition to Assume Jurisdiction March 18, 2019

UU. 1-3 Justice Works Visitation Center (Father's supervised visits) March 9, 2019, worker Pam had a family emergency and had to reschedule after Mother and child already traveled to and arrived at visitation center and Justice Works Note 03/09/2019, had to reschedule custodial parent's orientation

VV. 1-2 Pennsylvania Judicial Conduct Board, March 13, 2019, No. 2019-110

WW. -1 Closing of Allegheny County Paternity Order to Father, January 22, 2014 (Opened on June 30, 2013), Father did not show for Paternity, child in Snyder County Pennsylvania  
-2 Child Support request for Child living in Snyder County Pennsylvania by Allegheny County to Father at 481 Browns Lane Apt B27, Pittsburgh, Pa 15237-2574 (H)

XX. Westmoreland County Prothonotary Verification of Mother's address on File, P.O. Box 149, Lewisburg, Pa 17837 on February 15, 2018 (see A also) (I)

YY. 1-5 Child's Sports and Swimming while in Custody of Mom  
1 Child's YMCA Swimming  
2 Child's T-ball  
3 Child's Pool Bday Party YMCA, he won  
4 Child's Soccer  
5 Child's Baseball

ZZ. Affidavit of Service for Mother at incorrect addresses by Father's counsel for February 25, 2019 hearing, Westmoreland County

AAA. 1 Justice Works record May, 29, 2019 "Judge Bononi informed JWYC that she would be scheduling a hearing and advised JWYC not to have any further contact with custodial parent

BBB. Petition for Contempt against Mother by Father's Counsel on May 30, 2019, 1 day after order was written, Westmoreland County, Pa

CCC. 1-4 Court Case History Fayette County Pennsylvania, sent to Fayette County too early from Westmoreland County (K)

DDD. 1-10 Justice Works Texts with Mom and Mom's unanswered texts to Justice Works

11 Mother's Note at the Time as things unfolded with Justice Works

12-21 Calls log, Mom's, Highlighted Calls made to Justice Works, unanswered

22 Justice Works text Father is not cancelling (Visit June 30, 2019)

23 No Response from Justice Works, Mom's Texts

24 Erin Director Justice Works, Mom's Texts

25 Justice Works, Jody will call you at 4:30

26-28 Mom's emails to Justice Works Director Mr. Hiet, not responded to

EEE. May 20, 2019 transcript excerpt- The Court "Ma'am, I'm not taking your child off you."

FFF. May 20, 2019 Mother's Petition for Modification of a Custody Order, requesting drug and alcohol testing of father that was denied

GGG. January 6, 2019 Westmoreland County Order for Father's Civil Contempt, Mom's Petition for Special Relief, and Mom's Petition to Assume Jurisdiction

HHH. 1-5 Mother's Petition for Special Relief, alcohol and drug testing of father, child's dog allergy and asking to not have dander on clothing as visits, Penile Plethysmography for Father, and Father's smoking habit in and out of his home

III. Petition to Assume Jurisdiction by Mother, June 7, 2019, Westmoreland County

JJJ. 1-3 Mom's Parent Information form, Westmoreland County, January 2018

KKK. Mom's continuance for June 20, 2019, Westmoreland County

LLL. Pennsylvania Judicial Conduct Board May 30, 2019, No 2019-110

MMM. 1-15 Northumberland County PFA case No 19-1205

NNN. 1-2 Pictures of Child during the last month he was in Mom's custody

OOO. 1-4 June 20, 2019 transcript excerpt, Westmoreland County

5 Picture of Father smoking in his residence, 481 Brownsville Lane, Pittsburgh, Pa

PPP. 1-2 Father's Parent Information form, Westmoreland County (M)

QQQ. Dr. Bush Recommendation for Mom after June 20, 2019 Order, looked over by Judge Bononi in Court (August 16, 2019)

RRR. Superior Court of Pennsylvania, 101 WDM 2019, Interlocutory Appeal

SSS. 1-4 Disciplinary Board of the Supreme Court of Pennsylvania, July 31, 2019, 1 for Nancy Madeya and 1 for William Manion

TTT. Shikellamy School District, Grace S. Beck Elementary, Child's School in Northumberland County, August 5, 2019, instructions for 2019-2020 school year

UUU. Mother's Therapist Letter (Counseling), August 14, 2019, Illene VanGilder

VVV. 1-7 PFA case CV No. 19-1205, Witness Testimony August 6, 2019 to vehicle(s) following mother and friend in Sunbury, Pa

WWW. 1-2 District Attorney Complaint, John Peck of Westmoreland County, August 5, 2019

XXX. Mom's Drug and Alcohol updated evaluation August 13, 2019 showing mom has no need for treatment and no substance abuse issues

YYY. 1 Pa Judicial Conduct Board, August 16, 2019 complaint No. 2019-400  
2-3 Pa Judicial Conduct Board July 8, 2019 No. 2019-400

ZZZ. 1-4 Transcript Excerpts Westmoreland County, August 16, 2019

AAAA. Mom's Negative Pap Smear, Negative for HPV March 17, 2020 (UUUUU)

BBBB. 1-2 Pennsylvania Office of the Attorney General, Mother's complaint, Cheryl Jenkins V. Judge Michele Bononi

CCCC. Raystown Development Center, Huntington Pa, Receipts

DDDD. 1 Child's Mental Health Evaluation, Axiom Family Counseling, after being moved to Father's residence, Adjustment Disorder  
2-5 Mom's Mental Health Evaluation, Alan F. Pertchuk, M.D., Attention Deficit Disorder

EEEE. Mom's Not at Fault Car Accident, rear-ended and car totaled on September 16, 2019

FFFF. 1-2 Letter from Father's Attorney that they will not do Ohio visits and also again falsely alluding to a change of address for mom again (VVVVV)

GGGG. 1-4 Disciplinary Board of the Supreme Court of Pa, Anna Ciardi for mailing first complaint to 8<sup>th</sup> street instead of 5<sup>th</sup> street where mom lived and closing the case, Bill Manion for being Father's Uncle and acting as his attorney and Nancy Madeya, Father's Attorney for Obstruction of Justice for changing Mother's address with the Superior Court of Pa for case 1416 WDA 2018

HHHH. 1 Airplane Ticket, Mom's to Massachusetts for training  
2 Airport/ Gas Receipts Mom leaving BWI (Baltimore/Washington Thurgood Marshall) Airport on October 1, 2019

III. 1-3 Father's Criminal Abuse History Form, Westmoreland County, missing all information

JJJJ. Father's DUI arrest in Newspaper December 4, 2011 (O)

KKKK. Mom's Counselor Letter, counselor VanGilder left practice and mom was being reassigned to a different therapist

LLLL. Picture of Father, Knife on Floor during a homicidal incident against Mother and Child, offered at Trial November 20, 2019 and ignored (called irrelevant and blurry and the Judge refused to Zoom in on Mom's Computer to see the Weapon), should appear on record from Mom's earlier submission to Prothonotary though

MMMM. 1-4 November 20 2019 Transcript Excerpts

NNNN. 1-5 Transcript Orders for November 20, 2019

OOOO. 1-4 Office of Disciplinary Counsel, January 2, 2020, Supreme Court of Pennsylvania # C4-19-691 and # C4-19-692

PPPP. Mother's continuance filed for the February 25, 2019 hearing to have counsel present (WWWWW)

QQQQ. 1-5 November 20, 2019 Transcript costs, change of Transcriptionist

RRRR. Judge Bononi Letter to Nicholas Corsetti (Superior Court of Pennsylvania)

SSSS. Mother's Letter to Court regarding the Ohio Visits and lack of Pa Visit site thus far

