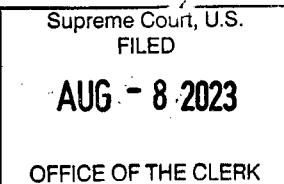


NO. 23-581



IN THE
SUPREME COURT OF THE UNITED STATES

Joey D. Thompson,
Petitioner,

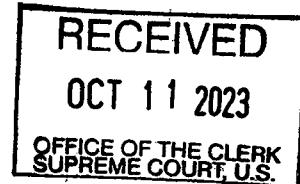
v.

Asia D. Thompson,
Respondent,

On Petition for a Writ of Certiorari to the
Tennessee Supreme Court

PETITION FOR WRIT OF CERTIORARI

Joey D. Thompson Pro se;
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Knoxville, TN. 37917
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865-867-0517
September 15, 2023



QUESTION PRESENTED

Does the State of Tennessee have jurisdiction over
the minor child "A. T."?

(i)

LIST OF PARTIES TO THE PROCEEDING

The petitioner is Joey D. Thompson., the father in the courts below. The respondent is Asia D. Thompson., the mother in the courts below. Taylor A. Drinnen., the Guardian ad Litem in the Courts below.

RELATED PROCEEDINGS

The following proceedings are directly related to this case within the meaning of this Court's Rule 14.1(b)(i)(iii).

Thompson v. Thompson, No. E2022-00345-COA-R3-CV, The Court of Appeals of Tennessee at Knoxville. Judgement entered January 30, 2023

Thompson v. Thompson, No. F-21-153095, Circuit Court for Knox County Tennessee. Judgement entered February 17, 2022

In the Matter of "A. T." (minor child) No. 200868, The Juvenile Court for Knox County Tennessee.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Joey D. Thompson respectfully petitions for a writ of certiorari to review the judgement of the Supreme Court of Tennessee., Tennessee Court of Appeals.

OPINIONS BELOW

The opinion of the Tennessee Supreme Court dated 05/10/2023 is TRAP 11 denied. The opinion of the Tennessee Court of Appeals is reported at Jan/30/2023 No. E2022-00345-COA-R3-CV.

JURISDICTION

The Tennessee Supreme Court denied Joey D. Thompson's permission to appeal (entered May 10, 2023). The Tennessee Court of Appeals entered its order January 30, 2023, agreeing with the trial court that Tennessee does not have Jurisdiction.

STATEMENT OF THE CASE

Mr. Thompson has filed appeals in a timely manner to the respected Tennessee courts, arguing that Tennessee never conceded the jurisdiction of minor daughter "A. T." While minor child was in custody of Father from June 25, 2021 – August 27, 2021, there were concerns of psychological abuse by mother (respondent., Asia Thompson) alcohol abuse, educational neglect, drug exposure, and lack of adult supervision while living with mother in Massachusetts. Massachusetts DCF sent the case to Sheila Baker, Tennessee Child Protective Services Caseworker whose thorough report detailed the abuse and neglect. So respectfully out of concern Mr. Thompson filed an emergency custody petition in Knox County Juvenile Court. At the time of the filing minor child was in the custody of Mr. Thompson residing at 1710 Worth St. Knoxville, TN. 37917 where he has lived since November 2014 with minor child along with mother and mother's other 5 minor children. Mother, (Asia Thompson) moved with children to live in Massachusetts on August 31, 2019; purposedly without notifying the proper Tennessee courts. The day of the emergency filing, Knox County Juvenile Court phoned Mr. Thompson and told him that "there is an existing Knox County Juvenile Court order" and set an October 1, 2021, hearing date. Mr. Taylor Drinnen was appointed as GAL, and he immediately filed a motion to dismiss due to lack of jurisdiction.

The case was then heard in 4th Circuit Court and Judge McMillan issued a final order dated February 17, 2022, which stated “Knox County Juvenile Court must exercise exclusive and continuing jurisdiction over the child and any further custody matters”. The case was heard for oral argument by the Tennessee Court of Appeals at Knoxville. Since that hearing more findings were discovered concerning GAL Taylor Drinnen’s role in this case and possible conflict of interest alongside of mother’s attorney Christine Knott. After oral arguments were heard Christine Knott filed a motion to withdraw as counsel and said motion was granted 4/13/2023. The appellant (father) now appeals against the lack of jurisdiction arguing that an existing 2015 Knox Count Juvenile Court Order was never closed out, therefore jurisdiction of minor child remains in the State of Tennessee.

