

FILED  
SEP 28 2023

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SUPREME COURT, U.S.

No. 23 - 6317

IN THE SUPREME COURT OF THE UNITED STATES

Vicky West, POA obo Laura West

*Petitioner,*

vs.

Garnett Hill Rehabilitation Skilled Care, et al

*Respondent.*

On Petition for a Writ  
of Certiorari to The  
Supreme Court Of The  
United States

**PETITION FOR A WRIT OF CERTIORARI**

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obo Laura West  
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## I. Question Presented

I. Whether a legal executed POA, Pro Se which is recognized by the judicial system can be used in a C Court of law to assist or represent indigent and incapacitated persons if the POA is not a licensed attorney. How can a petitioner receive fair representation in the court of law if petitioner is incapacitated and cannot walk or talk. The POA who is caring for petitioner, who cannot walk or talk, should be able to represent her or speak on her behalf.

List of All Parties and Counsel at the Court Whose  
Judgment is Sought to Be Reviewed.

Petitioner  
Vicky West, POA  
P.O. Box 763878  
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Respondent  
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Clerk of The Court  
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Suite 200  
Dallas, Texas 75202

Laura West  
P.O. Box 763878  
Dallas, Texas 75376

Robert Mark  
Russell & Wright, PLLC  
15770 Dallas Parkway  
Suite 1050  
Dallas, Texas 75248

Hon. B. Lee Goldstein  
600 Commerce St  
Suite 200  
Dallas, Texas 75202

Hon. Bill Pedersen, III  
600 Commerce St.  
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Dallas, Texas 75202

Hon. Dale Tillery  
34th Judicial Distr Crt  
Suite 650  
Dallas, Texas 75202

List of All Parties and Counsel at the Court Whose  
Judgment is Sought to Be Reviewed

Hon. Raymond G. Wheless  
Presiding Judge, 1st  
Admin Judicial region  
2100 Bloomdale Rd.,  
Suite 30146  
Mckinney, Texas 5071

Hon. Craig Smith  
600 Commerce Street  
Suite 200  
Dallas, Texas 75202

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### **III. Petition For Writ**

Laura West an incapacitated person who cannot walk or talk was abused in the Garnett Hill Nursing Care Facility, POA Vicky West obo Laura West, respectfully petitions this court for a writ of certiorari to review the judgment of The Supreme Court of Texas, and prayer to remand the case back to the Judicial District Court of Dallas County for an opportunity to receive fair representation for Ms. Laura West and mediate her case.

#### **IV. Opinions and Orders**

District Court order dismissing the case was on October 19, 2022, perceived to be because I am not a licensed attorney. (attached)

Fifth Circuit Memorandum Opinion and Judgment dismissing the Appeal was on January 10, 2023. (attached)

Fifth Circuit Order denying the Motion for Extension on Motion for Rehearing was on February 02, 2023. (attached)

Fifth Circuit Order denying a timely Petition for Rehearing on February 27, 2023. (attached)

Supreme Court Of Texas order denying Petition for Review was on May 5, 2023. (attached)

Supreme Court of Texas Order denying Motion for Rehearing was on June 30, 2023. (attached)

Dodd Law Firm's PLC, Surprise, Arizona 85374  
statement on Power of attorney. The Power of attorney enables a designated individual to become an attorney in fact or an agent. Petitioner, is a pro Se litigant and/or power of Attorney, and an advocate for an Individual, her mother, who is incapacitated

and does not have the ability to represent, or mediate  
On her on behalf. Even though petitioner is not a  
Licensed attorney, as stated by the court, petitioner  
feel a power of attorney, which is a legal document  
that gives the agent, the legal power to act on  
another's behalf. A person does not have to be a lawyer  
to be appointed an agent.