TTTT. Judge Bononi's Letter to Superior Court's Nicholas Corsetti, Transcriptionist, Lisa Haluski, no longer works for Westmoreland County

UUUU. 1 Mother's Negative Drug and Alcohol Screening January 11, 2020  
2 Mother's Negative Pap Smear for HPV on March 17, 2020

VVVV. 1-2 Letter from Father's Attorney that they will not do Ohio visits and also again falsely alluding to a change of address for mom again

WWWW. 1-5 Father's Criminal Record and Arrest History by FBI through year 2011

XXXX. DNA results March 2018

YYYY. 1 Writ of Certiorari filed October 28, 2020 receipt to a Washington D.C. party in the matter

2 Receipt of dropped of Writ of Certiorari to the United State Supreme Court in Person on October 28, 2020

ZZZZ. Bononi Letter

AAAAA. 1 1<sup>st</sup> Page of Child's fast track Appeal 1352 WDA 2020

2 Westmoreland County Prothonotary, returning Appeal to me on December 10, 2020 because file has been transferred to Fayette County (too early)

3 Certificate of mailing returned also on 12/10/2020

4-5 Certified mail for Child's fast track Appeal

6 Mom's Letter to Jack Panella, President Judge of Superior Court of Pennsylvania, in regard to the case

7 Letter to Superior Court of Pennsylvania about mix up on filing appeal by Superior Court

8-10 Superior Court of Pennsylvania Docket Sheet 1364 WDA 2020 and related case 1352 WDA 2020

10 Receipt Superior Court-incorrect filing date on my appeal (should be November 27, 2020 not December 30, 2020, had certificate of mailing)

BBBBB. Receipt Superior Court of Pennsylvania Order for 1364 WDA 2020 called a “duplicate” and dismissed and incorrect case number on document as Westmoreland County case # 2116 of 2020G

CCCCC. Superior Court of Pennsylvania Order for 1352 WDA 2020, Judge Michele Bononi’s January 8<sup>th</sup> Letter in lieu of opinion (January 4<sup>th</sup> was the date of the letter actually) Superior Court of Pennsylvania

DDDDD. Westmoreland County, certificate of remittal of record 1364 WDA 2020 (Wrong case number) says 03/08/2020 (already sent file too early to Fayette County)

EEEEEE. Fayette County case history filed 11/30/2020 “All File Papers received from Westmoreland County at 1:18pm

FFFFF. 1 Superior Court of Pennsylvania 1416 WDA 2018 Order to Show Cause

2 Superior Court of Pennsylvania 1416 WDA 2018 Order Quashed (XXXXXX)

GGGGGG. 1 Mom’s Northumberland County Drug and Alcohol Evaluation showing no need for Drug and Alcohol treatment again 09/27/2021

2-4 Mom’s Psychologist Evaluation, July 2021, Keith Tolan, M.D.

HHHHHH.

IIII. Supreme Court of Pennsylvania, August 16, 2021, denial of Mom’s Petition for Allowance of Appeal No. 210 WAL 2021

JJJJJ. 1-4 Example of a Guardian Ad Litem Review Board Complaint Form, for Maine

KKKKKK. 1-43 Memorandum of Opinion, for Mom’s Child Fast Track Appeal 77 WDA 2020, Westmoreland County

LLLLL. 1-2 DACC abuse classes or batterer intervention classes (Not Anger Management)

MMMMMM. 1-6 United States Constitution 5<sup>th</sup> Amendment

NNNNN. United State Constitution 6<sup>th</sup> Amendment

OOOOO. United States Constitution 8<sup>th</sup> Amendment

PPPPP. United States Constitution 10<sup>th</sup> Amendment

QQQQQ. United States Constitution 14<sup>th</sup> Amendment

RRRRR. 1-4 Violence Against Women Act 1994

SSSSS. 1-6 Some of the Psychologist and Psychological Association email examples of the PHD supervised visitation is not available ( I have contacted Many more)

TTTTT. 1-5 Pittsburgh City Paper “Children Advocates say Family Court Favors Fathers even when they’re the Abusers”

UUUUU. Pap Smear negative HPV

TABLE OF AUTHORITIES CITED *(attached)*

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### **CONSTITUTIONAL PROVISIONS**

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix 13 to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

## JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was April 20, 2023. A copy of that decision appears at Appendix B.

[ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

*(Attached)*

**STATEMENT OF THE CASE**  
*(Attached)*

#### IV. Petition for Writ of Certiorari

#### V Opinions Below

- A. Mark Joseph Tengowski v. Cheryl Kristy Jenkins 1435 WDA 2022
- B. M.J.T. v. C.K.J. No. 55 WAL 2023
- C. M.J.T. v. C.K.J. No. 210 WAL 2021 240 A.3d 95 (2020) [www.leagle.com](http://www.leagle.com)
- D. M.J.T. v. C.K.J. Superior Court of Pennsylvania June 10, 2021 J-A09003-21 (Pa. Super.Ct. Jun. 10, 2021) [www.casetext.com](http://www.casetext.com)
- E. Mark Joseph Tengowski vs. Cheryl Kristy Jenkins 1948 of 2017D  
Westmoreland County Court of Common Pleas, October 29, 2020
- F. M.J.T. v. C.K.J. Supreme Court of Pennsylvania 267 WAL 2020  
[www.law.justia.com](http://www.law.justia.com)
- G. M.J.T. v. C.K.J. Superior Court of Pennsylvania 77 WDA 2020
- H. Mark Joseph Tengowski vs. Cheryl Kristy Jenkins 1948 of 2017D  
Westmoreland County Court of Common Pleas, December 12, 2019
- I. M.J.T. V. C.K.J. Supreme Court of Pennsylvania 67 WDM 2019
- J. M.J.T. v. C.K.J. Superior Court of Pennsylvania, 101 WDM 2019
- K. Mark Joseph Tengowski vs. Cheryl Kristy Jenkins 1948 of 2017D  
Westmoreland County Court of Common Pleas, June 20, 2019 and June 21, 2019
- L. M.J.T. V. C.K.J. Supreme Court of Pennsylvania, 16 WM 2019
- M. M.J.T. v. C.K.J. Superior Court of Pennsylvania, 1416 WDA 2018

N. Mark Joseph Tengowski vs. Cheryl Kristy Jenkins 1948 of 2017D

Westmoreland County Court of Common Pleas, August 28, 2018

## VI. Jurisdiction

The United States Supreme Court has jurisdiction to review on Writ of Certiorari the judgement of the Supreme Court of Pennsylvania, M.J.T. v. C.K.J. 55 WAL 2023 because it is filed within 90 days of the denial, April 20, 2023. The Superior Court of Pennsylvania M.J.T. v. C.K.J. 55 WDA 2023 was denied on February 6, 2023, and within 30 days a Petition for Allowance of Appeal was filed with the Supreme Court of Pennsylvania. I began this appeal process by appealing Westmoreland County Court of Common Pleas, Mark Joseph Tengowski vs. Cheryl Kristy Jenkins, 1948 of 2017D, actually by filing multiple separate appeals, each filed Nunc Pro Tunc, for separate Orders: April 19, 2018, February 25, 2019, May 20, 2019, June 21, 2019, and August 16, 2019 against Westmoreland County by certified mail on October 28, 2022 with a certificate of mailing with the same date but the Superior Court of Pennsylvania misfiled the separate appeals as one appeal and put them against the wrong county, Allegheny County even after I informed them both verbally and by means of a motion, they refused to separate the appeals or correct the county the appeal was against. I was hung up on by Bobbi Jo Wagner, deputy prothonotary, and ignored on multiple occasions by the law clerk, Guy M. Each Nunc Pro appeal should have received its own case number. As well, they put

the appeal (all combined appeals) against Allegheny County, a county that has not created an Order for this case. Fayette was to hear the case of contempt against father on November 1, 2022, 4 days after these appeals were filed. I was in the ER on November 1, 2022 and I appealed the transfer of the case to Allegheny County after November 4, 2022 Order with an on-time appeal. I'm unsure of the status of that appeal.

