23-963

No 24-

In the

Supreme Court of the United States

Jean Dominique Morancy

Petitioner,

vs.

Sabrina Alex Salomon

Respondent

On Petition for Writ of Certiorari to the Florida Six District Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

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I. Questions Presented For Review

Florida legal scheme does not allow its state Supreme Court to review a Per Curiam Affirmed decision without an opinion even in exceptional cases where it might be fraud, and constitutional rights violation.

The questions before this Court are:

1. Does Florida District Court of Appeals have the power to control the jurisdiction and circumvent the supervisory power of its State Supreme Court?
2. Can Florida District Court of Appeals' PCA be allowed to perpetuate any facially discoverable injustice that ignores its State Supreme Court Precedent?
3. Can the State of Florida impose on a subset of its citizen a parenting course without proof of individualized need for it?
4. Can the State of Florida act on the presumption that divorced or unwed parents are less suitable parents than married or cohabitating parents?
5. Are court orders void ab initio when it facilitates fraud and racketeering activities?

II. Related Cases

The following is a list of all proceedings in other courts that are related to the case in this Court:

- Morancy v. Salomon, No. 23-12248, U. S. Court of Appeals for the Eleventh Circuit. Judgment entered on Feb. 8, 2024, reversed the U.S. District Court for the Middle District of Florida (6:23-cv-714) dismissal ruling.
- Morancy v. Salomon, 6:23-cv-714-CEM-RMN, U.S District Court for the Middle District of Florida.
- Morancy v. Salomon, No. SC22-1531, Florida Supreme Court. Judgment entered on Nov. 15, 2022.
- Morancy v. Salomon, No. SC22-1602, Florida Supreme Court. Judgment entered on Nov. 23, 2022.
- Morancy v. Salomon, No. SC2023-0603, Florida Supreme Court. Judgment entered on May 2, 2023.
- Morancy v. Salomon, No. SC2023-0496, Florida Supreme Court. Judgment entered on May 18, 2023.
- Morancy v. Salomon, No. SC2023-0941, Florida Supreme Court. Judgment entered on Jun. 30, 2023.
- Morancy v. Salomon, No. 6D23-1323, Fla. Sixth Dist. Ct. App. Judgment entered on Oct. 31, 2023.
- Morancy v. Salomon, No. 6D23-1677, Fla. Sixth Dist. Ct. App. Judgment entered on Oct. 31, 2023.
- Morancy v. Znosko, CACE23021874, Seventh Judicial Circuit Court of Florida.

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VI. Petition for Writ Of Certiorari

Jean Dominique Morancy respectfully petitions this court for a writ of certiorari to review the Per Curiam Affirmed judgment of the Florida Sixth District Court of Appeal.

VII. Opinions Below

The decisions by the Florida Sixth District Court of Appeals affirmed by PCA the Ninth Judicial Court decisions as reported in Morancy v. Salomon 6D23-1323 (Appendix page 1), and Morancy v. Salomon 6D23-1677 (Appendix page 4).

VIII. Jurisdiction

The judgments of the Sixth District Court of appeal were issued on November 1, 2023, and the petitions for rehearing were denied on December 5, 2023 (Appendix pages 3 and 6 respectively). This Court has jurisdiction over the judgments under 28 U.S.C. § 1257(a), after the Petitioner having timely filed this petition for a writ of certiorari within ninety days of the denial of the rehearing by the Florida Sixth District Court of Appeals.

IX. Constitutional and Statutory Provisions Involved

The Petition in this Court calls into question the constitutionality of one of the State of Florida statute and an amendment to its constitution. Given that neither the State nor any agency, officer, or employee thereof is a party in the paternity case: pursuant to 28 U. S. C. §2403(b), service will be made to the Florida State Attorney General. Prior attempt to bring the constitutional issue to the Florida Supreme Court was denied given the amendment. See Morancy v. Salomon No. SC2023-0496 (Fla. May. 18, 2023).

Florida Constitution Article V Section 3(b)(3)

The supreme court: May review any decision of a district court of appeal that **expressly** declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.

Florida Statute § 61.21

(1)(e) Parents who are separating or divorcing are more likely to receive maximum benefit from a program if they attend such program at the earliest stages of their dispute, before extensive litigation occurs and adversarial positions are assumed or intensified.

