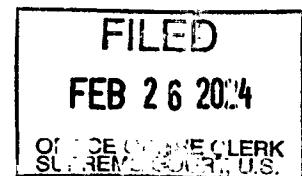


23-7506
NO. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



ALICIA M. L'ESPERANCE,

Petitioner,

v.

CHLOE THIBODEAU,

Respondent.

On Petition for Writ of Certiorari

to the Supreme Court of the United States

PETITION FOR WRIT OF CERTIORARI

ALICIA M. L'ESPERANCE, BS/BA, PHC, CPM, Landlord, Property Manager

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QUESTION PRESENTED

Whether any State or judicial body, in this case, the State of New Hampshire court, should be allowed to violate Constitutional Rights, in this case relative to Article IV, Article V, Article VII, Article VII, and Article IX, and amendment XIV respectively as follows, of improper search, depravation of property, preservation of trial, excessive fines, and the rights of the people including lack of notification or access to records of a court case.

Whether any State or judicial body, in this case, the State of New Hampshire court, should be allowed to not follow its own laws, in this case, of the State of New Hampshire, in this case relative to the exemption of a private landlord from any rule of procedure relative to a security deposit or Fair Housing Law and allowing eviction within 7 days for any reason.

Whether any State or judicial body, in this case, the State of New Hampshire court, should be allowed to docket or hear a case when the opposing party is exempt from the relative law, in this case, of the State of New Hampshire, in this case relative to the exemption of a private landlord from any rule of procedure relative to a security deposit or Fair Housing Law.

Whether any State or judicial body, in this case, the State of New Hampshire court, should be allowed to not follow its own procedure, in this case, of the State of New Hampshire court system, in this case relative to proper notification and allowance of a reply brief in New Hampshire Supreme Court.

Whether any State or judicial body, in this case, the State of New Hampshire court, should be allowed to have conflicting rules of procedure, in this case relative to deadlines to reconsider without reference between.

Whether any State or judicial body, in this case the State of New Hampshire court, should be allowed to not rehear a case as a first hearing with the appropriate direction of burden of evidence when the electronic, in person, or other notification systems failed.

Whether any State or judicial body, in this case the State of New Hampshire court, should be allowed to order payment of judgement or uphold judgement made when the would-be payee is exempt from the relative law, regardless of if the judgement was of default or lack of notification.

Whether any single notification attempt or method is sufficient to uphold the intent of the Constitution to proper judicial notification.

Whether court proceedings are unduly burdensome and ought be simplified and followed, in this case for a single parent of a private small unofficial rental business, meeting exemptions in law when the judgement might be the same as the earnings reflected on Rental tax forms for a year and affects livelihood and future business.

Whether a court clerk's office should be allowed to offer incorrect information and advice or be staffed by individuals without law degrees when the clerk of court is bound by law to correct procedures.

Whether a stay should be granted of judgement made in violation of rights, law, procedure, by default of failed notification systems, to a single parent small unofficial rental business, meeting exemption in law.

Whether a stay of hearing or prosecution should be granted of any contempt of court for failure to pay a judgement made in violation of rights, law, procedure, by default of failed notification systems, to a single parent small unofficial rental business, meeting exemption in law, while preparing a petition for a Writ of Certiorari within the 90-day timeline.

Whether any judicial decision should be based on the necessity of production of evidence when evidence is subject to tampering and disappearance.

Whether a counter sue by the party with greater liability must be heard in an appeal.

Whether there should be any time limit to appeal to State Supreme Court or to US Supreme Court when a Writ of Certiorari is requested by a private party.

Whether a landlord's amounts collected at move-in and eligible for judgement at eviction or abandonment may be limited and whether a judgement may be entered or even heard, in favor of the tenant, any amount or in excess of the amount a landlord is allowed to collect, when the landlord holds the most liability.

Whether laws pertaining to apply to landlord responsibilities to victims of domestic violence apply to landlords exempt from Fair Housing laws.