REASONS FOR GRANTING THE PETITION

I. PURSUANT TO KNOX COUNTY JUVENILE COURT ORDERS ENTERED OCTOBER 16, 2015 TENNESSEE HAS EXCLUSIVE AND CONTINUING JURISDICTION OVER MINOR CHILD AND ANY FURTHER CUSTODY MATTERS.

Knox County Juvenile Court never closed the existing 2015 order, therefore the State of Tennessee never relinquished jurisdiction of minor child. TN Code Ann § 36-6-217(a) “A court of this state which has made a child custody determination consistent with this part has exclusive, continuing jurisdiction over the determination until: (1) “A court of this state determines that neither the child nor the child and one parent, nor the child and a person acting as a parent have a significant connection with this state and that substantial evidence is no longer available in this state concerning the child’s care protection, training, and personal relationship”. Father and child both have significant connection to Tennessee as their birth state, biological family members, longest tenure of attending schools, housing stability, and childhood upbringing. Tennessee never conceded jurisdiction nor has determined the child or father no longer has a significant connection with the state.

Furthermore, Judge Gregory McMillan's final order entered February 17, 2022, states... "because of corresponding provisions of Tennessee law, the Knox County Juvenile Court must exercise exclusive and continuing jurisdiction over the child and any further custody matters".

**II. CHILD PROTECTIVE SERVICES
CASEWORKER SHEILA BAKER'S
THOROUGH REPORT AND
FINDINGS OF PSYCHOLOGICAL
ABUSE, DRUG EXPOSURE,
EDUCATIONAL NEGLECT,
ALCOHOL ABUSE, AND LACK OF
ADULT SUPERVISION WAS
DISREGARDED.**

Minor child was interviewed via request of Massachusetts Department of Children & Families with concerns of alcohol abuse by mother and lack of adult supervision. After conducting a full investigation Sheila Baker raised additional concerns of psychological abuse, drug exposure, and educational neglect. Mother constantly leaves minor child home alone with twin sisters that are only 1 year older than minor child "A. T." while mother travels out of state and country to Puerto Rico and Dominican Republic.

Child has on numerous occasions been exposed to drugs inside the home of mother with drugs that are bagged to camouflage and take on the look as ordinary candy. Minor child has attended 5 different elementary schools within a 2-year span and the number of schools continue to grow as the pattern of mother relocating increases and whereabouts of minor child remain unknown to father by mother's design. The latest move is said to be in the state of Rhode Island. Also detailed in Sheila Baker's report is a Fall River Massachusetts Police Department report involving minor child and weapons (mace, taser, and knife) used against other minors. GAL Taylor Drinnen never contacted Sheila Baker nor did Mr. Drinnen investigate any of the minor child concerns that were detailed in Sheila Baker's report.

**III. COURT APPOINTED GAL
(GUARDIAN ad LITEM) TAYLOR
DRINNEN WAS IMPROPERLY
PREJUDICED AND BIASED IN
FAVOR OF THE MOTHER. A
CONFLICT DID EXIST.**

Mr. Taylor Drinnen and mother's attorney Christine Knott personal closeness affected Mr. Drinnen's role as Guardian ad Litem. As argued before by Mr. Thompson, the GAL failed to properly perform his duties according to rule 40 Sec 6(a)... represent the child's best interest by gathering facts

