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No 24-5669

In The
Supreme Court of the United States

Becky Peterson

Petitioners,

v.

State of Nebraska

In the re interest of J.C.C, J.D.C., S.A.P. All children under
the age of 18 years

Respondents.

**On Petition For Writ Of Certiorari To The
Nebraska Supreme Court**

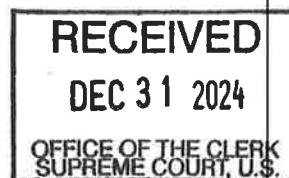
PETITION FOR REHEARING

♦

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PLEADING TITLE - 1



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3 TABLE OF AUTHORITIES

4 Cases

5 Santosky v. Kramer, 455 U.S. 745 (1982)4,5,6,7...

6 Troxel v. Granville, 539 U.S. 57 (2000)5..

7 Mathews v. Eldridge, 424 U.S. 319, 331-334 (1976).4,5...

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9 State of Nebraska vs. Mills 272 Neb.56, 267 Neb.57.....9.

10 CONSTITUTION AND STATUTES

11 Amdt14.S1.5.8.1.....6,7...

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13 Amdt5.5.1.....6.....

14 CANON1-5.....6

15 Nebraska Revised Statute 43-1311.03.....7....

16 Nebraska Revised Statute 43-293.....8...

17 Nebraska Revised Statute 43-279.01,8

18 Nebraska Revised Statute 43-292, ,8.

19 Nebraska Revised Statute 43-1505.....8..

QUESTION PRESENTED

Question [1] in the original Petition for a Writ of Certiorari:

The trial court erred in determining that it was in the best interest to terminate
Becky's parental rights to J.C.C, J.D.C, S.A.P.

- The Due Process Clause forbids termination of parental rights without clear and convincing evidence Santosky v. Kramer, 455 U.S. 745, 768-769 (1982). Due Process requires an opportunity to be heard before a liberty interest is restricted. Mathews v. Eldridge, 424 U.S. 319, 331-334 (1976).

An additional question is to address substantial grounds not previously submitted
in the original petition.

Questions [2-3] are in addition to question

2. Should a judge recuse himself if there is a clear conflict of interest or appearance
of bias, and is it grounds for appeal if they refuse?

3. Does a judge violate due process where parental rights are constructively
terminated while not providing the required constitutional protection?

PETITION FOR REHEARING

INTRODUCTION

I. 1 PETITION FOR REHEARING Petitioner Becky Peterson respectfully
petitions under Rule 44 for rehearing of this Court's December 9, 2024 order
denying her petition for a writ of certiorari terminate Becky's parental rights
to J C.C, J.D.C, S A P,

4
REASONS FOR GRANTING REHEARING

5 I Petitioner was Deprived of Her Liberty Interest as A Natural Parent and Denied
6 Due Process When Her Children Were Removed from Her Custody and Visitation
7 Without a Meaningful Opportunity to Be Heard. A natural parent has a
8 fundamental interest in the care, custody, and nurturing of their child. *Santosky v.*
9 *Kramer*, 455 U.S. 745, 758-759 (1982). A government decision depriving an
10 individual of a liberty interest implicates procedural due process requirements of
11 the Fourteenth Amendment. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). Due
12 process protects a parent's fundamental right to the care, custody, and control of
13 their minor children. *Troxel v. Granville*, 539 U.S. 57, 66 (2000). The fundamental
14 requirement of due process is the opportunity to be heard at a meaningful time and
15 manner. *Mathews*, *supra*, at 333.

16 The Court should order a GVR in this case. Rule 44.2 allows a petition for rehearing
17 based on "intervening circumstances of a substantial or controlling effect." S. Ct. R.
18 44.2.. This change presents a substantial and directly controlling circumstance that
19 justifies rehearing and a GVR.

20 Petitioner Becky Peterson respectfully petitions under Rule 44 for rehearing of this
21 Court's December 09, 2024, order denying her petition for a writ of certiorari

22 This Petition for Rehearing supplements the original issue addressing due process
23 concerns not previously submitted

STATEMENT OF THE CASE

28 The following information supplements the Statement of the Case in the original
29 Petition for a Writ for a Writ of Certiorari

30 History:

31 Larry Dean Bennett died on April 15, 1993 foul play was suspected because of the
32 injuries. I Becky Peterson was the witness to the events before deans' death and the

33 PLEADING TITLE - 5

1 one that gave the Police full description of the possible suspects. This is where the
2 petitioner Becky Peterson had my first interaction with judge Michael Long,
3 Michael Long was the Holt County special prosecutor at the time. Michael long was
4 involved because of a different case but got involved in Dean death investigation
5 because of his client. the outcome was Deans' death was declared suicide by
6 hanging. The Bennett family did everything they could to get justice, but was shut
7 down every turn, including tried to get Michael long dis barred as well as thrown off
8 the bench when he became a judge. In 2001 while Kim Lucken was in the hospital
9 very ill it was said by the foster girls and his family that Kim Lucken had confessed
10 to the murder and died less than a week later. "They hung him and swept it under
11 the rug" words the Bennett family had been waiting a long time for. Kim Lucken
12 died October 2, 2001