M.J.T. v. C.K.J., 267 WAL 2020, Supreme Court of Pennsylvania, Decided on October 2, 2020 was brought to The United States Supreme Court's attention on Writ of Certiorari within 90 days and mistakenly sent back as thought to be a duplicate of a previously denied Writ of Certiorari, No. 19-8496 and Mother sent it back again on December 23, 2020 and it appears that the Supreme Court of the United States' copies are at an unknown location within the mail system; I have mailed you twice as to what to do or what legal action could be taken for my "missing mail" without hearing back from you. M.J.T. v. C.K.J., 77 WDA 2020, Superior Court of Pennsylvania was denied on August 20, 2020. Cheryl Jenkins appealed Westmoreland County, 1948 of 2017D, Order dated December 12, 2019 within 30 days by Child's Fast Track Appeal.

M.J.T. v. C.K.J., 67 WM 2019, Supreme Court of Pennsylvania  
On April 15, 2020, you asked me to retract the child's name and I responded by means of certified mail with a copy with the child's name retracted and it went "missing" in the mail as well. The Supreme Court of the United States claims that my Writ of Certiorari was denied because I did not respond within 60 days,

but I did respond on May 1, 2020 by certified mail. These receipts and description were also twice mailed to you, asking for a response and none has come.

## VII. Constitutional Provisions Involved

United States Constitution Amendment V: "No person shall be held to answer for capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law..."

(MMMMMM1-6)

United States constitution VI: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been previously ascertained by law, and to be informed of the nature and cause of accusation; to be confronted with the witness against him; to have compulsory process of obtaining witnesses in his favor, and to have the Assistance of counsel at his defense." (NNNNN1)

United States Constitution Amendment VIII: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." (OOOOO)

United States Constitution Amendment X: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (PPPPP)

United States Constitution XIV: "All born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce a law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (QQQQQ)

### VIII. Statement of the Case

I, Cheryl Jenkins, was ordered to the Custody Conciliation scheduled for February 1, 2018 (R1-4). In January 2018, my Parent Information form included the risks that father posed to my son (JJJ). Father did not indicate any risk with me (PPP). I attended the conference, DNA testing was scheduled for February 28, 2018, since father did not do the DNA in a separate case in Allegheny County in 2014 (G, H) so the conciliation conference was cancelled (G, H, R5). Father incorrectly filed out his criminal history form (N.). Bruce Tobin, the mediator, had stated that either party could refile if the test was

positive. I no longer lived in Westmoreland County due to domestic violence and mold in my house in Greensburg. DNA results appear to have come back on March 6, 2018. that Mark was the father (III). According to 231 Pa Code 1915.2 Venue, father would have had to file where I and the child lived not Westmoreland County. The various affidavits of service provided to the Westmoreland County Court House, never show successful service to me (AA, CC, DD, EE). The judge insisted on creating her own laws since I no longer lived in Westmoreland County and couldn't be served.. The judge wanted to have the case there by any means. My ex-boss, Jeff, drafted a letter (AA) that states that I no longer worked for him on March 26, 2018, the day of supposed service, see Affidavit of Service (DD). Jeff Spitz explains that he has reviewed the affidavit of service and the Fed Ex signature of a S. Tidwell. Jeff states that S. Tidwell is not a current or previous employee of his and no one received the mailing at my ex-employer's office (AA). Father sent a private investigator to my previous residence. They were unsuccessful as I didn't live there (CC, EE). They never placed the hearing notice in the actual mail. I had mail forwards, because my mailman wasn't delivering my mail when I moved in in September of 2017. 3 of my previous address were forwarding to a UPS box at 1540 Oakland Avenue #164, Indiana, Pa 15642 (B1) from 2303 Locust Street, Greensburg, Pa 15601, 29 2<sup>nd</sup> Street, Irwin, Pa 15642, and 1026 Summit Street, McKeesport, Pa, through April 4, 2018 (O). On page 3, Explanation of Decision, "On February 25, 2019, Mother filed a handwritten

document...claiming she was unaware of the April 19, 2018, hearing and that she just received the paperwork at the end of February 2019. She alleged that mail forwarding was active during domestic abuse. UPS had authorization to sign for certified mail even." (F, Z). Yes, nothing was forwarded so nothing was mailed, and I was unaware of the 2<sup>nd</sup> Custody Conciliation Conference.

In Judge Bononi's answers to appeal 77 WDA 2020 on page 2 it reads, "Father had to serve mother at her place of employment because he was unable to obtain a good address for her". Judge Bononi says about the April 19, 2018, Order, "... it was sent to the appellant at her address at 2303 Locust Street, Greensburg....", she continues, "The court has no way of proving or disproving whether or not Appellant received her copy of the order in the mail." No where in any of the affidavits of service does it say Father's legal team sent it to 2303 Locust Street Greensburg, so that is a lie. My signature was not on any of the service documents and that is how the court would disprove that I was served. Because the parent information form was filled out in January 2018, the Judge said this meant that I knew about the 2<sup>nd</sup> custody conciliation conference that happened without me months later, transcript Page 5 lines 14-24m when I didn't.

Although I was not invited, present, or residing in that county, the original Order was created on April 19, 2018, giving me primary custody and father supervised visits. On page 3, the order was to be final after 30 days since no Pretrial conference was filed, Father's side filed at about 49 days. I have never

seen a document stating May 19, 2018 and believe if one exists it was created later. Months later in December of 2019, the judge would then make a second final order which is not lawful.

I did not receive a copy of the April 19, 2018, order until the Spring of 2019 and there is no transcript available.

The second incorrect service is signed by an ex-coworker of mine, Mitchell Sikes (S). They knew I no longer worked there in March 2018, and they returned to do another false service in August 2018. Jeff Spitz is the boss and general manager not Mitchell Sikes and Mitchell told me in 2021 that he never received any paperwork for his signature, and I was never notified of anything.

The Explanation of Decision (I) states on page 2, "The court met with Father's counsel on August 1, 2018, and was advised that the plaintiff was unable to effectuate service on Mother. Upon confirmation of Mother's location, the court would immediately reschedule the Pre-trial conference and Petition for contempt." Opened in, served wrong, the judge planned to also hold me in false contempt. If 231 pa Code 1915.2 section 5 had been properly applied, Father would have had to file where my child and I resided which was not Westmoreland County. In her Opinion in response to 77 WDA 2020 on page 14, Judge Bononi says that the "inability to effectuate service on Appellant on August 3, 2018, Appellant contacted the court by telephone but refused to provide a correct address for service Explanation of Decision, page 25, Judge Bononi writes. "Due to the appellant's lack of cooperation, the Court was forced

to orally notice Appellant.", for August 27, 2018, which included the Judge talking to me directly which is enough grounds for a judge recusal on its own. Although I was not staying at the Women's Center and Shelter of Pittsburgh, I provided her P.O. Box 9024, Pittsburgh, Pa 15224 for safety purposes as they had advised and she didn't send anything. At a later time, she claims she only received a partial address and in another writing, she claims they wouldn't accept mail for me and that was a lie. In regard to August 27, 2018 hearing, in her Explanation of Decision (I) page 3, Judge Bononi states, "...It is further noted that Mother had indicated that she could be served through a domestic violence shelter in Pittsburgh Pennsylvania...mailed a paper copy of said Order to the Shelter address she provided which was really only a partial address." On page 25, Judge Bononi lists addresses that were never given by me and some that were, you will see the P.O. Box 9024, Pittsburgh, Pa in its entirety proving it was not a partial address (KKKKK25). Opinion, on page 15 Judge Bononi states, "The court also mailed a copy of the order to the domestic violence shelter where the appellant claimed she could receive mail. This court later was told by the domestic violence shelter, that they had no reason to accept mail for the appellant." Domestic violence shelters are not permitted to even disclose the residency of a client and I had prior permission. The Judge lied, giving three different versions of the same event. She didn't mail me the documents, so I didn't know anything about what had happened in court or what was about to happen in court.