Whether a single individual on a lease can bring a claim for a deposit that they are not party to individually.

Whether a pending court case relative to a business venture of a matter of which the party is exempt by law, is significant enough to raise unsubstantiated complaints to violate the Bill of Rights Article IV and Article IX, in this case about a healthy lunch and scents of kids themselves peeing at school to the level to follow up at the home of the parent and to invade and search a home residence prior to kids returning home.

Whether the presence of a lower court system is even necessary or creates an undue burden on the people in violation of the Bill of Rights.

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TABLE OF AUTHORITIES

The table of authorities will be outlined upon case and question acceptance relative to the case to be heard, due the overwhelming questions herein, as a relation of the burden at this stage of proposal, called into question in this case.

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

Petitioner Alicia M. L'Esperance respectfully requests the issuance of a Writ of Certiorari to review the judgment of the State of New Hampshire Supreme Court.

DECISION BELOW

The decision of the State of New Hampshire Supreme Court, denial of reconsideration, and refusal to hear a timely filed second Request for Reconsideration are included at the Appendix to the petition and available through the online portal of the New Hampshire Supreme Court. The decision of the Clerk of the Supreme Court of the United States to allow resubmission of the Writ of Certiorari for common carrier delivery within 3 days of 60 days is certified as received.

JURISDICTION

The State of New Hampshire Supreme Court affirmed judgment on November 13, 2023, reaffirmed judgement November, 29, 2023 in response to request for reconsideration, and denied second request for reconsideration on

December 12, 2023. A copy of the decisions appear in the Appendix A, B, and C to the petition, respectively. Review of the United States Supreme Court is requested. This Court's jurisdiction is invoked under 28 U.S.C. § 1257(a).

LAWS AND RIGHTS INVOLVED

Quotations of specific laws and rights involved will be detailed upon case and question acceptance relative to the case to be heard, due the overwhelming questions herein, as a relation of the burden at this stage of proposal, called into question in this case.

Constitutional Rights Article IV, Article V, Article VII, Article VII, and Article IX, and amendment XIV respectively as follows, of improper search, depravation of property, preservation of trial, excessive fines, and the rights of the people including lack of notification or access to records of a court case.

New Hampshire and Internal Revenue Service definition of a private landlord
Federal Fair Housing Law

New Hampshire Law for exemption of security deposit return

New Hampshire private landlord timeframes for eviction and move out.

Federal Fair Housing Law exemptions in relation to Federal

New Hampshire rules of court procedure conflicting deadlines
Judgement on exempt laws

Procedural Rules of State and Supreme Court notification

Court Procedures in relation to the intent of the Bill of Rights undue fines and extent to undue burden

Court Clerk requirements and procedures

Timelines for a Writ of Certiorari

Court procedures regarding judgement with evidence and burden of proof

Court procedures regarding a counter sue

Landlord judgement at eviction, capped

Tenant judgement allowable, uncapped

Federal landlord responsibilities to victims of domestic violence application to

Federal landlords exempt from Fair Housing laws.

Child Protection laws in relation to business ventures and

Bill of Rights Article IV and Article IX.

PARTIES TO THE CASE

Alicia M. L'Esperance

Chloe Thibodeau

State of New Hampshire Supreme Court

State of New Hampshire 6th District Court, Hooksett Division

STATEMENT OF THE CASE

The case in question involves a private landlord, as defined by New Hampshire law and federal Internal Revenue Service tax guidance, therefore exempt from procedures about deposit return by law and a tenant requesting a security deposit return. The tenant failed to leave a forwarding address. The tenant sent multiple requests for a deposit return to the landlord, but all replies generated a blocked or inability to send response. The tenant was not due a security deposit return and in fact owned the private landlord money due to circumstances of departure, few days' notice, damage, and un-refilled gas tank. The tenant requested court interference for deposit return, without notifying the private landlord, in violation of the rights of the landlord, when the landlord was exempt from relative legal procedures by law. More than two years after vacating the property, the private landlord and single mom was then up against default judgement affecting livelihood, time as a parent, and time to contribute to public policy. The unofficial business case in court raised the level of unsubstantiated reports relative to the children of the landlord to the level of mandated search, in violation of the rights of the landlord.

