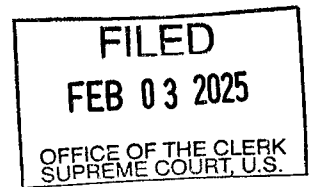


24-6548

ORIGINAL

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

KYNNEDI'RAE JOAN CHARLES – PETITIONER

vs.

GARY WAYNE CHAMBERS, et al. - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

KYNNEDI'RAE JOAN CHARLES

(Name)

3900 CROWN RD SE SUITE 161074

(Address)

ATLANTA, GEORGIA 30304

(City, State, Zip Code)

678-900-0808

(Phone Number)

Question(s) Presented

Does law enforcement's involvement in the arrest and use of force against Ms. Kynnedi'Rae Charles potentially violate fundamental constitutional protections under the Fourth and Fourteenth Amendments? Additionally, does the facilitation of a private vehicle repossession by police raise questions about the limits of legal authority and procedural fairness, as well as the adequacy of judicial oversight in maintaining civil rights protections?

LIST OF PARTIES

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Chambless Higdon Richardson Katz & Griggs, LLP (Counsel for Defendants- Appellees).
 2. Charles, Kynnedi'Rae (Pro Plaintiff-Appellant).
 3. City of Warner Robins, Georgia (Defendants Appellees).
 4. Gallagher Bassett Services, Inc. (Interested Third Party).
 5. Georgia Interlocal Risk Management Agency (Interested Third Party).
 6. Greene, Robert (Defendants-Appellees).
 7. Hall, J. Travis (Counsel for Defendants-Appellees).
 8. Hancock, Beatrice C. (Counsel for Defendants-Appellees).
 9. Scuderi, Christopher Richard (Defendants-Appellees).
 10. Treadwell, Hon. Marc T., (District Judge, Middle District of Georgia).
- USCA11 Case: 23-11636 Document: 43 Date Filed: 10/15/2024
- Page: 2 of 43

*11. United State Court of Appeals for the Eleventh
Circuit No. 23-11636 Kynnedi'Rae Charles v. Gary
Wayne Chambers, et al., No. 23-11636 12. Wagner,
Jr., John (Defendant-Appellee). 13.. Warner Robins
Police Department (Interested Third Party). No
other persons, associations of persons, firms,
partnerships, corporations, guarantors, insurers,
affiliates, parent or subsidiary corporations, or
other legal entities are financially interested in the
outcome of this case or appeal.*

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 STATUTES AND RULES – 18 U.S.C. § 241 -
 18 U.S.C. § 242 - 18 U.S.C. § 1503- 18 U.S.C.
 § 1519- 28 U.S.C. § 1343- 42 U.S.C. § 1983- 42
 U.S.C. § 1985 - O.C.G.A. § 9-16-6(a), (b), (c) -
 O.C.G.A. § 9-16-17 - O.C.G.A. § 11-9-609

(Repossession Laws) - O.C.G.A. § 16-5-80

(Fetal Homicide Statute)- O.C.G.A. § 51-1-6

(Failure to Train), - O.C.G.A. § 51-7-20 et

seq.- FED. R. CIV. P. 50 - FDCPA, 15 U.S.C. §

1692 - 18 U.S.C. §§ 1961-1968 - The Fair Debt

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1692 et seq. Constitutional Amendments -

U.S. Const. amend. IV - U.S. Const. amend.

XIV

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____;or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____;or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

OPINIONS BELOW

1. The opinion rendered by the United States District Court for the Middle District of Georgia is currently published and can be found at Docket No: 5:21-cv-00153-MTT. In the first motion ruling denied on November 22, 2022, and the second motion ruling dated April 10, 2023, the district court granted summary judgment in favor of the respondents. Notably, in its evaluation of the first motion for summary judgment, the district court stated that the defendants did not dispute any of the claims raised by the petitioner. In a subsequent second motion for summary judgment, the court explicitly acknowledged that Ms. Charles was indeed tased during the incident in question. Despite these findings, the court ultimately concluded that the actions of law enforcement did not violate the petitioner's Fourth Amendment, determining that the officers acted within their authority and did not use excessive force. 2.