During my attendance at the August 27, 2018 hearing, I had evidence of the abuse because I had tried for a PFA that day but I was not permitted to enter it. My testimony was blocked. I had begun to describe father attempting to kill my son and I when the judge laughed at me and told me my testimony was finished.

Transcript August 27, 2018, Father confirms on page 11, lines 8-11 that domestic violence charges were filed against him and on Page 28, Father says he was on probation for a DUI in 2011, had criminal conspiracy in 1997 and "Maybe Public Drunkenness...." Father's Domestic Violence was on 11/29/2011 (Q). I alleged domestic violence during the August 27, 2018, hearing, transcript page 7 lines 7-8, and Father admits to having domestic violence charges against him, transcript page 11 lines 8-11. In transcript, lines 15-19 and lines 24-25, Father's attorney William Manion discusses father taking DACC classes (LLLLL2), or batterer intervention classes. Father gained abuse tactics in those groups instead of getting better.

Father states on Page 12 of transcript, that he last saw the minor child in 2014 but continued to see me through 2016 and on page 16, lines 3-6, father states that I did most of the child rearing. I did all of the child rearing. Father did not have a relationship with my son. I saw Mark while my son was in daycares, my son never went along until my child was 3 and sparsely through the age of 4 and then stopped. I believe he filed this custody case in response to hurt me. I described stalking at the Westmoreland Courthouse by father,

domestic abuse, and threatening behavior in transcript pages 26 through 27. On page 31, lines 2-9 of the transcript, I described an incident by father where he tried to stab me and my son with a steak knife. I had concerns regarding pedophilia toward my son, and “discussions of incest...in therapist meetings.” Page 31, lines 18-24 August 27, 2018, transcript. Page 33, lines 24-25, “I’m concerned about his mental health and him getting erections around my son and him stating that,” Page 34 line 1, “...he always got erections (around other boys) when he plays sports.” On page 34 of the transcript, Father says he was in 4 inpatients and 3 outpatients, lines 8-11. I raised concern that father may have done something to my son and that I had a video of my son’s reaction the day after, Page 36 lines 14-17.

Also before the August 27, 2018 hearing, I had filed for a Protection from Abuse Order in the PFA office of the Westmoreland County with my mom present when Judge Bononi called in and told the PFA office that I was not allowed to file for a PFA. Judge Bononi denies this. The following transcript appears on page 37 lines 19-25, in response to Mother’s second attempt to file for a PFA in Westmoreland County, speaking directly to William Manion, father’s attorney, The Court: “She can pursue—I can tell you right now she’s planning on getting temporary. So, if it goes before Judge Silvis, who’s doing them, you may want to appear at that, and I will call Judge Silvis—”. If she isn’t helping father’s side, why is she warning them and why is she going to call the PFA Judge? On Page 38 lines 20-25, I stated “ I’m telling you if he becomes

homicidal for no reason if my son ends up dead, it is on the record, I'm holding you accountable." Father says he was not violent because he was in public (FF2).

I wasn't allowed to show any of the evidence on August 27, 2018, such as Father's DUI arrest appeared in the Newspaper on December 4, 2011 (JJJJ.) and Father's criminal arrest record through 2011 (WWWW). I had evidence that I received Domestic Violence counseling from Women's Center, under alias, Sarah Jacobs, and had call history about abuse 02/2015 to 01/08/2018, and a verification of stay under alias is attached (S1-3). Father wrote admissions to abuse that he pulled my hair in front of the minor child and signed (W2), explaining how his abuse will impact his son (W4), Father's note that I was never abusive to him (W1), Saying he will not have contact with me or my son because he is unfit and signed (W3), Father's note that he is going to counseling with Paul Bernstein because he has been abusive to me for 2 years (W5-6). Father had sent disturbing or threatening text messages (U8). Father had written a statement that he was abusive to me and that my son and I had to leave with my mother 4 days after my child was born (X6). I also completed two parenting classes (V).

I had documents in regard to father's alcoholism that I was not allowed to show such as Father's rehab plan in 2009 (U3), Father's hospital record resolve crisis team December 1, 2012 (U6), Father's treatment plan April 11, 2013 by David Haynor (U8), Book provided to Father by David Haynor "Understanding

Personality Problems and Addiction" (U9), Father's page of problems and objectives "past episodes with limited sustained sobriety" and behavior difficulties that contribute to relapse by David Haynor/Peggy Oniel/John Six M.D. (U10), and Father's DUI lawyer letter (U13). I was only able to sneak a small amount of evidence into the record via the prothonotary.

While I was working on appeal 1416 WDA 2018 for the August 28, 2018, Order, my son created a note a "Lawyer Nicholas Nicholas" (HH1). I later found out Nicholas Corsetti was the deputy prothonotary for the Superior Court of Pennsylvania Western District. The Docket sheet for 1416 WDA 2020, filed on September 27, 2018, on page 3, October 18, 2018, in bold letters, says appellant's address was changed by Appellee's (Father's) counsel (II). I never received correspondence from the Superior Court asking to show cause because "Sean" allowed opposing counsel to change my address.

I demanded it in person after I found out and had to knock at the office across the hall and get Nicholas Corsetti involved to retrieve it as the clerk, Guy, would not give a copy to me. At that point the appeal had already been quashed. Father's counsel, Nancy Madeya, addresses that she gave the wrong address to the Superior Court of Pennsylvania for Mother in lines 41-42 on page 6, February 25, 2019.

Explanation of Decision, "Mother filed a second handwritten document on February 25, 2019 which alleged that Father's lawyer changed her address in the Superior Court's system and obstructed justice..." (F). On later appeals, I

would be told that I could not add evidence that did not appear on the county file which is unconstitutional.

I did not receive correct or timely notice for the February 25, 2019, they mailed my parents who I did not live with and another ex-employer (ZZ). I hadn't worked since December of 2018 when we went on Christmas break, and I did not return in 2019 on January 21, 2019. I was in the ER on January 21, 2019-January 22, 2019, and from January 23, 2019, through May 1, 2019, I had a doctor's note that I was off work (KK). My child and I, primary residency still my Sunbury home, had to temporarily stay at the domestic abuse shelter in Lycoming County, 02/08/2019-03/08/2019 (LL). The Child still attended school in Sunbury. Our PFA was only denied in Lycoming County because we still had our permeant residency in Sunbury, Pa as described by Erin's letter from the YWCA domestic abuse shelter (LL1-2).

February 25, 2019, affidavit of service is incorrect (ZZ). A hand delivered notice with no postmark was left at our permanent residence, 131 N. 5<sup>th</sup> Street, Sunbury, PA 17801, an address I never provided to the court for service, 9 days before court while my child and I were in the abuse shelter. I filed for a continuance to have counsel present in person which was 3 hours and 30 minutes away (WWWWWW) but was denied because I "was hard to find" when our mailing address a P.O. Box in Lewisburg, PA, on record for 6 months, was not served (KK). Judge Bononi's secretary yelled at me saying that I was not getting a continuance and that father didn't abuse my son because he "wasn't in

his life as she just walked away from me after I asked for a continuance. The Judge liked to lie about when father was and wasn't in his life to fit whatever agenda she had. Judge Bononi said Father last had contact with my son at 2 years old, on page 6 lines 8-10 of the transcript, Judge Bononi said that Father had last seen my son at 1 year old and on page 6 line 46, and that father had no contact with the child. The truth is father did not have a relationship with his son

Due to the denial of the continuance for February 25, 2019, I was left again without counsel, almost an entire year at this point. Opinion, "The appellant has been "pro se" throughout the proceedings and the court believes her request to continue due to lack of representation was an attempt to further delay the proceedings." This was the first hearing that I had been given any written notice, 9 days, and it still wasn't enough to have lawyers present.

