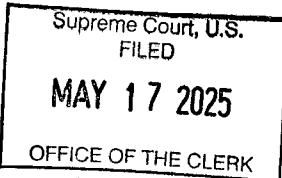


24-7345 NO. ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

Anita Bryant — PETITIONER

vs.

Supervised Estate of Laura J. Bryant — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

INDIANA COURT OF APPEALS

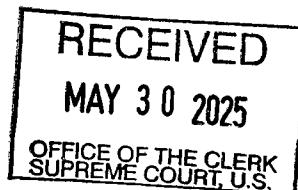
PETITION FOR WRIT OF CERTIORARI

Anita Bryant, Pro Se

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QUESTION(S) PRESENTED

1. Whether the Indiana Court of Appeals erred in improperly closing Appellant's case when Appellant specifically requested that the appeal be placed on hold (pending motion) until Appellant exhausted all remedies (continuance), in the Notice of Appeal that the court did not address, and when a Motion to Proceed in Forma Pauperis was still pending in trial court before dismissing Appellant's case and without notice to Appellant, resulting in not giving Appellant an opportunity to correct?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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:

RELATED CASES

- *Delaware County Auditor/Treasurer v. Anita Bryant*, No. 18C05-2208-TS-000232, State of Indiana Delaware County Circuit Court #5. Judgment entered Sept. 30, 2023.
- *Anita Bryant v. Delaware County Auditor/Treasurer*, No. 22A-TS-2380, Court of Appeals Indiana. Judgment entered on March 9, 2023.
- *Anita Bryant v. Supervised Estate of Laura J. Bryant*, No. 18C01-2106-ES-000015, Delaware County, Indiana Circuit Court 1 (Probate Court). Judgement entered 5/24/24.
- *Anita Bryant v. Supervised Estate of Laura J. Bryant et al*, No. 25-1222, U.S. Seventh Circuit Court of Appeals.
- *Anita Bryant v. Supervised Estate of Laura J. Bryant, et al*, No. 1:24-cv-00940-JPH-TAB, U.S. District Court Southern District Of Indiana Indianapolis Division. Judgement entered January 17, 2025.
- *Anita Bryant v. Supervised Estate of Laura J. Bryant*, No. 24A-ES-01461, Court of Appeals Indiana. Judgement entered October 11, 2024.
- *Anita Bryant v. Delaware County Auditor, et al*, No. 24-1280, U.S. Seventh Circuit Court of Appeals. Judgement entered June 17, 2024.
- *Anita Bryant v. Delaware County Auditor, et al*, No.1:23-cv-01792-TWP-MKK, U.S. District Court Southern District Of Indiana Indianapolis Division. Judgement entered. April 29, 2024.
- *M Jewell, LLC v. Estate of Laura J. Bryant, et al*, No. 18C05-2310-TP-000171, State of Indiana Delaware County Circuit Court #5. Judgement entered December 12, 2023.
- *Anita Bryant v. Delaware County Auditor/Treasurer*, No.24A-TP-00044, Court of Appeals Indiana. Judgement entered February 23, 2024.
- *M Jewell, LLC v. Anita Bryant, Heir to the Estate Of Laura J. Bryant, Interested Party, et al*, No. 18C04-2401-MI-000009, State of Indiana Delaware County Circuit

Court #4.

- *Anita Bryant, Petitioner v. Delaware County Treasurer, et al.* No. 23-5867, U.S. Supreme Court. Judgement entered February 20, 2024.

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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 _____ 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 _____ to the petition and is

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

For cases from **state courts**:

The opinion of the highest state court to review the merits 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 Delaware County, Circuit Court 1 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.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

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

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

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

For cases from **state courts**:

The date on which the highest state court decided my case was October 11, 2024. A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment 14. § 1.1 (Amdt 14. § 1.1):

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

United States Constitution, Article III, Section 2 (U.S. Const. art. III, § 2):

The judicial Power shall extend to Controversies between a State and Citizens of another State.