Neither the United States Appellate Court nor the United States District Court adequately addressed

)

Fourteenth Amendment rights, due process or adhered to the repossession statutes relating to the breach of peace, specifically neglecting O.C.G.A. § 11-9-609, O.C.G.A. § 9-16-6(a), (b), (c), and O.C.G.A. § 9-16-17. 3. Furthermore, the lower courts did not consider the medical records submitted from Piedmont Hospital, which indicated that the petitioner was over 14 weeks pregnant at the time of the incident. Instead, they chose to withhold that document and utilized a later record dated December 7th, 2020, which was submitted after the incident, rather than one from before. Despite this evidence, the District Court erroneously claimed no substantiation was provided, as detailed on pages 60 to 62 of the record. 3. Footage from the officers body camera reveals a conspiracy by law enforcement to impose harm and danger upon Ms. Charles, evidencing intended charges before approaching her vehicle, and “I’ll just snatch her ass out the car”. 3. The United States District Court and the United States Appellate Court withheld documents not included in their

respective orders. Among these was a certified document from the Georgia Department of Motor Vehicles, affirming that there were no existing liens on the vehicle prior to the purchase, no liens following the purchase, nor any external liens during the transfer of the vehicle into the business's name. This information was not addressed in any of the Court's orders. Furthermore, the courts disregarded body cam footage which had been concealed, and not included in their orders, where an officer remarked that they were going to forcibly remove Ms. Charles from the car and file charges against Charles prior to approaching the vehicle. This information was not addressed in any of the Court's orders. Such crucial evidence was omitted from deliberations about supervisory liability by both the District and Appellate Courts. 4. The omission of this evidence by the courts, coupled with the erroneous assertions by the District Court that Ms. Charles supplied no substantiation and that she started her vehicle and accelerated, contradicts the body

camera footage. This footage, instead, shows the petitioner's window being broken, her being tased, and her foot unintentionally pressing the accelerator. 5. The actions by law enforcement officers and the suppression of evidence suggesting conspiracy and intent to harm, as captured on body cam footage, demonstrate concerns consistent with obstruction as outlined in 18 U.S.C. §§ 1503 and 1519, which address evidence tampering and obstruction of justice. 6. The appellate court's decision largely mirrored the district court's order without further examination on these critical issues. This oversight fails to engage with precepts established in *Tolan v. Cotton*, 572 U.S. 650 (2014), 6 which emphasize thorough judicial review, and *Graham v. Connor*, 490 U.S. 386 (1989), 7. underscoring the constitutional implications of excessive force claims. 8. Without addressing the presented medical evidence and body camera footage, the courts neglected significant aspects of justice and undermined procedural due process. 9. The handling of these materials contravenes the

judicial integrity mandated by federal statutes,
such as 18 U.S.C. §§ 1519, penalizing destruction,
alteration, or falsification of records in federal
investigations, and 18 U.S.C. § 1503, against acts
that impede judicial proceedings. 10.

-
1. See O.C.G.A. § 9-16-6(a)-(c), and O.C.G.A. § 9-16-17 (Georgia repossession laws regarding breach of peace).
 2. See pages 60 to 62 of the district court record.
 3. See body camera footage analysis and related transcripts.
 4. See body camera footage, district court declarations on pages 3 and 5 (IDs 6 and 7).
 5. See 18 U.S.C. § 1503 and 18 U.S.C. § 1519 (addressing obstruction of justice and evidence tampering).
 6. See *Tolan v. Cotton*, 572 U.S. 650 (2014) (emphasizing the need for careful judicial review in summary judgment cases).
 7. See *Graham v. Connor*, 490 U.S. 386 (1989) (discussing te

constitutional standard for assessing excessive force by law enforcement). 7. See the Fourteenth Amendment to the U.S. Constitution (ensuring due process and equal protection under the law). 8. See federal statutes regarding evidence tampering, as reflected in judicial handling requirements. 9. The appellate court's failure to engage with the petitioner's due process arguments. 10. The lower courts withheld documents and bodycam footage from their orders.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided Ms. Charles's case ~~on~~ **September 23, 2024**