The Case History can be viewed at CCCC.

The Child's Dog Allergy was confirmed by a skin prick allergy test (BB1). It is also on doctor's record (BB2). In Opinion (KKKKK) page 20 states, "Appellant makes a host of additional allegations including the child suffering from bowel damage, the child having genital warts and a children and youth investigation that was not completed. The court received no evidence regarding any of these alleged medical conditions or investigation of children, youth, and family..." (KKKKK). Just because the judge won't look at the evidence doesn't give her

the right to say the court received no evidence. The Judge hushed everything so she could pretend these realties didn't exist when they do.

Judge Bononi was made aware of the allegations against father before the February 25, 2019, hearing by the detective on the Children and Youth case who was requesting a continuance for the Child Advocacy Center appointment on February 25, 2019, in Sunbury, PA, that took a lot of coordination and she denied that even scoffing at the detective's request in court. On page 5 lines 2-25 of the transcript and in her Opinion on page 29, says, "This court spoke with the detective for approximately 45 minutes."

CYS became involved after the child's doctor found a rash that was genital warts on my son's buttocks (NN1-2). I do not have genital warts, as can be seen on my negative Pap Smears (AAAA). Father was named the primary suspect of abuse by detective Jacob, transcript from the 2019 case (NN 3-7), they were supposed to further determine if father potentially gave the child the genital warts as well or if there was a second perpetrator. The origin of the warts was never determined, and the case was never completed. After Judge Bononi denied the continuance, my son's advocacy appointment was moved to the next day and the Allegheny County case worker couldn't make it to Northumberland County and I believe this was the reason origin of the warts and the perpetrator(s) were never properly determined due to a long distance communication error and lies.

I submitted a Judge Recusal for Judge Bononi on February 21, 2019 (MM1-2). It was read aloud in court by Judge Bononi on page 6, lines 7-14 of the transcript. On Page 4, Explanation of Decision it says, "It is noted that sometime prior, mother served on this judge a motion to recuse...the court issued a sealing order sealing the exhibit that contains Mother's address...the court issues an order denying Mother's Motion for recusal." (PPPP) The Judge later claimed that the Judge Recusal wasn't properly filed, though it was, and she read it aloud and never once mentioned that it may not have been filed properly.

Mother submitted her February 22, 2019, Drug and Alcohol Evaluation, not recommending any treatment (PP), Page 35, lines 6-8 of the transcript. I have no past or current history of drug or alcohol abuse and the evaluation did not find me to be in need of any treatment (PP). Father did not bring his Drug and Alcohol Evaluation, transcript Page 6 line 17 and I'm not sure if he ever did and he was never ordered to be tested. Page 6, line 19 of the transcript, Father was also arrested on domestic violence charges in 2011.

Judge Bononi did not order the visitation report for the February 25, 2019, Contempt hearing against Mother from Justice Works showing that they placed Mother on a waiting list at the beginning of September 2018 and had just begun to have openings. Justice Works has a policy as well, that neither parental figure may order the notes even if they are acting as they're own attorney but had assured me that Judge Bononi would order them before court, but she did

not. In the Opinion, "As previously stated, while the appellant was held in contempt of court, she was not sanctioned." Judge Bononi appears to be saying that it is okay to falsely hold someone in contempt without evidence or by avoiding the evidence of innocence, as long as they are "not sanctioned". The judge also had said during the hearing, that she was going to place mother in jail and put the minor child in foster care in Westmoreland County. "The Court advised.....she could go to jail until she was willing to comply." I already in compliance. You can see me pleading with Judge Bononi to not put me in jail and to not do this to her son. The transcriptionist Lisa Haluski had been replaced and my transcripts that had not yet been produced were then edited to try to hide the truth. The judge also had security take my phone during the court hearing, claiming I may have been "recording" , trying to find something she could jail me on.

Dr. Bush's office and where I lived were 4 hours apart, he had weekday hours, my son was enrolled in kindergarten, and I was doctor ordered restricted driving meaning local necessities only. Dr. Bush advised me to be evaluated by someone else by contacting the PPA. A letter stating that I would receive an evaluation in early March 2019, from a psychologist with a PHD was provided at the February hearing. Judge Bononi said Jamie, the psychologist, was not licensed when she is and I "had" to see her psychologist, Dr. Bush. I ended up paying for various evaluations, one \$500m one \$550, etc., but only Dr. Bush's evaluation was "valid" and permitted in court and he was the only one with a

“license” according to Judge Bononi. I filed a Petition for Emergency Custody on February 25, 2019, that was ignored.

Judge Bononi ignored the issue of venue many times, made my child and I travel 8 hours round trip to custody court and Father’s visitation. Explanation of Decision, “on March 18, 2019 Mother filed “Petition to Assume Jurisdiction” ...requesting this Court relinquish jurisdiction to Northumberland County because Mother and the Child have not resided in Westmoreland County since March of 2018.” (TT). The document actually reads that we hadn’t lived in Westmoreland County since January of 2018 not March of 2018 and are victims of domestic violence. The Judge lied again.

Due to my son still being in school in Sunbury, I could only schedule visitation for Saturdays. We lived 3 and ½ hours away. It is unclear why Judge Bononi did not have father come to a visitation center near us. Justice Works only had 2 staff members and only Pam worked on Saturdays. Orientation was scheduled for March 9, 2019, a Saturday, I arrived at the scheduled time, the lights were out, the door was locked (UU). The visit was ultimately cancelled, Pam had a family emergency with her family member with Multiple Sclerosis. My son and I had church the next morning and no way to attend visitation 3 and ½ hours away on that Sunday especially unplanned and couldn’t budget in a hotel stay unplanned.

Opinion (KKKKK) page 20-22, “The Court notes that Appellant alleges that her driving privileges were restricted from January 21 through May 1, 2019. The

appellant did not advise the Court of her restricted driving until May 20, 2019.”

The Judge was not allowing me to enter evidence. She didn’t know anything that was actually going on because she spent the whole time bullying us through fabricated contempt hearings to get what she wanted done.

I did contact the Judicial Conduct Board on March 13, 2019 (VV). I was hopeful that they would do a successful investigation but even after crying on the phone with the director, they have yet to successfully investigate or punish this judge. The State of Pennsylvania is not in condition to make lawful decisions and its systems to stop corruption are also not in working or in lawful order.

On April 9, 2019, my Petition for Allowance of Appeal, 16 WM 2019, was denied (N). On May 10, 2019, my Motion for Reconsideration was denied, 16 WM 2019 (N).

In the Explanation of Decision, which is missing page numbers (F), it states, “the minor child reported, and Mother’s testimony corroborated that while in Mother’s Custody, the minor child was enrolled in T-ball, baseball, swimming, soccer, and basketball. Being involved in team sports had to provide some stability for the minor child with regard to community.” The child attended the same kindergarten all year, played his sports, went to church, and was an entirely happy child for 6 years and 9 months in my care. He attended daycare prior to that with a group of kids he bonded with. My son had complete unconditional love and stability with me. He had perfect grades in school and

went on all the trips he wanted to, including to many different amusement parks and Disney. He was smiling every day of his life and I'd say that under oath. Judge Bononi just lies.