TLSC.ORG/SENIORS And In Fehr v. Commissioner of  
Internal Revenue 65 T.C. 346 (U.S.T 1975) states  
someone can be appointed a Personal representative,  
executor or administrator over a principals affairs  
if it is necessary to establish The capacity to  
litigate on behalf of another if the principal cannot  
be present. A power of attorney is also a less  
restrictive alternative, to assisting mentally  
or Physically impaired individuals in any  
capacity, directing the court to determine whether  
less restrictive alternatives can meet the needs of a  
person other than Guardianship (See Texas Estate Code

Title 3 Subtitle T Chapter 1357 Subchapter A and Texas Estates Code Chapter 1151 Subchapter H), Or a Durable Power of Attorney, which is a general power of Attorney that continues if the principal becomes mentally or physically disabled or incapacitated. A Power of Attorney is an instrument and legal document recognized by the courts to assist principals who cannot represent themselves or someone to act on Someone's behalf in a court of law when that person is incapacitated, and especially in this case. Pro se petitioner tried to obtain court appointed counsel, but to no avail and could not afford private Counsel. Nickols v Morris 705 F. Supp 2d 579. 584 (N.D.TX 2010). Under Texas Law a durable power of attorney may be drafted broadly enough to include the power on the part of the agent to bring claims and litigation for

a case to court. Powers of Attorney in Black Law

The principal, including empowering the agent to bring

Journal Vol. 66, No. 11, 11/92 pg. 1012-101.

#### **V. Statement of Jurisdiction**

The Judgement of the Texas Supreme Court was entered on May, 05, 2023, for case Number 23-0156, and a Timely petition for rehearing was denied on June, 30, 2023. The Supreme Court of the United States has jurisdiction over any question of Law under Article III of the Constitution and 28 U.S.C.1257(a).

#### **VI. Statement of the Case**

POA, Vicky Wests' mother was at the Garnet Hill Nursing Care Facility in Wylie, Texas, for rehabilitation from brain surgery. While a patient there, Ms. West did not receive proper care. Ms. West never cries and I notice a big change in her behavior when I left her in the nursing home. She would cry and scream in pain which she did not do very frequent. POA

not properly taking care of Ms. West. Due to Garnet Hill Facility saying something to another nursing home we were trying to get she didn't get the only one Medicaid bed so hospital stated continue to look but will have to send her back due to insurance on her admission. Ms. West returned back to facility from The hospital with verbal orders and discharge instruction from the surgery team. The nursing home nurses needed to drain the c-tube and clean skin. They chose not to follow UTSW Doctors' orders when she was re-admitted back to the nursing home on multiple occasions, so immediately the C-tube in the gall bladder and gtube was not properly cleaned and got re-infected. Her diapers needed to be changed periodically and staff left her in extremely soiled diapers for hours. There was a severe Incident with a pillow being placed over her face on several occasions, that I had to threaten the nursing home

staff that I would call the fire department because they would not respond for hours to remove the pillow off her face. She could have died with the pillow over her face/head by suffocation. She can't move her hands and other parts of her body. Since so much neglect was detected, cameras were placed in her room. Ms. West, Supervisory Therapy staffing refused to do therapy with her. So Ms. West never learned how to walk, talk or eat again after the brain surgery due to not receiving proper therapy which was critical for her rehabilitation. Ms. West always received some type of therapy when she was admitted to UTSW Hospital and she did well. The neurosurgeon stated If Garnet Hill Rehabilitation Skill Care would have given her the therapy and treatment she needed, she may have been able to recover from brain surgery, walk, talk and eat again, but they refused to give her treatment. Ms. Laura West is still fighting for her life due to all

of the neglect that she endured.

See Exhibits of Nursing home neglect

**VII. REASONS FOR GRANTING THE WRIT**

To allow A POA obo an indigent and incapacitated Person, to mitigate her case against The Garnett Hill Nursing Care Facility in court and make an exception to Texas Rule of Civil Procedure 7.

## **VIII. Conclusion**

For the foregoing reasons POA, Vicky West obo Laura West requests this court issue a Petition For Writ of Certiorari to review the Judgment of The Supreme Court of Texas DATED this 2nd day of October. Pray to the courts to allow case to be remanded back to the Judicial District Court of Dallas County to mediate the case.

Respectfully submitted

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West

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