☒ YES petition for rehearing was timely filed in Charles' case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: November 05, 2024, and a copy of the order denying rehearing appears at Appendix A

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional Amendments: 1. Fourth

Amendment to the United States Constitution:

Protects against unreasonable searches and seizures, essential for evaluating the conduct of law enforcement in this matter. 2. Fourteenth

Amendment to the United States Constitution:

Guarantees due process and equal protection under the law, critically engaged in evaluating procedural fairness and the rights of the petitioner. Statutes:

3. 18 U.S.C. § 241: Addresses conspiracies to deprive citizens of their constitutional rights, relevant in assessing potential law enforcement collusion. 4. 18 U.S.C. § 242: Penalizes deprivations of rights under color of law, applicable to allegations of unlawful conduct by law enforcement officers. 5. 18 U.S.C. § 1503: Concerns the obstruction of justice, relevant if actions were taken to impede the judicial process. 6. 18 U.S.C. § 1519: Criminalizes the destruction, alteration, or falsification of records in federal investigations or bankruptcy, touching on the

potential handling of crucial evidence. 7. 28 U.S.C. § 1343: Provides jurisdiction for civil rights cases, supporting the federal court's authority to hear the petitioner's claims. 8. 42 U.S.C. § 1983: Empowers individuals to seek redress for constitutional violations by state actors, foundational to the petitioner's legal action. 9. 42 U.S.C. § 1985: Addresses conspiracies to interfere with civil rights, pertinent where concerted actions by state actors are suggested. 10. O.C.G.A. § 9-16-6(a), (b), (c): Governs procedures and requirements relating to asset forfeiture in Georgia, relevant to the legal methods employed in the repossession dispute. 11. O.C.G.A. § 9-16-17: Outlines defenses to forfeiture, thereby implicated in disputes concerning the legitimacy of asset seizures. 12. O.C.G.A. § 11-9-609: Details lawful procedures for repossession within Georgia, directly relevant to the incident with Ms. Charles. 13. O.C.G.A. § 16-5-80: Georgia's fetal homicide statute, significant given the claims of harm to Ms. Charles's pregnancy. 14. O.C.G.A. § 51-1-6: Pertains to statutory duties, related to

alleged failures in training and oversight by law enforcement. 15. O.C.G.A. § 51-7-20 et seq: Provides for remedies concerning unlawful arrest and imprisonment in Georgia, connected to the petitioner's encounter. 16. FED. R. CIV. P. 50: Addresses judgments as a matter of law in federal trials, pertinent to assessing the propriety of summary judgment in this case. 17. FDCPA, 15 U.S.C. § 1692: Regulates practices in debt collection, providing context for the repossession activities at issue. 18. 18 U.S.C. §§ 1961-1968 (RICO): Encompasses activities considered racketeering; relevant if coordinated illegal conduct is alleged. Relevant Case Law Miscellaneous: 19. Abbott v. Latshaw, 164 F.3d 141 (3d Cir. 1998): Examines police conduct during repossessions and civil rights implications. 20. Angela Hyman v. Bryan Devlin, U.S.D.C. W.D.Pa. No. 3:17-cv-00089 (KRG): Considers due process violations in similar contexts. 21. Beck v. Ohio, 379 U.S. 89 (1964): Discusses the legitimacy of police searches and seizures under reasonable standards. 22. Bivens v.

Six Unknown Named Agents, 403 U.S. 388 (1971): Sets precedence for claims against federal officials for constitutional violations. 23. Booker v. City of Atlanta, 776 F.2d 272 (11th Cir. 1985): Reviews municipal accountability for constitutional infractions. 24. Case v. Eslinger, 555 F.3d 1317 (11th Cir. 2009): Discusses excessive force under the Fourth Amendment. 25. City of Canton v. Harris, 489 U.S. 378 (1989): Addresses municipal liability for failure to train adequately, pertinent here given the supervision claims. 26. Cochran v. Gilliam, 656 F.3d 300 (6th Cir. 2011): Explores law enforcement liability in cases of excessive intervention. 27. Dimick v. Schiedt, 293 U.S. 474 (1935): Evaluates judicial authority in altering jury determinations or awards. 28. Fuentes v. Shevin, 407 U.S. 67 (1972): Protects against deprivation of property without due process, directly aligned with repossession issues. 29. Graham v. Connor, 490 U.S. 386 (1989): Sets the benchmark for assessing reasonable force by law enforcement. 30. Harvey v. Plains Twp. Police Dep't, 635 F.3d 606 (3d Cir.