13 Unfortunately, due to the foster girl's involvement with DHHS the foster girls were
14 not considered reliable witnesses and DHHS refused to allow the foster girls to
15 participate in the investigation. the case remained open. And justice for Dean's
16 death has been going on ever since Unfortunately, there is also a lot of people that
17 don't want justice for Dean's death so there has been interference every chance they
18 can which is also why justice has been dragging out. The outcome will affect
19 thousands of people because of the individuals involved, and their job titles. The
20 Bennett family has also asked the FBI to get involved. This is why Becky Peterson
21 and Judge Michael long already had bias and prejudice interaction before the
22 juvenile case

23 Current

24 Prior to the decision below, no federal court that I have found has ever allowed a
25 county court judge to presiding over a termination of parental rights hearing, where
26 the judge and the petitioner have a conflict of interest like this one, the judge is
27 being investigated in my uncles death and I'm the witness, normally the judge will
recuse himself. But in this case the judge refused and stripped the me in county
court of my fundamental constitutional rights to my children which are outlined in
Santosky v. Kramer, 455 U.S. 745 (1982) and Amdt14.S1.5.8.1

Due process is guaranteed in the Fifth and Fourteenth Amendments of the US
Constitution: **Amdt5.5.1** Fifth Amendment States that no person can be deprived of
life, liberty, or property without due process of law.

, The Fourteenth Amendment also protects the right of parents to make medical
decisions for their children and to guide their religious and educational training.

1 The Fourteenth Amendment also guarantees that parents will not be separated
2 from their children without due process of law, except in emergencies. Procedural
3 due process claims often arise when a state official removes a child from a parent's
4 care, which are outlined in *Santosky v. Kramer*, 455 U.S. 745 (1982) and
Amdt14.S1.5.8.1

5 A judge's role is to preside over legal proceedings, listen to arguments, and apply
6 the law to the facts of a case. It is also the judge's duty to make sure everybody has a
7 fair due process and that no one in his courtroom is violating people's rights. As
8 noted in Amdt14.S1.5.4.5 Impartial Decision Maker: And CANON 1-5

9 if a judge refuses to allow you to file an appeal to a higher court without a
10 legitimate legal reason, it could be considered a sign of not being impartial, as it
essentially prevents you from exercising your right to seek a review of the decision,
which is a key component of a fair legal system.

11 Denying access to appeals process: The ability to appeal is a fundamental aspect of
12 the judicial system, and a judge arbitrarily blocking this process could be seen as
13 actively preventing a fair review of the case. Appearance of bias: Even if the judge's
14 reasoning is technically sound, refusing an appeal could be perceived as favoring
one side of the case, particularly if there are no clear legal grounds for doing so.

15 If a judge does not follow the law and makes rulings and decides cases according to
16 that judge's own personal, political or religious views, then that judge is not fair and
impartial. If a judge is not fair and impartial, then one or both parties are denied
17 their fundamental constitutional right to due process of law. A not Impartial judge
18 can significantly harm a nation by undermining public trust in the legal system,
eroding confidence in the rule of law, creating a perception of unfairness, and
19 potentially leading to social unrest, as people may feel their rights are not being
20 protected equally when judges are seen as biased or favoring certain groups over
others; ultimately impacting the stability and legitimacy of the judicial system

21 Examples of judge Michael long not being impartial

22 One the judge and DHHS did not allow the me to have any Court reports or case
23 plans notation of this is also in the judges journal 4/4/2024 entry

24 <https://drive.google.com/file/d/12vEwn3rL0uEAvdvzQJ5j4AZdMgxM/view?usp=drivesdk>

25 Nebraska Revised Statute 43-1311.03 requires the juvenile court to provide a copy
26 of a child's case plan to all interested parties before a hearing.

27 PLEADING TITLE - 7

1 Just before the video the judge in person, sandy Meyers, Cumming county sheriff
2 believed to be Bradly and the Nebraska court of appeals/ supreme court clerk (on
3 the phone) where down in the cummings county court clerk's office where the judge
4 said I was not allowed to file my appeal in person and also refused to put it in
writing as well. the judge at the time repeatedly told sandy Meyers the clerk to be
quiet because he knew I was recording and sandy Meyers doesn't have immunity
like the judge has. I was walked out by the cummings county sheriff. Because it
happened in the courthouse the incident was caught on camera. Cumming county
is disallowing me to have the footage so the Nebraska judicial qualifications
commission was notified and just recently I am waiting on a call from the attorney
general, the secretary stated it will probably be after the holidays.

9 Right after the incident I went out to my car and called every clerk office I could
10 think of they all said the same thing get it in writing. So, I went Right back in on
11 4/3/2024.2:45 Sandy Meyers is seen on video stating that the judge Micheal long is
12 not allowing me to file my appeal, and I was not allowed to have it in writing, and it
was because judge Micheal long said so

13 https://drive.google.com/file/d/133eLzIXCZzBzrj3IKIk8MK_z_gY-6ajV/view?usp=drivesdk

14 Nebraska Revised Statute 43-293 The order terminating parental rights shall be
15 final and may be appealed in the same manner as other final judgments of a
16 juvenile court.

