

No. 24-929

Supreme Court, U.S.
FILED

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IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTINE SOLEM,

Petitioner,

v.

SARAH TAYLOR,

Respondent.

**ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF VIRGINIA**

Petition for Writ of Certiorari

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QUESTION PRESENTED

Whether the Supreme Court of Virginia erred when it failed to address Petitioner Solem's due process claim, which was clearly highlighted in her Petition for Rehearing and certainly evident in other parts of the record.

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Christine Solem respectfully petitions for a writ of certiorari to review the judgment of the Supreme Court of Virginia in this case.

OPINIONS BELOW

The opinion of the Supreme Court of Virginia with respect to Petitioner/Appellant's Petition for Rehearing is unreported and is reproduced in an appendix to this brief on page— (hereinafter cited "App. p.1).

The opinion of the Supreme Court of Virginia with respect to Petitioner/Appellant 's Petition for Appeal is also unreported and is reproduced at (App. p.2)

The opinion from the Court of Appeals of Virginia is also unreported and is reproduced at (App. p.3)

The opinion in the Circuit Court for Albemarle County is also unreported and is reproduced at (App. p.4).

JURISDICTION

The Supreme Court of Virginia entered its judgment on October 22, 2024 (App. p. 2). A petition for rehearing was denied on November 26, 2024 (App. p.1). The jurisdiction of this Court is invoked under 29 U.S.C. §1257 (a).

CONSTITUTIONAL PROVISION INVOLVED

The relevant portion of the Fourteenth Amendment Section 1 to the Constitution of the United States is: "...nor shall any State deprive any person of life, liberty, or property, without due process of law..."

HISTORY OF THE CASE AND STATEMENT

Petitioner/Solem is a resident of Albemarle County, in Virginia, who since January of 2011 has known and been good friends with Charles W. Taylor III of Charlottesville, Virginia (hereafter sometimes referred to as "Chuck") brother of Sarah Taylor.

Approximately 6 years ago Chuck was diagnosed with Alzheimer's disease and was soon thereafter advised by his doctors to stop driving.

Since we both frequented the same laundromat in Charlottesville, I began picking him up to do laundry.

Chuck also started coming over to my house on Sundays, (we are both single) for dinner and our friendship deepened. By the time COVID hit in 2020 I was also calling Chuck on the phone or he would call me 2 or 3 times a day.

In June 2021 Chuck and I decided that he,

would move in with me. I essentially became his caregiver.

I had noticed adverse reactions from Alzheimer's prescription drugs, aricept and memantine the previous year and had reported this to his doctors. However, living with Chuck on a daily basis provided me with the opportunity to observe such adverse reactions more closely.

In August of 2021, with agreement and advice from his doctors, I started reducing the drugs very slowly.

Towards the end of November, Chuck's sister, Sarah, phoned me concerning; the reduction of the drugs and a heated exchange transpired.

On December 3, 2021 Chuck's sister, Sarah, moved Chuck to the Arden Courts Memory Care Center in Virginia Beach—3 hours away.

I told Chuck when he was taken away that I

would write him every day and he replied that that would be nice. I think that I have missed writing him in the past four years about 4 times.

On April 13, 2022 I made the 3-hour traffic-laden trip to Virginia Beach to visit Chuck. I was let in to see him at first, but then forced to leave after about 5 minutes. Arden Courts staff stated that Chuck's sister, Sarah Taylor, held a Power of Attorney for Chuck which gave her the right to stop me from visiting him.

I inquired of the Arden Courts staff if Chuck was receiving the letters I sent every day. They replied, "Oh yes, his sister opens his mail and reads it to him." I replied that this was illegal and sent them a copy of 18 U.S.C., Chapter 83 Postal Service, Sec. 1702. Obstruction of correspondence.

On October 31, 2022, Chuck's sister "ruled", relying on her Power of Attorney, that I was to have

no contact with Chuck.

I made the trip again to Virginia Beach November 9, 2023 to talk to the Arden Courts staff with respect to my mail not being delivered to Chuck and his sister's claims with respect to the use of her Power of Attorney. I was not allowed to visit Chuck.

Arden Courts staff reported that if I would get a Court ruling on the Power of Attorney matter that they would abide by it.