United States Constitution, Amendment 5 (U.S. Const. Amdt 5):

“nor be deprived of life, liberty, or property, without due process of law”—provided for the right of trial according to the process and proceedings of the common law. In interpreting the Due Process Clause, the Supreme Court has recognized that the Fifth Amendment guarantees procedural and substantive due process.

STATEMENT OF THE CASE

On April 10, 2024, an Order to Appear to Show Cause was issued by Delaware County, Indiana Circuit Court 1 (Probate Court) to Estate Attorney Ronald K. Smith who was ordered to appear before the court on May 15, 2024, at 1:30 PM, to show cause why he should not be removed and/or sanctioned for failing to timely perform his duties for failure to filing a closing statement for the Supervised Estate of Laura J. Bryant, Case No. 18C01-2106-ES-000015 . Said order was signed by previous judge who retired at the end of 2022.

The Estate was opened in said court on or around June 17, 2021. Pursuant to IN Code § 29-1-16-2, the Estate is required to be closed within one (1) year. The Probate Court did not adhere to this requirement. The last hearing for this supervised estate took place on September 5, 2023. Petitioner had filed several requests regarding the status of the estate throughout the Probate process, as she had not received any updates from the

Personal Representative, nor had the court followed through as they are required in a supervised estate.

Petitioner, Anita Bryant is an Beneficiary/Heir to the Estate. Petitioner's Brother was the Personal Representative of the Estate, and also a Beneficiary/Heir. The Estate was a Supervised Intestate Estate. Petitioner received a copy of said order.

Petitioner filed a Motion for Clarification for Order to Appear to Show Cause on April 26, 2024, citing the following:

1. To provide an elaboration as to what said order is for.
2. Why was said order signed by judge that is no longer in office and that has retired in December 2022?
3. Are all parties to the case to participate in said hearing?

Respectfully requesting an order be issued addressing Petitioner's requests/questions, and Motion be responded to no later than May 3, 2024, to allow time for Petitioner to file any additional filings, if necessary.

On April 29, 2024, the trial court responded citing that The Order to Appear to Show Cause is directed at the attorney only. No heirs need to appear for said hearing issued.

On May 6, 2024, Petitioner filed a Verified Motion for Virtual or Telephonic Appearance citing the reason (s) as she resides in the State of Florida, therefore, she cannot attend the hearing in person. Either attendance VIA telephone or Zoom requested. Additionally, she had not received any communication regarding Estate affairs, which is required as she is an Heir to the Estate. and many loose ends remaining that have not been addressed and have been pending the entire time. Little to no oversight has been

implemented for the supervised estate, and she was exercising her rights as an Heir to be updated.

On May 8, 2024 a Verified Petition to Close Estate Summarily Due to Insolvency was filed by Personal Representative, Leonard Bryant Jr., who is Petitioner's Brother, and Estate Attorney Ronald K. Smith.

Also, on this day the trial court issued an Order Granting Verified Petition to Close Estate Summarily Due to Insolvency, without having notifying Petitioner prior to doing so and holding a hearing to give Petitioner her due process, nor holding the Personal Representative and the Estate Attorney accountable for mismanagement of the Estate. The hearing scheduled for May 15, 2024 was cancelled.

On May 10, 2024, Petitioner filed a Motion to Request a Final Accounting pursuant to IC 29-1-16-4, to include all assets and reported loses on three (3) accounting schedules as required.

The trial court did not issue an official order, but a text entry in the state's Chronological Case Summary (CCS), citing that the matter is closed and Petitioner's Motion was denied.

On May 20, 2024, Petitioner filed an Objection to Closing Statement. On May 21, 2024, another entry was entered by the court into CCS citing the same as the aforementioned above.

On May 23, 2024, Petitioner filed a Motion to Correct Errors citing all unresolved issues that the court never properly address during the course of the administration of the Estate, including but not limited to an inaccurate inventory of all assets and the fact that the Estate was not insolvent because there should have been at least an overage of funds

from the tax delinquent sale that neither the Personal Representative nor the Estate Attorney took any action to address when the property was sold unlawfully. Exhibits were included in said Motion for supporting Petitioner's claims.