2011): Considers police liability for civil rights violations during enforcement activities. 31. *Henry v. United States*, 361 U.S. 98 (1959): Discusses standards for reasonableness in searches and arrests. 32. *Haverstick Enterprises, Inc. v. Financial Federal Credit, Inc.*, 32 F.3d 989 (6th Cir. 1994): Examines the limits of state involvement in private repossessions. 33. *Lightning Lube, Inc. v. Witco Corp.*, 4 F.3d 1153 (3d Cir. 1993): Reviews procedural standards and burdens in civil litigation. 34. *Marra v. Phila. Hous. Auth.*, 497 F.3d 286 (3d Cir. 2007): Investigates evidentiary challenges and burdens in civil rights cases. 35. *Mapp v. Ohio*, 367 U.S. 643 (1961): Applies the exclusionary rule to states, integrating Fourth Amendment protections. 36. *Miranda v. Arizona*, 384 U.S. 436 (1966): Establishes required advisements during custodial interrogations. 37. *Mitchell v. Geida*, 215 F. App'x 163 (3d Cir. 2007): Highlights appellate scrutiny in procedural reviews. 38. *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658

(1978): Sets forth standards of liability for municipalities under § 1983. 39. *Perry Education Association v. Perry Local Educators' Association*, 460 U.S. 37 (1983): Analyzes the application of First Amendment rights. 40. *Powell v. J.T. Posey Co.*, 766 F.2d 131 (3d Cir. 1985): Reestablishes caution in granting summary judgments absent clear disputes. 41. *Soldal v. Cook County, Illinois*, 506 U.S. 56 (1992): Protects individuals against unconstitutional property seizures absent due process. 42. *States v. Dietz*, 577 F.3d 672 (6th Cir. 2009): Reviews state action within boundaries set by due process requirements. 43. *Sullivan v. Cty. of Allegheny*, 112 F. App'x 176 (3d Cir. 2004): Addresses due process in adjudicating civil rights violations. 44. *Tennessee v. Garner*, 471 U.S. 1 (1985): Defines Fourth Amendment standards and limits for lethal force by police. 45. *Tolan v. Cotton*, 572 U.S. 650 (2014): Emphasizes the importance of resolving factual disputes before summary judgments. 46. *Trabal v. Wells Fargo Armored Serv. Corp.*, 269 F.3d 243 (3d Cir. 2001): Considers

liability implications in employment and service contexts. 47. *United States v. Coleman*, 628 F.2d 961 (6th Cir. 1980): Evaluates evidentiary and procedural standards under federal law. 48. The Fair Debt Collection Practices Act (FDCPA) 18 U.S.C 1692 et seq. Law are prohibited from engaging in unfair deceptive practices.

STATEMENT OF THE CASE

1. This case arises from a profoundly disturbing series of events involving Ms. Kynnedi'Rae Joan Charles, which have raised substantial questions about law enforcement conduct, due process, and constitutional protections under the Fourth and Fourteenth Amendments. The unfolding legal issues necessitate a keen examination of the actions by authorities, their adherence to or deviation from standard protocols, and the implications for constitutional rights.

B. Background Facts

2. The encounter began on November 7, 2020, a seemingly ordinary day when Ms. Charles exited a nail shop only to discover that a tow truck had collided with her vehicle. Under the impression her car was being stolen, Ms. Charles promptly dialed 911, seeking assistance from the very authorities tasked with safeguarding citizens' rights and upholding justice.