Reconsideration was requested from the 6th District Court and agreed by the court, yet default judgement entered again. New Hampshire Supreme Court heard the case, reconsidered the case, and declined to overturn the judgement due to a simple juxtapose. A Motion for Reconsideration was resubmitted to State of New Hampshire Supreme Court as per New Hampshire Rule 16-A Plain Error stated to be heard without regard to time limits and yet unheard. The motion was resubmitted for the follow reasons and unheard. The motion form only allows a page of text, not the details of the case as requested. The e-filing system is not set up to enter the case information and upload the 10-page details, in the way the briefing entry is filed. Further, the NH

Supreme Court did not allow the private landlord the opportunity to file a reply brief in response, as provided by court procedure and requested by the private landlord in briefing.

I. The State of New Hampshire 6th District Court default judgement without ever to-date serving the initial case.

As summarized in the unheard second request for reconsideration to the State of New Hampshire Supreme Court:

The procedural errors of the court begin from the first acceptance of the case against a private landlord exempt from laws of security deposit and fair housing, as documented in the original briefing. Then procedural errors of the court continued, when the court heard the case of one tenant of the lease without the other. The procedural errors of the court further continued, when the court accepted filing fees late, as indicated in the briefing of the NH 6th District Court. If not for this procedural error alone, the case ought to be overturned.

The procedural errors continue when the original case document was not delivered to the private landlord, continued to not be served to-date. While vague and a year ago at this time, the private landlord does recall having to change a wrong address in the e-file system upon initial registration. This only makes sense as to why the address would be updated. The screenshot of the mailing is not provided by the court.

Further errors of mailing are prevalent in Pembroke, NH, as posted on the town Facebook page to reconnect mail and its recipient, as complaint to the Post Office, and as documented as recently as yesterday that as an individual mail was received with a return date requested of May 2023. Of note, the tenant previously resided at the address, with a mailbox next to that of the landlord, and could have easily interfered with the mail. Of note, while the court requires Sheriff service for landlords to deliver complaints, herein the court contests that a mail service with no return receipt was deemed sufficient in this case and the amount allowed above that of private landlord with more undue liability in the situation.

However, the private landlord and boyfriend of the private landlord document that a Sheriff was present at the address. Months later, in February 2023, the private landlord recalls a short thin dark-haired male in no uniform or identification knocking and requesting the individual named at the address sign for a random piece of mail unrelated to the case. The male insisted that the individual mark a

November date. The individual contested, and with much confusion and reluctance obliged, where dates of random mail receipt have no bearing. Further, the private landlord is aware that nearly immediately upon filing the NH Supreme Court Order of the NH 6th District Court to respond to this appeal, the Sheriff's office implemented a new procedure by which each Sheriff must document and sign for delivery prior to returning the service documents. This is an omission of error. This information was obtained in the process of eviction of another case, against the very tenant the private landlord was forced to reside on the property with due the late notice of vacating the premises, provided by the tenant named in this appeal.

II. The State of New Hampshire 6th District Court detrimental delay in serving the later questions

As summarized in the unheard Second Request for Reconsideration to the State of New Hampshire Supreme Court:

Of note, when the NH 6th District Court accepted the motion for reconsideration, the court thereby AGREED with the procedural error, as outlined by the private landlord. The filing system detailed service and receipt transcript of the February 28/March 1 agreement was documented by the court in the NH 6th District Court briefing. However, none of the later filing system detailed service and receipt transcripts were included. Instead, the screenshots showed opening of the file on the date they were actually served to the private landlord by the system, May 4, 2023. The private landlord documents in the original briefing that the private landlord continuously checked both the e-filing system and email over the time period from March 1, 2023 to May 4, 2023. The court did not produce a record of logins of the private landlord, which would have documented the logins of the private landlord over the March 1, 2023 to May 4, 2023 timeframe. The private landlord also attempted to log back into the e-filing system after appealing to the Supreme Court, to obtain a screenshot of the absence of files on the private landlord side of the e-filing system, for submission as evidence to the NH Supreme Court. However, the NH 6th District Court restricted the private landlord from access to the system. The Office of the Clerk of court of the NH 6th District Court stated that the system could not be accessed by the private landlord after the filing of the case in NH Supreme Court. However, as noted by the NH Supreme