and presenting facts for the court's consideration subject to the Tennessee Rules of Evidence, Section 8(a) GAL shall satisfy the duties and responsibilities of the appointment in an unbiased, objective, and fair manner. Section 8(b)(1) conduct an investigation to the extent that GAL considers necessary to determine the best interests of the child which can include, but not limited to ascertaining: (ii) the child's social needs, (iii) the child's educational needs, (v) the child's need for stability of placement, (vii) the general preference of a child to live with known people, to continue normal activities, and avoid moving and other factors listed in Section 8(b)(1) (i)-(xii). In accordance with Rule 40 Sec 7(a) the court authorizes the GAL access to (1) the child, without the presence of any other person unless otherwise ordered by the court, and (2) confidential information regarding the child, including the child's educational, medical, and mental health records, any agency or court files involving allegations of abuse or neglect of the child, and other information relevant to the issues in the proceeding. However, Mr. Taylor Drinnen via mother's attorney Christine Knott during oral argument concedes that there was no investigation conducted in the best interest of the child and that he (Taylor Drinnen) "could not get hands on the child" and/or information. Coincidentally, he did file immediately in the same manner as mother's attorney for 'Lack of Jurisdiction'.

Christine Knott entered the case on behalf of the mother during the Court of Appeals proceedings, however attorney Knott and GAL Taylor Drinnen are more familiar with one another in a manner that constitutes a conflict of interest. Both attended Lincoln Memorial University in the same time frame, both worked at Tarpy, Cox, Fleishman & Leveille, 1111 N. Northshore Dr. Suite N290 Knoxville, TN. 37919, and also shared a law office Suite at 800 South Gay Street, Suite #700 Knoxville, TN. 37929 (Drinnen Law) and (Knott Law).

**IV. ACCORDING TO TENNESSEE
UNIFORM CHILD CUSTODY
JURISDICTION AND
ENFORCEMENT ACT (UCCJEA)
TN CODE 36-6-219(a), KNOX
COUNTY MADE AN ERR BY NOT
EXERCISING TEMPORARY
EMERGENCY JURISDICTION.**

Mr. Thompson's petition for emergency temporary custody was entered 8/24/2021 in Knox County Juvenile Court while minor child was present in the state of Tennessee and was subject to psychological abuse by mother as detailed in Tennessee Child Protective Services Caseworker Sheila Baker's thorough report. While child was living with father in Tennessee, mother on multiple occasions put the burden on minor child that if she (minor child) told the truth to "those people down there (in Tennessee) they will put your sisters in foster care".

Mother attempted to bribe daughter with food, promised vacations, and allowing her to pick any school she wanted to attend in Massachusetts if child would be untruthful when talking to Tennessee DCS. TN Code Ann §36-6-219(a) states "A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child, or a sibling or a parent of the child, is subjected to or threatened with mistreatment or abuse". The mental abuse occurred while minor child was in the state of Tennessee and child voiced the abuse and concerns of returning to live with mother in Massachusetts. Consequently, mother has prevented minor child from communicating with father and all of father's biological family that minor child grew up with in Tennessee since returning back to Massachusetts.

**V. IT IS IN THE BEST INTEREST OF
THE CHILD TO BE PLACED INTO
THE PHYSICAL CUSTODY OF THE
FATHER JOEY D. THOMPSON**

Minor child is suffering irreparable harm in the care of her mother. Child is constantly being moved from school to school without even being able to complete a full grade year at one school. It's causing social harm for child to meet new friends at one school and neighborhood to repeat the process only to move yet again.

However, while minor child lived with father in Tennessee, she attended the same elementary school for each grade and never moved. In father's care child would never be left without adult supervision, nor be exposed to drugs as she had been while living mother in Massachusetts. In father's care child will be surrounded by the nurturing love and care of her huge biological family members she grew up with in Tennessee. Mother tries to alienate minor child from father and father's biological family by not allowing child to communicate via phone, texts, video chats and no physical contact. While child was living with father in the summer of 2021 father insured that minor child facetime, text, and voice called mother and siblings frequently every single day to promote healthy communication while they were away from each other. Mother has proven over the years to be instable. Mother does not maintain steady housing, does not maintain steady employment, and relies financially on government assistance while she lives a hidden lifestyle. Mother is not able provide adequate time and personal care that minor child needs being the youngest of 6 siblings and suffers potential bullying from siblings being that minor child is the only one with an active father. Father can provide the stability and personal time the child needs and desires. Father is a homeowner through the Knoxville Habitat for Humanity (since 2014) and has maintained steady employment since the birth of minor child.

CONCLUSION

For the forgoing reasons, the appellant (father) Joey D. Thompson's petition for certiorari should be granted.

Respectfully submitted,

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September 15, 2023