An initial responding officer dismissed the situation as a mere civil dispute and left, leaving Ms. Charles distressed and confused. This moment of inaction necessitated a second 911 call by a concerned employee from the adjacent Mattress Firm store, hoping to obtain the necessary help. 3. The subsequent arrival of officers, however, marked the beginning of a disturbing sequence of events that would culminate in tragic and enduring consequences. Before approaching Ms. Charles to understand her perspective, the officers engaged in a telling conversation with their supervisor. The body cam footage reveals a conversation characterized by troubling intent; they expressed, "I've never dealt with anything like this in Warner Robins, before," with a decision made to forcibly remove her, stating, "I'll just snatch her ass out of the car and charge her with obstruction or something like that." This preconceived intention to escalate the situation into a criminal matter speaks volumes about the officers' disregard for lawful procedure and the constitutional protections owed to Ms. Charles. 4. Compounding

this egregious conduct was their coordination with the tow truck driver, instructing him to be ready to "hook up and go" as soon as Ms. Charles was forcibly extracted. This collaboration highlighted a premeditated disregard for the protections against self-help repossessions and due process. Despite a Mattress Firm employee's effort to reason with the officers, requesting the release of Ms. Charles's vehicle, the officers erroneously treated the tow truck as the rightful owner, insisting it was involved in a lawful repossession. Adding yet another layer of legal and ethical complexity, Ms. Charles was supported remotely by a family friend and professional repossession agent who communicated to the officers over the phone, reinforcing the legal perspective that she could not be forcibly removed, given the civil nature of the matter. 5. Undeterred and seemingly emboldened by their supervisor's guidance, the officers threatened that her refusal to exit would "turn criminal." They then commenced a countdown, shattering windows with intent to forcibly remove Ms. Charles, despite her clear and articulate warning

this egregious conduct was their coordination with the tow truck driver, instructing him to be ready to "hook up and go" as soon as Ms. Charles was forcibly extracted. This collaboration highlighted a premeditated disregard for the protections against self-help repossessions and due process. Despite a Mattress Firm employee's effort to reason with the officers, requesting the release of Ms. Charles's vehicle, the officers erroneously treated the tow truck as the rightful owner, insisting it was involved in a lawful repossession. Adding yet another layer of legal and ethical complexity, Ms. Charles was supported remotely by a family friend and professional repossession agent who communicated to the officers over the phone, reinforcing the legal perspective that she could not be forcibly removed, given the civil nature of the matter. 5. Undeterred and seemingly emboldened by their supervisor's guidance, the officers threatened that her refusal to exit would "turn criminal." They then commenced a countdown, shattering windows with intent to forcibly remove Ms. Charles, despite her clear and articulate warning

through tears and panic of her pregnancy and asthmatic condition. The decision to employ a taser, despite these warnings, led to an involuntary contraction and spasm of her body, causing her foot to inadvertently hit the accelerator. After being tased, one officer pulled Ms. Charles from the left while another pulled from the right, as she remained seated in the vehicle, leading to severe bruising from the forceful pulling. In addition, an officer rammed his body into her side, further compounding her injuries. This chain reaction of aggression was met with even greater force by the officers, climaxing in a shocking display of excessive force as Ms. Charles was subsequently removed from the vehicle. 6. In a harrowing sequence, Ms. Charles endured being thrust against her vehicle, walking on shards of glass that pierced her skin, and felt the extreme force of an officer ramming into her back, exacerbating an existing back injury while inflicting new, acute pain. Excruciating abdominal pain followed as she was pinned to the car, creating immediate medical concerns for her pregnancy. Yet, the officers and

paramedics delayed vital medical attention,
prioritizing minor injuries sustained by the officers
during the encounter, with a shocking disregard for
Ms. Charles's rights and Health.

1. The initial officer's response as a "civil dispute."
See *Graham v. Connor*, 490 U.S. 386 (1989) (discussing the
reasonableness of use of force under the Fourth Amendment). 2.
Place after describing the coordination with the tow truck driver
about "hook up and go." See *Soldal v. Cook County, Illinois*, 506
U.S. 56 (1992) (addressing the prohibition against unlawful
property seizures).

REASONS FOR GRANTING THE PETITION

A. Conflict Among Lower Courts 1. The lower courts' decisions are in direct conflict with established precedents from various U.S. appellate courts concerning constitutional protections under the Fourth and Fourteenth Amendments. The interpretation of excessive force and due process rights in the current case diverges from the standards set in *Graham v. Connor*, 490 U.S. 386 (1989), which evaluates the reasonableness of force used by law enforcement, and *Soldal v. Cook County, Illinois*, 506 U.S. 56 (1992), which addresses protection against unlawful property seizures. This conflict necessitates resolution by the Supreme Court to ensure consistency in the application of these rights across jurisdictions.