On May 24, 2024, the trial court denied said Motion.

On June 2, 2024, Petitioner filed a complaint to request a transfer of this case in the U.S. District Court Southern District Of Indiana Indianapolis Division, pursuant to Amdt14.S1.3 and United States Constitution, Amendment 5 (U.S. Const. Amdt 5). (Case No. 1:24-cv-00940-JPH-TAB)¹

On June 22, 2024, in order to not lose her right to appeal within the 30-day requirement in the state court, Petitioner filed a Notice of Appeal in the Indiana Court of Appeals, and requested that said appeal be placed on hold (continuance) until all other legal remedies had been exhausted, along with a Motion to Proceed in Forma Pauperis in the trial court pursuant to Appellate Rule 40(C) and App. R. 40(A)(3)); or (3). (Case No. 24A-ES-01461) Said appeal was confirmed by the Indiana Court of Appeals on June 24, 2024.

On June 26, 2024, an Order was issued from the U.S. District Court Southern District of Indiana Indianapolis Division holding that the court did not have jurisdiction over state Probate matters, and allowing Petitioner to amend her complaint no later than

¹ Petitioner's reasoning for filing a complaint in Federal court was so she would get a fair review, as she was not given this throughout the probate process in Indiana. Petitioner is a resident of Florida, and felt this was a significant part of why. Petitioner does not vote in Indiana elections and most judges in Indiana are elected. Petitioner experienced bias throughout the Probate Administration, as all her filings were undermined and outright ignored.

July 24, 2024.

On July 19, 2024, Petitioner filed her Amended Complaint in said court.

On September 6, 2024, Petitioner filed a Motion for Amended Complaint Status in said court, in addition to follow up calls by Petitioner to said court.

On September 20, 2024, Petitioner received an Order from the Indiana Court of Appeals dismissing Petitioner's case *with* Prejudice. Citing that Petitioner failed to timely file her brief pursuant to Indiana Appellate Rule 45(D). The case was dismissed without ruling on Petitioner's requests (pending Motions requesting a Continuance) included in Petitioner's Notice of Appeal, nor had her Motion to Proceed in Forma Pauperis been ruled on and was still pending in Probate Court.

On September 26, 2025, Petitioner filed a Motion to Assist in Recruiting Counsel in the U.S. District Court Southern District of Indiana Indianapolis Division, as juggling both of these cases was getting more complicated.

On September 29, 2025, Petitioner filed a Petition for Rehearing in the Indiana Court of Appeals.

On October 11, 2024, Petitioner's said Petition was denied.

On October 21, 2024, Petitioner wrote a letter to the judge in the U.S. District Court Southern District of Indiana requesting a status of her pending filings, as her Amended Complaint had been pending over 90 days, and it looked like this delay contributed to Petitioner losing her right to appeal. More follow up calls were made throughout by Petitioner, but no updates

On November 8, 2024, Petitioner filed a Petition to Transfer to the Indiana Supreme Court for discretionary review.

On November 12, 2024, the U.S. District Court Southern District of Indiana issued an order on Petitioner's complaint, and other pending Motions denying all.

On November 13, 2024, a Notice of Defect was issued by the Indiana Court of Appeals. Said Notice citing that filing fees, nor Pauper Status had been received, and Petitioner had 10 days to satisfy this requirement.

On November 21, 2024, Petitioner filed a Motion to Proceed in Forma Pauperis in the Indiana Supreme Court.

On November 22, 2024, said court issued another Notice of Defect citing Petitioner lacks order issued by the trial court regarding pauper status on appeal.² Notice stated that Petitioner had 10 days to correct.

On November 27, 2024, Petition refiled a Motion to Proceed in Forma Pauperis in the Probate Court citing that the previous said Motion that was filed on June 22, 2024, was still pending and needed a ruling as required.

Additionally, Petitioner filed a Notice of Compliance for Defect on November 22, 2024, in the Indiana Court of Appeals informing said court that Motion in Probate Court was in process with receipts of filings included for June 22, 2024, and November 27, 2024.