Court, in an attempt to notify the NH 6th District Court of the appeal to the NH Supreme Court, as required by the Office of the Clerk of Court of the NH Supreme Court, as filed within 30 days of the May 4, 2023 notifications, the landlord used a request for reconsideration form to submit the appeal, thereby granting the NH 6th District Court the details necessary to overturn the case without appeal. Of note, the NH 6th District Court did not indicate that a second request for reconsideration was possible when issuing the May 4th Order of default nor was the request heard as such. Further, as argued in original briefing, the private landlord documented that a colleague of the private landlord both searched and looked through the email of nhexecutivebusiness@gmail.com after the dates of service stated by the NH 6th District Court and also did not find the March 1, 2023 to May 4, 2023 filings. Further, the private landlord documented in the original briefing the issues of the email servers of the State that cause such procedural errors, should they not be direct errors of the Office of the Clerk of Court. Further, the individual was made aware by word of mouth of the removal of email quotas that may have caused the server issues in this case. Of note, the NH 6th District Court also registered in the e-filing system of the NH Supreme Court and documented a procedural issue on behalf of the NH Supreme Court, that the NH 6th District Court was not notified of an Order.

For convenience, the information of procedural error in e-filing between pages 6 and 7, as submitted in the original briefing, is documented below:

Failure to Notify

From February 4th through May 4th, 2023, the landlord continuously checked the online electronic filing service of the 6th N.H. Circuit Court - Hooksett District Division, and the nhexecutivebusiness@gmail.com email for updates to the case.

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In the middle of April 2023, a colleague, Tina Thompson, currently in service to the State of New Hampshire and employed by Sams Club, searched through the nhexecutivebusiness@gmail.com email and spam folders and confirmed that no email updates had been received from the court electronic filing system.

On May 3rd, 2023, the landlord registered for fingerprinting for a school fieldtrip. On May 4th, 2023, when the landlord was on the way to be fingerprinted in Tamworth NH and called to confirm the location, the fingerprint registration and then the overdue updates from the court filing system all came through at once, containing the original sent dates. The landlord, having been employed by the state government, experienced this

phenomenon first hand when sending emails. When the external email server of the landlord as a state employee was full or the computer was not connected to the internet or state server, the email would appear sent but was only queued. The queued state of the email would continue until the connection was restored or email was cleared out and reduced below the maximum storage capacity quota. The sent emails would contain the original date that emails were sent, not the date of the restore or clear.

On May 4, the landlord learned simultaneously that 1) the tenant had filed a response to the landlord questioning why the landlord had not sued when the landlord clearly had a deposit from the tenant that by law is the discretion of a landlord with 3 unit or less without the interference of the RSAs or court, 2) the 6th N.H. Circuit Court - Hooksett District Division, had requested clarification without detail of what information was needed and of which the landlord was unaware, 3) the 6th N.H. Circuit Court - Hooksett District Division had filed a judgement based on lack of response from the landlord when the landlord had not been notified.

III. The State of New Hampshire 6th District Court lack of response to the request to vacate.

As documented by the State of New Hampshire Supreme Court, the filing of notice to the New Hampshire 6th District Court of the appeal to the State of New Hampshire Supreme Court included a motion to vacate the New Hampshire 6th District Court decision that was not heard. The motion also included the Supreme Court appeal with rationale.

IV. The State of New Hampshire Supreme Court's order to hear the case

Between June and July 2023, the State of New Hampshire Supreme Court accepted the case and did not allow for a reply brief from the now petitioner, as required.