B. National Significance of Uniform Protective Standards 2. This case raises issues of significant national importance, affecting not only the petitioner but potentially thousands of others who may find themselves similarly situated in interactions with law enforcement. The involvement of police in

facilitating private repossessions echoes the concerns addressed in *Haverstick Enterprises, Inc. v. Financial Federal Credit, Inc.*, 32 F.3d 989 (6th Cir. 1994), regarding state involvement in private disputes. Supreme Court adjudication is vital to establish protective standards that uphold the rule of law and public trust in the justice system. C.

Importance of Procedural Fairness and Due Process

3. The Supreme Court's intervention is essential to rectify erroneous interpretations of procedural fairness, particularly regarding summary judgment and due process. The lower courts' approach, which echoes the procedural shortcomings highlighted in *Tolan v. Cotton*, 572 U.S. 650 (2014), fails to fully engage with material disputed facts. Addressing these deficiencies is crucial to affirm due process, ensuring summary judgments are granted only in cases with indisputable legal grounds. D.

Clarification of Supervisory and Municipal Liability

4. This case presents an opportunity for the Supreme Court to clarify the scope and limitations of supervisory and municipal liability in instances of

law enforcement misconduct. The principles set forth in *City of Canton v. Harris*, 489 U.S. 378 (1989), concerning inadequate training and supervision, were inadequately applied by the lower courts. Reviewing this case provides essential guidance on supervisory liability, reinforcing law enforcement agency accountability and the protection of civil liberties against misconduct. E.

Addressing Potential Misuse of Judicial Discretion.

5. The potential misuse of judicial discretion in this case signals a departure from established judicial norms. The need for Supreme Court oversight is evident in cases like *Powell v. J.T. Posey Co.*, 766 F.2d 131 (3d Cir. 1985), which underscores that summary judgment should only be granted in the absence of genuine factual disputes. The Supreme Court's review is essential to reaffirm these standards and protect procedural fairness and judicial integrity F. Ensuring Consistent Application of Constitutional Standards 6. The Supreme Court's intervention is crucial to ensure that constitutional standards concerning search, seizure, and due

process are consistently applied. This aligns with the vision in *Miranda v. Arizona*, 384 U.S. 436 (1966), which established procedural safeguards during police interactions. This review prevents inconsistent applications that could undermine fundamental civil liberties.

G. Significance of Civil Rights Protections

7. The case underscores the importance of robust civil rights protections under statutes like 42 U.S.C. §§ 1983 and 1985. Reinforcing these protections, as reflected in *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978), ensures effective legal remedies for individuals whose rights have been transgressed by state actors.

H. Preservation of Judicial Integrity

8. Judicial integrity is paramount, underscored by the need for the Supreme Court to correct deviations from fair judicial practices as highlighted in *Lightning Lube, Inc. v. Witco Corp.*, 4 F.3d 1153 (3d Cir. 1993). Addressing potential errors in the summary judgment process maintains confidence in the legal system's impartiality and fairness.

I. Judicial Oversight of Law Enforcement

Conduct 9. This case serves as a vital platform for the Supreme Court to review and oversee law enforcement conduct, especially concerning potential authority misuse and excessive force. Cases like *Abbott v. Latshaw*, 164 F.3d 141 (3d Cir. 1998) exemplify the necessity for enhanced clarity to safeguard constitutional rights during law enforcement interactions. J. Implications of Georgia State Laws 10. The Georgia Fetal Homicide Law effectively declares the fetus a person under state law, necessitating a careful examination of potential harm resulting from law enforcement actions. O.C.G.A. § 11-9-609 sets stringent guidelines for repossessions, suggesting that the law enforcement's involvement in this case contravenes these provisions. Reviews by the Supreme Court are critical to harmonize state law protections with constitutional rights as reflected in *Cochran v. Gilliam*, 656 F.3d 300 (6th Cir. 2011). K. Appellate Court Mirroring District Court Decisions 11. The appellate court's practice of mirroring the decisions of district courts without conducting independent

analysis reflects a departure from established appellate scrutiny. In *Mitchell v. Geida*, 215 F. App'x 163 (3d Cir. 2007), and underscored in *Angela Hyman v. Bryan Devlin*, U.S.D.C. W.D.Pa. No. 3:17-cv-00089, the necessity for rigorous appellate review was emphasized. Supreme Court intervention is needed to maintain critical appellate court oversight, safeguarding justice system reliability and consistency.