Respondent/Sarah Taylor has stated that if her brother has contact with Petitioner/Solem that it might upset him. If anything this is a health care decision which is not a proper use of an agent's Power of Attorney. Please see the Code of Virginia, Chapter 16, Uniform Power of Attorney Act, Article 1, General Provisions, Applicability, §64.2-1601, (2) states: This Chapter applies to all powers of attorney except: a power to make health care decisions. (App. p.12)

Petitioner/Solem filed this current suit on November 27, 2023 in the Albemarle Circuit Court. Solem had filed a previous suit relating to the same issue on March 7, 2022 for Declaratory and Injunctive Relief, also in the Albemarle Circuit Court, case No. CL-22-274. Solem lost and appealed, eventually reaching the Supreme Court of Virginia and her Petition for Appeal was denied there. However, there was no ruling in this previous case on the merits of the Power of Attorney issue.

It is certainly understandable that when Solem became aware of §64. 2-1614 A. of the Code of Virginia which allows a Court to construe a Power of Attorney, review the agent's conduct, and grant appropriate relief that she would opt in that direction to resolve the Power of Attorney issue.

REASONS FOR GRANTING THE PETITION

There are other errors occurring in this case, but they pale in the face of the overwhelming Due Process violation, Notice and Opportunity to be Heard, endured by Petitioner/Solem, pro se. The United States Supreme Court has long spoken with respect to pro se litigants.

"Then too pro se litigants are protected with respect to due process." Haines v. Kerner, 404 U.S. 519, 520-21 (1972)

APPELLANTS PETITION FOR REHEARING,
(App. p. 21)

Petitioner/Solem was notified by Respondent's lawyer that she had elected to defer her January 8 plea in bar for the March 29, 2024 hearing, and instead elected to present a plea in bar on the grounds of res judicata. Yet Respondent's January 8 plea in bar was heard and ruled upon on March 29th in spite of

Solem's repeated and vehement objections.

Please see Petitioner/Solem's MOTION FOR RESPONDENT TO CORRECT THE DRAFT OF THE FINAL ORDER, as well as BRIEF IN SUPPORT OF PETITIONER'S MOTION FOR RESPONDENT TO CORRECT THE DRAFT OF THE FINAL ORDER.

(App. P. 31) and (App. p. 44).

The violation of Solem's 14th Amendment Due Process claim and other problems, particularly with the Albemarle Circuit Court are well-addressed in Appellant's Petition for Rehearing to the Supreme Court of Virginia. The whole of Solem's Petition for Rehearing is presented in the Appendix. (App.p. 21).

Solem is also presenting in the Appendix the whole Transcript of the hearing of March 29, 2024 in the Albemarle Circuit Court. (App.p.49). This hearing is nothing short of a mess and needs to be seen in its entirety to be believed.

Presented in its entirety as well is the whole transcript of the May 31, 2024 hearing as it exhibits many of the negative attributes brought forth as are in the March 29th hearing. Then too, Solem's MOTION FOR RESPONDENT TO CORRECT THE DRAFT OF THE FINAL ORDER and Brief in support of this Motion are presented on May 31, 2024 as well. (App. p. 31).

Besides the overwhelming Due Process claim made by Petitioner/ Solem, the United States Supreme Court needs to address what seems to be increasing legal issues with respect to the elderly, especially with the growth of the "health care industry".

The State of Virginia has passed good legislation, §64.2-1614A with regards to a person's right to have a Court construe a Power of Attorney, review the agent's conduct and give appropriate relief.

Undoubtedly the legislature realizes that G- Power of Attorney could become an instrument of oppression.

Yet what good is this law if the Courts dance around its intent and never rule on the merits of Solem's Petition?

Both the Supreme Court of Virginia's rulings on Solem's petition for Appeal, (App. p.2) and Petition for Rehearing (App. p.21) are mute with respect to any reasons for their rulings. Certainly this raises questions concerning the integrity of the Court system.

To conclude I need to say that ageing is becoming a more and more important issue in this country and needs to be addressed. I had a birthday on January 21, 2025. I turned 81 years old. I am old. When you are old your spouse may die, your friends die, you treasure the friends that you have left.

Humans are social creatures and they need

their friends to talk to, to ask how was your day, tell them what you did, tell a joke. I would be better off if Chuck were in jail, because in jail you can take telephone calls and have visits with your friends. Is my current plight how liberty should be for old people in America? I think not.

CONCLUSION

The Petition for the Writ of Certiorari should be granted.

Respectfully submitted,

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