17 The appeal that went to the Nebraska supreme Court is not even my appeal the
18 judge denied me to file mine as seen in the video, the appeal is one the judge and
my attorney made up.

19 The judge refuses to allow me to cross-examine witnesses and even have witnesses
20 of my own which violates all Nebraska statutes.

21 In Nebraska, the right to cross-examine witnesses and have witnesses at a
22 termination of parental rights hearing is provided by the Nebraska Juvenile Code
23 and other statutes:

24 43-279.01, 43-292, 43-292, 43-1505

25 Jessica mulberry never evaluated me whatsoever and already has disciplinary
actions on her record 220380 for requesting bribes, state of Nebraska vs Jessica
26 Creeden.

27 PLEADING TITLE - 8

1 Stuart mills my attorney already has disciplinary action on his record for the same
2 issues I had with him 272 Neb.56, 267 Neb.57

3 The judge continuously announce threw out the case that he and Jennifer Banks
4 have a personal relationship by statements made by calling her Jennifer maden
name Jennifer Shultz instead of her married name she was going by .

5 Also the defended was made aware of the personal relationship by Andrea banks
6 which at the time was engaged to a family member of mine. and me and Andrea
7 used to be a friend for years in Holt county

8 details in this case got back to my family in Holt country she reached out when she
9 found out that Jennifer was on our case. Which is also when I found out that
Jennifer discusses her cases one with her husband to their friends and definitely at
10 bar scene.

11 Another false statement that Jennifer Made

12 That I supposedly saw the judge at a bar no secret that sometimes when people are
13 celebrating birthdays 10 years clean of cancer that sometimes people go to bars I
14 did attend events at bars but I never once said I saw the judge there at some point
15 in time yes throughout this case I saw every individual involved in a bar except the
judge and Kendal

16 Also another false statement that Jennifer was running around saying that I was
17 accusing Dustin been a sleeping with individuals involved in this case but as noted
in this letter Dustin admitted to being the one that was saying things like that

18 [https://drive.google.com/file/d/13dREcy4a9CGGuCs-
19 TOauHCyL_zV8zNJe/view?usp=drivesdk](https://drive.google.com/file/d/13dREcy4a9CGGuCs-TOauHCyL_zV8zNJe/view?usp=drivesdk)

20 It is no secret in this case me and Jennifer went Head to Head lots of times
21 Jennifer expressed on multiple occasions her jealousy it is no secret that her
22 husband used to come to holt county I ran into him multiple times while I lived in
Holt county I'll be a first admit when he met Jennifer I expressed my concern back
23 then it also stem from the fact that I was younger a lot more immature than I am
now and we like his previous girlfriend better than Jennifer.

24 GVR is appropriate in this case, there is a reasonable probability of a different
25 result on remand.

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27 PLEADING TITLE - 9

1 For the foregoing reasons, and those stated in the petition for a writ of certiorari,
2 the petition for a writ of certiorari should be granted, the judgment of the court of
3 appeals should be vacated, and the case should be remanded for further
4 consideration.

5 In the alternative, the petition for a writ of certiorari should be granted and the
6 case should be set for full briefing and argument.

1 The Court should grant rehearing, grant the petition for writ of certiorari, vacate
2 the judgment below, and remand for reconsideration, respectfully submitted,

3 December 20, 2024

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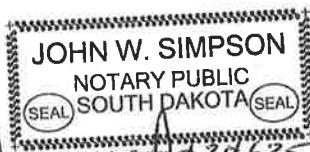
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27 PLEADING TITLE - 11

Certificate of Good Faith by Petitioner

I, - Becky Peterson, Pro se, .certify that this petition for rehearing and GVR is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44 of the Rules of this Court.

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Petitioner Pro Se


John W. Simpson
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires 02-06-25

John W. Simpson

Becky Peterson

12-26-24

9,416

1 CERTIFICATE OF SERVICE

2

3 I, Becky Peterson, petitioners pro se, certify that, on December 26, 2024, three copies of the
4 PETITION FOR REHEARING in the above-captioned case were sent, by third-party
commercial carrier for delivery overnight to the following counsel:

5 Daniel P Bracht 128 N. Main St., P.O. Box 252, West Point, NE 68788.

6 Kendal Minich 500 Pearl St. POB 529 Scribner, NE 68057

7 Nebraska DHHS Leslie E Remus 301 Centennial Mall South PO Box 95026 Lincoln, NE
8 68509

9 Tom Donner 137 S Main St Lot 2, West Point, NE 68788.

10 I further certify that all parties required to be served, have been served.

11 BECKY PETERSON

12 606 West Ponca St.

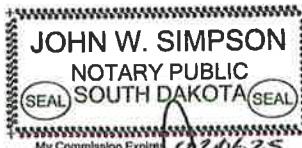
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19 JOHN W. SIMPSON
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22 My Commission Expires 02/26/25

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Becky Peterson

12-26-24

9:46