May 20, 2019, another false contempt hearing is scheduled against me. I was cleared from restricted driving and to work. I had completed the orientation with Justice Works, after having to travel there twice.. Pam did not have any Saturdays available in May, her coworker Jen did the first and only visitation after court on May 20, 2019, a weekday only because my son was already off of school for the hearing.

Explanation of Decision (F) Page 6, "Mother filed a Petition for Modification of Custody Order asking that Father submit to bi-weekly drug and alcohol screenings for "visitation"" and that Mother was denied due to there being no final Order (FFF). April 19, 2018 was a Final Order after 30 days. Father's history and his very limited driving experience, only obtaining his license as a means to avoid "driving without a license" during his DUI court appearance in 2012 make for a very big risk to my son and testing should have been ordered by the judge.

Judge Bononi states that I filed a handwritten "Praeclipe" with Petition for Support, Drug and Alcohol Facilities that Father had been in, text messages from father, letters from father, etc. and an additional Petition to Assume Jurisdiction. I assume she means the evidence I had to sneak into the Prothonotary.

On page 3, lines 17-18 of the May transcript, Judge Bononi falsely says that I filed the Pretrial motion. On Page 5, lines 17-18, the Guardian Ad Litem, Patricia Elliot Rentler had stated that I kept my visit with Dr. Bush. I had reviewed Father's mental health evaluation stating characteristics of Anti-Social Personality Disorder in the court file. Judge Bononi claimed first that Father's evaluation was not on file, May 20, 2019, hearing page 14 lines 21-25 and on page 15, lines 1-5, she says that it does not say anti-social when it does and continues on to then admit that she actually has the entire document. On Page 30, lines 4-6, Mark's evaluation is in the file and on Page 30, lines 16-19, Patricia Elliot Rentler confirms that the envelope for Dr. Bush's evaluation Mother was sending was elective, it was to send evidence against the opposing party if you so wish, not for your own evaluation. Judge Bononi says of Father, "Appellee performance...with no significant correlation to any degree of psychopathology."(KKKKK9-10) Father's evaluation says Anti-Social Personality Disorder which is the closest diagnosis one can get to Psychopathology as Psychopathology is not a Mental Health diagnosis. Judge Bononi again is out right lying as well as misinformed about Mental Health diagnoses.

Supervised visitation was ordered for Saturdays finally but nothing was made right about holding me in false contempt previously, Page 19 lines 8-10 of the transcript. Instead, I was held in Contempt of Court falsely again. My ability to testify, be heard, or submit evidence was blocked.

Judge Bononi on Page 27 lines 8-11, "Ma'am, I'm not taking your child off of you." (EEE). During the hearing, verbally Judge Bononi said to take my son to see his father on May 20, 2019, and schedule the next supervised visit and I successfully completed those tasks before an order was created. I took my son to his first ever supervised visit where he was upset that they wouldn't let him leave and that his father blocked him from exiting the door, while Jen (a teacher) was distracted on her computer and forced a hug on him which is against policy. Father was a stranger to my son this was their first visit. He only knew of him through domestic violence encounters and called him Mark or "the bad guy". Pam was out of town in Harrisburg, and we scheduled the next visit for June 29, 2019, over the phone. Father picked the last of the 3 of the 5 Saturdays I offered in June. Father Confirmed and then he wanted to change it and all of a sudden, I couldn't reach the facility at all, and no one returned my text or voice messages (DDD1-10 and DDD11). I had logs of unanswered calls I made, a text from Pam that father was not cancelling the June 29, 2019 (DDD22), no response from Justice Works via text message (DDD23), Justice Works director Erin texts (DDD24), and Jodi didn't call Me as scheduled. I sent 6 unanswered emails to the Director of Justice Work Youth Centers, Dan Heit (DDD 26-28). I was trying to get my son to his second supervised visit so I wouldn't be jailed by Judge Bononi. According to the secretary to the President, Mr. Heit, of Justice Works Youth Center, Judge Bononi had court ordered the

visitation center to not talk with me anymore (AAA) and that's why they hadn't been answering me.

On May 29, 2019, a Custody Order was entered that I should take the child to the May 20, 2019, visit and schedule the next visit (C6-8). On May 30, 2019, the next day, Judge Bononi allowed Father's attorney to file a contempt charge against me before I could even receive the order by mail (BBB). Judge Bononi clearly orchestrated that next contempt charge against me (AAA).

I filed a Petition for Special Relief, asking that dog dander is not on clothes during visits because of my son's dog allergy, a Penile Plethysmography for father, and for father's smoking Habit in his home (OOO5, HHH1-5). I also filed another Petition to Assume Jurisdiction on June 7, 2019. On June 6, 2019 a hearing for Father's civil contempt, Mom's Special Relief, and Mom's Petition to Assume jurisdiction was scheduled (GGG). Mother filed a continuance for the June 20, 2019 hearing after receiving 11 days' notice and was denied (KKK).

The child was living a very fun and stable life with me as can be seen by his school records, his sports records, and photographs (NNN1-4). I did get a Protection from Abuse Order against father in Northumberland County on June 18, 2019, case No. 19-1205 (MMM1-15).

On June 20, 2019, I woke up ill. No continuance caused me to be traveling alone with my son. I did reach Rita Hathaway's office, the President Judge to give updates on how late I would be. I began to shake very badly and felt I

needed to go to the hospital but was threatened with arrest by Rita Hathaway's if I should go to the Emergency Room. They said it would be okay if I exited during court to use the restroom once I arrived, but Judge Bononi used my visits to the restroom to call my behavior "erratic". Judge Bononi can be seen speaking about me calling in ill on page 11 lines 4-8 of the June transcript.

Page 38, line 16 of the transcript, "Once again she said she was very ill."

Patricia Elliot Rentler claims she did a home visit to Father's home, yet she never did one to mine. Patricia Elliot Rentler said my son had his own room, then said the living room was converted to a bedroom, and then that my son had a small room or closet off of father's room. She also said his home was a 2 bedroom when it was a one bedroom. My son later stated that he slept in Father's bed, in chambers which appears in transcript, and was pressured to answer differently on November 20, 2019 (OOO)..

Patricia Elliot Rentler smelled cigarette smoke in Father's house but it "wasn't overwhelming", on page 91 lines 9-22 of the June 20, 2019, transcript, and that father had a dog, page 92 lines 8-10. The child is allergic to dogs, confirmed by a skin prick test and the allergy has been as severe as a trip to the ER with asphyxiation. On page 5 lines 2-4 of the August 16, 2019 hearing, the child says he is living with "Mark and his dog", line 8, "he's a pit bull and a lab", lines 12-14 Ms. Elliot: Are you allergic to dogs?" (OOO1-4). The Witness (The Child); "I guess—I guess—I guess—just Sneeze". Father has a dog on page 85 lines 6-13 of the transcript.

Patricia Elliot-Rentler tries to explain that there was a “miscommunication” between father who thought the June 29, 2018 visit was actually May 29, 2019, and I who scheduled the June 29, 2019. The text messages with Justice Works confirm that I made that visit correctly before Judge Bononi made Justice Works Youth Center stop communicating with me (DDD1-28). On page 57 of the transcript, lines 24-27, “Did the Judge Order your services not to speak with me any further?” I asked. Jodi Cramer, supervisor of Justice Works answered, “We were advised that we did not have to continue at that point.” Justice Works was directed/forced not to speak with me anymore, not just told they didn’t have to continue and that can be found in the Justice Work Youth Centers notes in the court file. I am unable to provide it to you, as I am one of the parents and they can’t release those records to me directly because of their policies. Dr. Bush said, page 27 line 5, “obviously we had one compliance...she took him there in May.”, in regard to my complying with Father seeing my son. I had to do Orientation after the 6 month waiting list before Father could see my son. Jodi Cramer, Justice Works Youth Center, is questioned page 44 line 1-2, “And that period of partial custody did mom comply?” Jodi Cramer “Yes.” Jodi also said, lines 19-20, “Once father had left he stated that he didn’t like him and he was a bad man.”