(4)(a) All parties to a dissolution of marriage proceeding with minor children or a paternity action that involves issues of parental responsibility shall complete the Parent Education and Family Stabilization Course before the entry by the court of a final judgment.

(5) All parties required to complete a parenting course under this section shall begin the course as expeditiously as possible. For dissolution of marriage actions, unless excused by the court pursuant to subsection (4), the petitioner must complete the course within 45 days after the filing of the petition, and all other parties must complete the course within 45 days after service of the petition. For paternity actions, unless excused by the court pursuant to subsection (4), the petitioner must complete

the course within 45 days after filing the petition, and any other party must complete the course within 45 days after an acknowledgment of paternity by that party, an adjudication of paternity of that party, or an order granting time-sharing to or support from that party. Each party to a dissolution or paternity action shall file proof of compliance with this subsection with the court prior to the entry of the final judgment.

(9) The court may hold any parent who fails to attend a required parenting course in contempt, or that parent may be denied shared parental responsibility or time-sharing or otherwise sanctioned as the court deems appropriate.

X. Statement Of The Case

In English law, the appropriate forum is the one in which the case may most suitably be tried in the interests of all the parties and the **ends of justice**. As such, the Florida Supreme Court held in Kinney System v. Continental Ins. Co., 674 So. 2d 86, 90 (Fla. 1996) that "Under Gilbert and its refinements, the courts reviewing a forum non conveniens motion **must engage** in a **four-step analysis**." Other Florida District Court of Appeal concurs in stating a trial court's order denying a motion on grounds of forum non conveniens is subject to reversal and remand as insufficient where, there is no "meaningful analysis" in the order[1]. The Florida Ninth Judicial Circuit Court order (Appendix page 10) failed to engage in this mandated **four-step analysis** legal analysis in the paternity case (2019-DR-16766-0) and the Florida

[1] Camperos v. Estrella, 126 So. 3d 351 (Fla. Dist. Ct. App. 2013)

Sixth District Court of Appeals affirmed without opinion the decision (Morancy v. Salomon, No. 6D23-1677 (Fla. Dist. Ct. App. Oct. 31, 2023) or Appendix page 4) despite a clear violation of the Florida Supreme Court guidance and precedence. This gross miscarriage of justice is not reviewable by the Florida Supreme Court due to a constitutional amendment[2] that curtails the Florida Supreme court jurisdiction to review a Per Curiam Affirmed (PCA) decision without an opinion. The amendment does not carve out an exception even in case of fraud or in cases of clear violation of the Florida State Supreme Court or US Supreme Court precedents.

It is to be noted that the validity of a PCA is based squarely on the presumption of correctness afforded to all judgments and the historical concept of assignment of error[3]. In other words, a judgment of a court of competent jurisdiction is considered to be valid and enforceable unless successfully challenged through an appropriate procedure. In this case, the judgment of the lower court is tainted after the Plaintiff exposed racketeering activities between opposing counsels[4] and the Petitioner's

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[2] Article V, section 3(b)(3) of the Florida Constitution pertaining to the jurisdiction of the Supreme Court was amended on April 1, 1980, and now states: The supreme court may review any decision of a district court of appeal . . . that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law. . . .

[3] Phipps v. Sheffman, 211 So. 2d 598, 599 (Fla. 3d DCA 1968) ("Nevertheless, the judgment appealed having been a final judgment, a presumption of correctness remains present, and the appellants have the burden of showing error.")

[4] Angela Lynn Lambiase and Gerald Francis Znosko.

former counsel[5] which was facilitated by the judge[6]. It was further complicated when a replacement judge[7] aided and abetted an attorney to perjury and another judge[8] who wanted to cover it up. See background summary of Morancy v. Salomon, No. 23-12248 (11th Cir. Feb. 8, 2024). The district court of appeal with the PCA orders is attempting to bury the crime. Given the current legal framework in Florida, clear legal injustice cannot be remedied by the state highest court.