As summarized in the unheard Second Request for Reconsideration to the State of New Hampshire Supreme Court:

Further, the NH Supreme Court did not allow the private landlord the opportunity to file a reply brief in response, as provided by court procedure and requested by the private landlord in briefing.

V. The State of New Hampshire Supreme Court's Affirmance of the New Hampshire Supreme Court's Decision

In November 2023, the State of New Hampshire Supreme Court affirmed the decisions of the New Hampshire 6th District Court not in material agreement but by confirming stated and conflicting procedural happenings. A brief Request for Reconsideration was submitted on the only available motion form in an online system that did not allow an additional attachment of a typed form to meet the page limit to fully explain the case. The request was denied based on insufficient detail and, on assumption, on a later discovered juxtaposed dates of tenancy in the original brief and documents related to the case. The original submission was confirmed by the boyfriend of the now petitioner, around at the time, and just as confused and offset by the case. A motion to correct the record

is being submitted to the New Hampshire 6th District Court concurrent with this filing.

From first Request for Reconsideration to the NH Supreme Court:

The NH Supreme Court missed.. that the private landlord is... exempt from the procedures in law around security deposits... the 6th District Court erred on hearing the case.... The NH Supreme Court quoted erroneous and irrelevant laws that the private landlord is not party.... Missed... failure to collect and produce a return of service from the office of the Sheriff ... ignored the factual with witness err... to properly upload and notify the private landlord of the filing... between March 2023 and the May 2023...

VI. The State of New Hampshire Supreme Court's Denial to hear a Request for Reconsideration submitted within the deadline by the rules of procedure

A Second Request for Reconsideration was submitted to the State of New Hampshire Supreme Court in December 2023, meeting the 10-day time to request reconsideration with valid reason, the detail allowed by law, and the State of New Hampshire Supreme Court refused to hear the case. The court rules regarding a Request for Reconsideration conflict and fail to reference one another. In separate rules without reference, the court gives itself permission to close a case within seven days of a judgement after a first Request for Reconsideration, prior to the 10-day window allowed for a Request for Reconsideration, and yet requests for review of procedural error may be heard without time constraint.

REASONS FOR GRANTING THE WRIT

The United Supreme Court Should Grant the Writ of Certiorari to Clarify the Questions and to Protect the Substantial Rights of the People, Constitutional Rights Article IV, Article V, Article VII, Article VII, and Article IX, and Amendment XIV.

The United States Supreme Court Should Grant the Writ of Certiorari to Protect Undue Burden.

The United States Supreme Court Should Grant the Writ of Certiorari Where Livelihood was Impacted and Where the Petitioner was Invited to the Democratic National Convention as a Union Representative and therefore was a Potential Candidate for National Public Office.

The United States Supreme Court Should Grant the Writ of Certiorari and Stay the Judgement to Withhold Further Damage from Contempt of Court.

The United Supreme Court Should Grant the Writ of Certiorari to Correct the Trajectory of Cases of Violations of the Law by the Court.

The petitioner takes action after numerous cases of rights violations and failure to follow the laws by the State of New Hampshire, including in process from State employment.

Excerpt from the unheard Second Request for Reconsideration is below:

Each deciding judgement in this case has been an issue of default due to error in procedure and when the private landlord was provided notice and not aware, subverting and violating the constitutional rights of the private landlord. The private landlord repeatedly documented exception from the law and clear reason for reversal of judgement, in a case where otherwise the tenant would need to provide documentation and evidence of any error. The NH Supreme Court issued judgement based on presumption of false statement instead of material of fact. The entirety of the case is not in the failure of the courts to admit procedural error, despite the clear case facts in favor of the private landlord and rights of the private landlord to the deposit and additional hardship.

CONCLUSION

Alicia M. L'Esperance respectfully requests that this Court issue a Writ of Certiorari.

Respectfully submitted,

Alicia M L'Esperance

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May 15, 2024

APPENDIX

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