During the June 20, 2019 hearing page 12 lines 6-7 “Father has not seen the child since he was 1 year old.”

On Page 22, lines 1-4 of the transcript, Dr. Bush says Father admitted to hitting me and lines 5-8, Dr. Bush also said "She alleged he threatened her with a knife, had a significant alcohol problem during the course of the relationship. I think that was verified by his history at the time." That confirms the domestic violence. On Page 22, lines 9-11 of the transcript, Dr. Bush said "She was adamant regarding her belief that she and her son are in danger should Mr. Tengowski be permitted to have unsupervised contact with her son." Mom's PFA witness' partial testimony is attached in regard to third party stalking/possible murder for hire (VVV).

Explanation of Decision, Judge Bononi on page 8, "Mother filed for and received a temporary Protection from Abuse Order on June 19, 2019 from the Northumberland County Court of Common Pleas. A hearing on the final Protection from Abuse Order was scheduled for July 3, 2019. The matter was continued numerous times and was ultimately dismissed on September 25, 2019. The temporary Protection from Abuse Order initially named the minor child as a protected party. This Court attempted to contact the Judge in Northumberland County to provide a current copy of the custody order but he refused to speak with this Judge claiming it was ex parte communication. The Court was informed by counsel for Father that the child's name was eventually removed from the temporary order but this Court took additional steps to indicate that its current orders superseded the temporary protection from Abuse Order.", see Choplosky v. Choplosky 585 A.2d 340 400 Pa. Superior Ct. 590 (1990) and Langendorfer v. Spearman, 797 A.2d 303, 308-309. The

judge superseded the PFA, creates a new custody order to give father custodial rights he never had, and allows the child to go unsupervised with the abuser, see Everett v. Parker 998 A.2d 1003 (PA Super. Ct.2010), Rosenberg v. Rosenberg, 350 Pa. Super.268, 504 A.2d 350 (1986), 1994 Violence Against Women Act, and Jordan v. Jordan, 302 Pa. Super. 421, 425, 448 A.2d 1113, 1115 (1982). In contrast to the Explanation of Decision, in Judge Bononi's Opinion page 19, "The Court contacted the court in Northumberland county to advise them of the ongoing custody case in Westmoreland County, but never spoke with the Judge assigned to the Protection from abuse matter. The Appellant willfully failed to disclose the ongoing custody case on her Protection from Abuse and the Northumberland County court decided that this Court's Custody Order superseded the Temporary Protection from Abuse Order. This Court had nothing to do with the decisions of the Northumberland County Court." In one response, Judge Bononi says she superseded the PFA and in another she says Northumberland County did. I had full custody all of the child's life, father had supervised visits when I filed and obtained a PFA on June 18, 2019. No modification had been filed. She had my son removed from the PFA on June 3, 2019, and the case was continued. I was rear ended in the slow lane and my trunk was crush. All my court paperwork was in my trunk, and it got all mixed up. I couldn't find the court noticed. The agency that provided me an attorney that was a traitor and helped father's attorney on June 3, 2019, also provided me the wrong hearing time, so when I arrived the case had already been dismissed.

Judge Bononi falsely stated life with me was “chaotic” without evidence. Domestic violence caused outside factors of chaos but my son and I’s life was otherwise calm and happy. That was the purpose of the PFA that Judge Bononi superseded. The Judge admitted she had no evidence against me and was not concerned with my son unsupervised with me on August 16, 2019 (ZZZ). I also have my clearances to work with children.

Judge Bononi would not consider other mental health evaluations. Alan Pertchuk’s evaluation of just ADD is attached (DDDD2-5) It was also not considered at the appellate level in the Superior or Supreme Courts of Pennsylvania. I was evaluated in July of 2021 to have adjustment disorder with anxiety from what the court did (GGGGG). My son was diagnosed with adjustment disorder after the change of custody as well in September of 2019 (DDDD1).

Now Father mental health evaluation resulted in characteristics of Anti-Social Personality Disorder. First Judge Bononi lied during the May 20, 2019, hearing, when it Judge Bononi lied for him saying his evaluation didn’t say that father has characteristics of Anti-Social Personality disorder when it does. Then the Court lied and said that I had a disorder that I didn’t. The doctor did make a serious error and put in the evaluation that I had “characteristics” of a unspecified personality disorder that I don’t actually have. The Judge tried to defame me by putting that right in the Order, that I have Borderline personality disorder, which wasn’t even the correct mistake disorder. Dr. Bush

did a diagnostic impression and verbally admitted that the section pertaining to personality disorders for my evaluation was totally erroneous and I only had ADHD. Judge Bononi then faxed it to the Sunbury Police department and Uniontown Police department who were trying to either serve and/or enforce the restraining order we had against father. Medical records such as Mental Health evaluations are documents that are supposed to be protected even in the courts, she legally was not allowed to disclose that information publicly on the Court Order as she did. She lied as if my mental health was a reason for the change of custody, and later retracted those statements, saying it was only because I didn't cooperate with Justice Works visitation, which the judge herself caused.

Judge Bononi has admitted that I provide for my son and I am not a threat to my son one on one. I had done nothing but bring my son up to have good grades, play sports, go to church, and be a nice happy boy. Judge Bononi admitted that she has no substantiated evidence against me, see Gonzalez v. Gonzalez, 337 Pa Super Ct. 1, 486 A.2d 449 (1984). Judge Bononi suddenly gave custodial rights to the named abuser after one supervised visit during an active PFA and assured the PFA would be superseded. I was ordered supervised visits of 4 hours a week, without evidence or reason on June 20, 2019. Father was given primary custody during that same contempt hearing that was not a modification hearing which is not lawful. Judge Bononi's Opinion, page 8, accuses me of trying to stall or derail the custody proceedings by filing for PFA.

Opinion on page 3, she claims there is “a law” that allowed her to do this drastic and dangerous decision “under appropriate circumstances” and on page 2-3, she falsely claims that there was an emergency but didn’t come up with that lie until her answers to 77 WDA 2020 in January 2020. A judge cannot just fabricate a story about someone and then claim they have to take drastic measures for their fabricated story about someone, kidnap a mother’s child and give him to the abuser.

Back to the June 20, 2019, hearing, she mentions I went to the bathroom twice. There was no indication on June 20, 2019. that I had any substance abuse issue, she only changed her story in response to my appeal 77 WDA 2020 once she ran out of excuses. I submitted 2 evaluations showing no substance abuse issues, in February 2019 and in August 2019, before and after this supposed “emergency”. In her Opinion roughly 7 or so months after changing custody to father and it reads “the appellant’s behavior was so concerning the court believed she might have an active substance abuse problem.” What behavior was so concerning? When I was ill on June 20, 2019? I had submitted 2 drug and alcohol evaluations to them that showed I had no recommendation for treatment, and I filed to have Father drug and alcohol tested on a biweekly basis and agreed to do it too just to encourage them to have him to do it. I tried to have this reviewed on appeal, Pennsylvania Superior Court says they’re “limited” in their ability to review transcript and they say they can’t consider

evidence that doesn't appear on the court record for the county court case which makes it impossible to prove the truth.

During my Interlocutory appeal, 101 WDM 2019 (RRR) I also turned in Nancy Madeya, for changing my address in the Superior Court on October 18, 2018, so I couldn't show cause. A response was sent to 8<sup>th</sup> street not 5<sup>th</sup>. She filed again. They said this issue will remain closed (GGGG1-4).