The current amendment to the Florida constitution grants the district court of appeals control of the jurisdiction of the state Supreme Court. This is achieved by issuing a PCA in any case it does not want to reach the highest court. For example, consider the issue of workers' compensation appeals. As the First District is the only DCA that hears workers compensation cases[9], the use of PCAs may effectively prevent an issue from ever being considered by the Florida Supreme Court. The first time a specific workers'-compensation-related issue is decided by the First District may be the only opportunity for the Supreme Court to take the matter up. After the matter is decided, all subsequent cases raising that issue may be decided by PCA, which will effectively eliminate any possibility for the matter to be brought to the Florida Supreme Court as there would be no further opportunity for conflict or another basis under which the Supreme Court could review the matter. This would

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[5] Carlos A. Otero.
[6] John David William Beamer,
[7] Keith Franklin White
[8] Elaine Agnes Barbour
[9] See § 440.271, Fla. Stat. (2023) ("Review of any order of a judge of compensation claims entered pursuant to this chapter shall be by appeal to the District Court of Appeal, First District.").

effectively end development of the law in that particular area. The current amendment makes the district courts the de facto highest courts of the land at some level. The amendment grants the district courts complete control of which law it feels like enforcing and which case can make it to the state highest court. As such, the Florida Constitutional amendment allows the Florida District Courts to control the jurisdiction of the Florida Supreme Court and circumvent the supervisory power of the State of Florida highest court in chosen cases.

In this paternity case, the Plaintiff's due process rights were violated when his timesharing was suspended by a successor judge due to a failure to attend a parenting class despite the fact that timesharing was already granted by a previous judge[10]. This suspension was implemented without proof that the Plaintiff was unfit to parent his child. In the event leading up to the suspension, the lower court failed to give notice to the Plaintiff that his timesharing might be suspended absent the parenting class. In Santosky v. Kramer, 455 U.S. 745, 747-48 (1982) this Court held that the Due Process Clause of the Fourteenth Amendment demands that before a State may sever the rights of parents in their natural child, due process requires that the State supports its allegations by at least clear and convincing evidence. In the present case,

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[10] The successor judge must respect and cannot overrule the decisions and orders of the former judge. Haliburton v. Singletary, 691 So. 2d 466, 469 (Fla. 1997). In Jauregui v. Bob's Piano Sales & Serv., Inc., 922 So. 2d 303, 305 (Fla. 3d DCA 2006), the Third DCA stated: ("it is quite obvious that the successor judge lacked the power or authority to revisit, much less reverse, the previous decision on the merits).

the Ninth Judicial Circuit Court never supported the timesharing suspension with clear and convincing evidence of the father being an unfit parent and individualized proof of need. The court suspended the Plaintiff's timesharing[11] on the basis that Florida Statute 61.21 requires all parties in a paternity proceeding to complete a Parent Education and Family Stabilization Course before the entry of a final judgment by the court.

Over 50 years ago, this Court held in Bell v. Burson, 402 U.S. 535, 91 S. Ct. 1586 (1971) that parental unfitness must be established on the basis of individualized proof. Florida's statute, the one being challenged, imposes without due process requirements and by presuming that unmarried parents or petitioner in particular are unsuitable parents if they do not attend a parenting class. The statutory scheme is in violation of the equal protection clause of the Fourteenth Amendment. It does not place the same burden on married parents. This Court has reversed a similar statutory scheme where children of unwed fathers in Illinois were deemed wards of the state upon the death of their mothers without individualized proof of unfitness. See Stanley v. Illinois, 405 U.S. 645, 92 S. Ct. 1208 (1972).

XI. Reasons For Granting The Petition

Honesty/Integrity is the holy grail of justice! Without it, we are NOTHING but victims! The Supremacy clause of the constitution mandates that constitutional rights take precedence over state laws. No state law scheme can abridge, violate those constitutional rights, or stunt the growth of the law by preventing the state highest

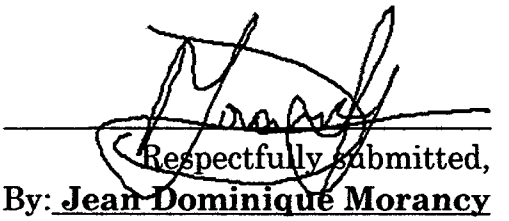
[11] This was in retaliation for exposing illegal activities.

court from reviewing certain cases. Those cases violate the due process rights already established in Santosky v. Kramer, 455 U.S. 745, 102 S. Ct. 1388 (1982) and Stanley v. Illinois, 405 U.S. 645, 92 S. Ct. 1208 (1972).

XII. Conclusion

For the foregoing reasons, Jean Dominique Morancy respectfully requests that this Court issue a writ of certiorari to review the injustice shown in the orders upheld by the Florida sixth district court of appeals and to prevent further rights' violation of parents living in Florida.

Dated this 1st day of March 2024.



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