Also on November 27, 2024, Petitioner filed a Motion to Correct Errors in the U.S District Court Southern District of Indiana citing that final order contained an error regarding a Motion to Proceed in Forma Pauperis.

On December 5, 2024, Petitioner filed in the Indiana Court Appeals a Motion to

² This was confusing as the Indiana Court of Appeals was ruling on Petitioner's filings up until this point, and at no time sent any notices for Petitioner requesting this or filing fee, as the Probate Court never responded when initially filed on June 22, 2024.

Proceed in Forma Pauperis, citing that the inaction of the Probate Court to rule on said Motions be considered a denial.

On December 10, 2024, the Indiana Court of Appeals issued a Notice of Defect not Cured. Further citing that the aforementioned Motion was received but not filed, and reiterating that the defect is still not cured, and does not extend the 10-day requirement to cure.

On December 11, 2024, Petitioner filed in said court Motion to Compel Ruling and for Leave to File Interlocutory Appeal, pursuant to Indiana Trial Rule 53.1.

On December 12, 2024 said court issued another Notice of Defect not Cured, citing the same as the aforementioned Notice issued on December 10, 2024.

On, or around this date Petitioner contacted the Indiana Court of Appeals Clerk's office to discuss what her options were at this point, since the Probate Court will simply not respond. The clerk advised that she would task this issue to the Indiana Supreme Court.

Also on this date the Probate Court finally responded to Petitioner's Notice citing that the case remains dismissed per Order of the Court of Appeals filed on October 11, 2024, and that the Court takes no action on the Motion to Proceed in Forma Pauperis as there is no action before the Court.

On December 13, 2024, Petitioner uses the aforementioned Notice from Trial Court as a denial of said Motion, to request said Motion in the Indiana Court of Appeals citing that the Probate Court erred by not responding to said Motion when it was first filed on June 22, 2024, and furthermore, Motions are ruled upon in closed cases. This answer was clearly disingenuous by the Probate Court explaining their delay to respond to Petitioner's

Motion.

On December 18, 2024, the Indiana Supreme Court granted Petitioner's Petition to Transfer and Motion to Proceed in Forma Pauperis.

On January 17, 2025, the U.S. District Court Southern District of Indiana issued an Order Denying Motion to Amend Dismissal Order and Final Judgment.

On February 11, 2025, Petitioner filed a Notice of Appeal in said court to appeal in the U.S. Court of Appeals Seventh Circuit along with a Motion to Proceed in Forma Pauperis.

On February 20, 2025, the Indiana Supreme Court issued an Order Denying Petition to Transfer.

On March 26, 2025, the U.S. District Court Southern District of Indiana denied Petitioner's Motion to Proceed in Forma Pauperis, and received Circuit Rule 3(b) Fee Notice from the U.S. Court of Appeals Seventh Circuit instructing Petitioner to either pay filing fee, or file a Motion to Proceed in Forma Pauperis in said court within 30 days.

On April 10, 2025, Petitioner filed her Motion to Proceed in Forma Pauperis in the U.S. Court of Appeals Seventh Circuit.

This Motion is currently pending.

REASONS FOR GRANTING THE PETITION

I. The Indiana Court of Appeals erred by closing the case without ruling on Petitioner's pending Motions.

When Petitioner timely filed her Notice of Appeal on June 22, 2024, and she never received any notice from the court at any time regarding her Motion to Proceed in Forma Pauperis pending in Probate Court pursuant to Ind. App. R. 40(A)(3); or (3), to request and/or give her time to correct, prior to the closing of the case on September 20, 2024, a reasonable person would think that the court was still reviewing Petitioner's other requests to place the appeal on hold were being considered.

Petitioner specifically requested in her Notice of Appeal that the Indiana Court of Appeals that the appeal be placed on hold until the disposition of the Federal case (1:24-cv-00940-JPH-TAB). No response or ruling was received by Petitioner until the closing of the case by said court on September 20, 2024. Not even a Notice of Defect was issued by said court, if there were any filing or format issues with regard to her request, or a request for filing fees.