My son was supposed to return to Beck elementary for 2019-2020 (TTT). I handed in a letter, August 14, 2019, from my therapist (UUU). I filed a complaint against District Attorney John Peck. The Sheriff told me he knew what was going on and to go to the District Attorney's office every day until they do something, and John Peck would not help me.

My Drug and Alcohol evaluation, with no treatment recommendation again, dated August 13, 2019, was submitted (XXX). On page 31 of the August 2019 transcript, "The reason for supervised visits is because Dr. Bush testified that under no circumstance did he feel that you would allow a relationship between the minor child and the father. Okay. And for that reason alone, my job is to try to have both you have a healthy relationship with the child." Mother responds, "You're blocking me from seeing—" The Court interrupts and says .... "And my basis for the supervised visits here, there were allegations that were unsubstantiated by all accounts that you were trying to alienate the child from having a relationship with the father here. And that was –and he said under no circumstances would you allow that relationship to occur." Parental alienation

is allowed when domestic violence is present according to the 16 factors of custody in Pennsylvania. On Page 32, lines 4-11, Judge Bononi states while speaking to me, "I would agree with you that you are not a threat one-on one to the daily taking care of your child. You love your child, I have no doubt in my mind. Your child loves you. I have no doubt in my mind." I tried to describe the sexual abuse investigation on page 33 of the transcript and I do not have HPV (UUUUU). Page 35, lines 21-25 of the transcript, Judge Bononi says about me "...I've never found that his daily needs weren't taken care of." My legal rights were temporarily taken away without any change in circumstances or new evidence to support that either. The Judge's "fear" is not evidence.

Westmoreland County Court Order August 16, 2019 is attached (C 10-14)).

I complained to the Attorney General of Pennsylvania and they said I needed a referral for them to investigate (BBBB) Father was only offering 2 hours instead of the 4 hours at the Raystown development center. Supreme Court of Pennsylvania case No. 67 WM 2019 was denied. Mother flew out to Massachusetts from Baltimore/Washington Airport (HHHH1-2). I had to miss one week due to a mandatory training for work and father only offering Mondays. My son said his father was at the Casino and I began to worry that his father had relapsed on alcohol. I was rear ended and it totaled my vehicle on September 16, 2019 (EEEE).

At the trial, I presented a picture of Father with a knife when he tried to stab Mother and son (LLLL). I had offered Judge Bononi to zoom in on her

computer, she Unable to identify a knife in the picture...the court declined to admit it into evidence."(KKKKK)

"However, with regard to the alleged stalking, Appellee's counsel resorted to personal service on Appellant due to her purposed evasion of service throughout this matter" Judge Bononi wrote on page 20, Opinion. The people following me were never serving me papers.

The Court asked the Child, "When you get in trouble, how does dad handle it?" and the Child answered, " He handles it by screaming (indicating)." The Court, "He screams at you. Do you listen after he screams?" The Child answered, "Yes absolutely", page 72 lines 5-10 of the transcript for November 20, 2019.

Page 72, lines 23-25, "...And when you were with mom, you played T-ball and baseball?" The Child, "I played T-ball, baseball, soccer, sometimes basketball at the YMCA." The Child continued, "I'd go swimming. I did all of that." (YY1-5)

The Court also asked the Child, "You just really didn't talk about him when you were with mom?" The Child, "I didn't really talk about him." The Court, "When you had it with mom, how was life?", the Child answered, "Good", page 70 lines 14-24 November 20, 2019 transcript. The child's custody wishes were not considered.

"He was removed completely from everybody he knows, his school, his friends, his church, his mom, his grandparents," page 104 lines 14-16 and lines 20-24 of the transcript, "What religion?" asked the Court, "Lutheran and Catholic" Mom answered.

**REASONS FOR GRANTING THE PETITION**

*(Attached)*

Mother expressed the following in Court, page 77, lines 3-10 of the transcript,

“...I saw that you were under the impression that I was in multiple counties and the multiple counties listed. And I was not in those counties.... I didn’t move around. My family is all out there.”

Mother is the favored on all 16 factors of custody by evidence regardless of what was lied about. Westmoreland county never addressed the factors themselves. A second final Order was created.

#### IX. Reason for Granting the Writ

Judges’ having the ability to review their own recusals is a violation of the United States Constitution and due process.

In needing appellate review for Judge Bononi of Westmoreland County Pennsylvania blocking and ignoring evidence, I have found that the Superior and Supreme Courts of Pennsylvania will not allow the submission of evidence at the Superior or Supreme Court level during the appeals process. This seems to be in violation of the Constitution. States may not “make or enforce law which shall abridge the privileges or immunities of citizens of the United States.” By blocking the addition of evidence, the Superior and Supreme Courts of Pennsylvania are upholding unjust Orders.

It is unconstitutional for a judge to assign a specific Guardian ad litem or lawyer and not have a way for the child to obtain a different lawyer for

themselves or create a complaint because a review board does not exist in Pennsylvania.

Pennsylvania judges having the ability to supersede a Protection from Abuse Order is a violation of the Constitution and it places woman and/or children in harm's way and could result in death. A named abused party is not to have unsupervised custodial rights when a protective order is in place.

Protecting your child from abuse of any kind should never be considered parental alienation.

If a Pennsylvania resident has a complaint to be filed with the Attorney General they should not have to get a referral from a District Attorney or State Trooper.

Judges or any Judicial official knows when they are committing judicial misconduct and it creates an unfair case, so any case where a judge is found to do any misconduct should vacate the case.

It would more properly safeguard our constitution to have higher courts in opposing districts answer appeals and other filings as it protects against corruption and helps assure everyone gets a fair case.

G.B. v. M.M.B., 670 A.2d 714 (Pa Super 1996) is a violation of the Constitution. It only allows final orders to be appealable which could result in an unfair case remaining unfair for a lengthy period of time.

Allowing a Judge to force a party to use legal or medical personnel and not have the choice to choose another instead is unconstitutional and could allow for the abuse of power.

Genovese v. Genovese, 550 A.2d 1021 (Pa. Super 1988), improper loss of custody of a child, less, or limited contact with a child is actually a sanction.

Is it unconstitutional to have custodial arrangements that are grossly unequal when parents have the ability to care for the basic needs of the child and they don't have a history of abuse of the child, child's parent, or other member of the child's family.

The right to not be abused is constitutional and therefore a risk assessment should be required in custody cases where a person has a history of any kind of abuse.

It is unconstitutional for Pennsylvania Superior and/or Supreme Court to refuse or limit its ability to review transcriptional record as transcriptional record would help them determine the credibility of the parties.

It is unconstitutional to hold pro se clients or clients acting on their own behalf to the same standards as other attorneys and not be given room for error in all filings.

It is unconstitutional that in custody cases in Pennsylvania a parent is not always provided a lawyer if they do not already have one because it denies equal protections for both parents and the children and can allow wealth to be a factor in custody.

It is unconstitutional for a Judge to deem the need to protect a child from domestic or sexual abuse as parental alienation.

It unconstitutional and/or cruel and unusual punishment for a Pennsylvania judge or any State judge to order supervised visitation, create or change a custody order, and/or limit access to a child for a parent based on a mental health diagnosis or neurological condition that does not negatively affect the child(ren), does not prevent the parent from taking care of the basic needs of the children, and for which the parent has not been abusive to the child(ren).

#### X. Conclusion

Because the Superior and Supreme Court of Pennsylvania are not currently permitting additional evidence that does not appear in the trial court file and are "limited" in reviewing transcriptional record, it is necessary for the United States Supreme Court to find Pennsylvania in violation of the Constitution of the United States, to review said evidence and testimony, and must intervene to find the truth of this case and uphold equality, liberty, and justice.

Cheryl Kristy Jenkins,



07/15/2023

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Date: July 15, 2023