L. Exclusion of Critical Evidence: The withholding of essential documents constitutes a grave omission that has skewed the judicial narrative of this case, effectively denying Ms. Charles the opportunity for a fair trial. 12. The inclusion of the Georgia Department of Motor Vehicles letter and officer Green and Scuderi body camera footage are imperative for a complete understanding of the events and for ensuring justice under the State Tort framework.

1. reference to "conflict with established precedents from various U.S. appellate courts." See *Cochran v. Gilliam*, 656 F.3d 300 (6th Cir. 2011) (illustrating discrepancies in enforcement of due process). 2. At "the involvement of police in

facilitating private repossessions." See *Haverstick Enterprises, Inc. v. Financial Federal Credit, Inc.*, 32 F.3d 989 (6th Cir. 1994) (delineating the limits of state action in private repossessions). 3. At "procedural shortcuts without fully engaging with the material and disputed facts." See *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986) (discussing the standard for summary judgment). 4. After "scope and limitations of supervisory and municipal liability." See *City of Canton v. Harris*, 489 U.S. 378 (1989) (deep dive into municipal liability for constitutional violations). 5. Following the paragraph discussing misuse of judicial discretion. See *Powell v. J.T. Posey Co.*, 766 F.2d 131 (3d Cir. 1985) (emphasizing the careful grant of summary judgment). 6. At "critical to ensuring that constitutional standards concerning search and seizure." See *Miranda v. Arizona*, 384 U.S. 436 (1966) (establishing procedural safeguards under constitutional law). 7. After discussing the appellate court mirroring the district court without independent analysis. See *Mitchell v. Geida*, 215 F. App'x 163 (3d Cir. 2007); *Angela Hyman v. Bryan Devlin*, No. 3:17-cv-00089 (W.D. Pa.independent appellate scrutiny).

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted, and the judgment of the United States Court of Appeals for the Eleventh Circuit should be vacated. This case should be remanded to the lower courts for further proceedings consistent with proper judicial evaluation and constitutional mandates. The Supreme Court's intervention is necessary to ensure that critical evidence, which bears on the factual determinations of the case, is duly considered. Proper consideration of the notarized letter from the Georgia Department of Motor Vehicles, police body camera footage, detailed photographs of injuries, and medical records from Piedmont Hospital will facilitate a fair reassessment of the issues concerning excessive force, due process, and the State Tort Act. Remanding the case will allow lower courts to rectify procedural oversights and apply the appropriate legal

**standards to safeguard justice and uphold the
constitutional rights of the petitioner,**

Kynnedi'Rae Joan Charles Date: February 01,

2025 The petition for a writ of certiorari should

be granted. Respectfully submitted, Date

February 01, 2025

CERTIFICATE OF COMPLIANCE

No.

Pro Se KYNNEDE'RAE JOAN CHARLES

Petitioner(s)

V.

GARY WAYNE CHAMBERS, et al

Respondent(s)

Pursuant to Supreme Court Rule 33.1(h), I, Kynnedi'Rae Joan Charles, certify that the petition for a writ of certiorari filed in the Supreme Court of the United States, contains [7,000] words, not exceeding the 9,000-word limit set by Rule 33.1(g)(i). This word count includes all portions of the petition except the parts exempted by Rule 33.1(d).

I have used Microsoft Word for this counting operation, using Times New Roman font in 12-point type for the body text and 10-point type for footnotes, as required by the Supreme Court's formatting guidelines.

I declare under penalty and perjury that the foregoing is true and correct.

Submitted by

Kynnedi'Rae Joan Charles

Executed on 02-01, 2025