As in *Ina V. George Fraam Sons, Inc. Et Al.; Le* Court of Appeals of Ohio, Lorain County (1993), the court erred by dismissing appellants' counterclaim with prejudice without ruling on appellants' motions and the case was remanded.

With regard to these pending motions, the court erred in closing the case by not giving Petitioner her constitutional right of Due Process as an Heir to a Supervised Intestate Estate.

II. Petitioner's Constitutional Rights were clearly violated in the administering of the estate.

Petitioner was an Heir by law. She had filed Petitions and Objections throughout the Probate process exercising her right to be apprised of estate affairs, and to notify the Probate Court that the Personal Representative was not fulfilling his Fiduciary duties. All were ignored and not corrected resulting in the estate being falsely reported as insolvent, including the property being unlawfully sold at a tax delinquent sale, which resulted in Petitioner not receiving her right to object to the tax sale. (No. 23-5867, U.S. Supreme Court)

Pursuant to IC 29-1-16-4, Petitioner is entitled in a Supervised Estate to a final accounting. The trial court denied Petitioner's request, nor did the trial court have a hearing allowing Petitioner to review and present her objections. This action is the cause of Petitioner's appeal.

Not only did the Probate Court abuse its discretion, but the Indiana Court of Appeals did as well by allowing such abuse to occur by not allowing Petitioner's Appeal to proceed and closing the case without ruling on the pending Motions.

With the Indiana Supreme court declining to review Petitioner's request to transfer, Petitioner has no other option than to request that this court intervene and right this terrible wrong.

III. Indiana Court of Appeals dismissing Petitioner's case with prejudice should be considered an Abuse of Discretion.

“A dismissal with prejudice, however, is an extremely harsh sanction. It affects not only the suit dismissed but, because it acts as a decision on the merits, also controls questions of fact in other related cases. The law favors deciding cases on their merits unless the conduct of a party is so negligent, irresponsible, contumacious or dilatory as to provide substantial grounds for a dismissal with

prejudice for a failure to prosecute or obey a court order." (Quoted in *Ina V. George Fraam Sons, Inc. Et Al.; Le* Court of Appeals of Ohio, Lorain County (1993) and *Schreiner Et Al., V. Karson*, Court of Appeals of Ohio (1977)

Here, Petitioner's Appeal had Merit. It was an abuse of discretion by the Probate Court to not hold a hearing in Supervised Estate to give Petitioner her right as an Heir to contest the claim that the Estate was insolvent. It was also Petitioner's right to receive a final accounting for her review. She was denied that right.

Additionally, Petitioner did not display any negligence, or irresponsibility as she attempted to follow through on all Notices and Appellate procedures once she was notified by the Indiana Court of Appeals.

In summary, clearly there have been Due Process Constitutional violations throughout this process that Petitioner has experienced. Petitioner being denied the right to object and appeal prevents the merits of this case from being reviewed by the state courts. Ms. Bryant is a citizen of another state than the Defendant, which invokes United States Constitution, Article III, Section 2 (U.S. Const. art. III, § 2). There is a need nationally for Beneficiary/Heirs to have remedies available when state courts give the appearance of undermining and violating said rights that would also set a precedent, and would enable Beneficiary/Heirs of their rights being respected in future Probate state courts.

Petitioner's Father had worked hard for what he and her Mother had. He worked and paid taxes in Delaware County, IN until the day he died. Sadly, Delaware County and the state of Indiana treated everything he worked for like garbage. They allowed his home he worked and paid for be sold unlawfully by the Delaware County Auditor, and not

holding the Personal Representative, nor the Estate Attorney accountable for the malpractice of managing the Estate. Petitioner's Father would not have wanted everything he worked for to be for nothing, nor for anything not to be passed down to his children. Therefore, Petitioner is respectfully requesting that this court provide the relief that she deserves.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

Anita Bryant

Date: May 17, 2025