

Case No. 17-7638

IN THE
SUPREME COURT OF THE UNITED STATES

Richard Darrell Trigg, Pro se - PETITIONER

vs.

Mary Katherine Jones, et al - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
United States Court of Appeals for the Fourth Circuit

PETITION FOR REHEARING

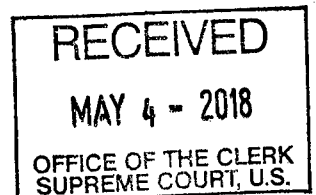
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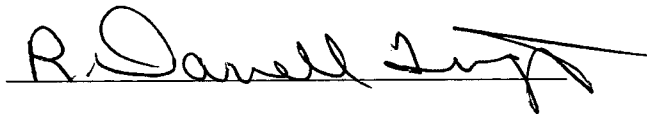
RDarrellTrigg33@yahoo.com - email address



AFFIDAVIT

I, Richard Darrell Trigg, Pro se, hereby confirm and certify that this Petition for Rehearing is presented in good faith and not for delay.

I, Richard Darrell Trigg, Pro se, hereby confirm and certify that the grounds for this Petition for Rehearing are limited to substantial grounds not previously presented.

A handwritten signature in black ink, appearing to read "R. Darrell Trigg", is written over a horizontal line.

R. Darrell Trigg, Pro se, Petitioner

Date - April 27, 2018

QUESTION(S) PRESENTED

1. Has a United States Court of Appeals entered a decision that conflicts with a decision by a state court and that is clearly wrong in regards to the facts presented in this case and to the statute in question , resulting in the misapplication of a rule of law ?

LIST OF PARTIES

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 :

Mary Katherine Jones (already listed in the caption)

Ernest Harold Jones

Jeri Morrill

Joanne Hardy

William (Bill) Horace Horton

Janet Horton

Claire Horton

David Horton

Connie Horton

Daniel Horton

Chad Jones

Leisa Wintz

**STATEMENT OF THE CASE, REASONS FOR GRANTING THE WRIT,
AND CONCLUSION**

The judgment from the U. S. Court of Appeals in this case is in Appendix A of the Petition for Writ of Certiorari. This judgment states the following :

" Trigg's claims for relief were based on a now-repealed Tennessee statute that criminalized the exploitation of vulnerable adults. See Tenn. Code Ann. 39-14-111 (2015) (repealed 2017). Although this statute created a private right of action , Trigg did not plausibly allege that he was among the individuals entitled to bring such an action, see id. 39-14-111(h), nor does it appear that any of Defendants' alleged activities occurred during the period the statute was in effect. "

As mentioned in the Petition for Writ of Certiorari, most of the Defendants' alleged activities occurred during the period the statute was in effect, prior to 2017. The grounds for this Petition for Rehearing are that this judgment conflicts with a decision of a Tennessee state court and is clearly wrong in regards to the facts presented in this case and to the statute in question, resulting in the misapplication of this rule of law. Appendix A to this Petition for Rehearing contains 3 pages from an order by the Chancery Court in Hawkins County , Tennessee. Only these three pages of the order are in the Appendix because the Judge quotes the statute in question and the other pages are not substantial grounds to this Petition for Rehearing. This order states the following :

"In his complaint, Mr. Trigg relies upon Tenn. Code Ann. 39-14-111 which is a criminal statute prohibiting the exploitation of an adult who is unable to manage his/her own resources. However, contained within this statute is a civil remedy which provides as

follows :

In addition to other remedies provided by law, an adult in that person's own right, or by conservator or next friend, shall have a right of recovery in a civil action for exploitation as defined in this section or for theft of such persons or adult's money or property whether by fraud, conceit, coercion, or otherwise.

T.C.A. 39-14-111(h) "

The judgment from the U.S. Court of Appeals mentioned above conflicts with this order by the state court and is clearly wrong in regards to the facts that have been presented in this case and to this statute in question. This judgment is wrong in stating that "Trigg did not plausibly allege that he was among the individuals entitled to bring such an action".

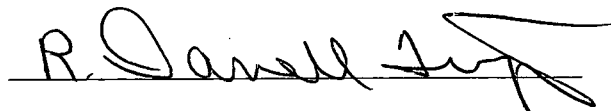
The Original Complaint in this case filed with the U.S. District Court is in Appendix F of the Petition for Writ of Certiorari. In this Complaint, Trigg, the Petitioner, clearly states several times that most of the Defendants' alleged activities occurred while he and the victim (the adult not able to manage her own resources) were still married. The Petitioner was not just the victim's "next friend", as stated in this statute, he was her husband (and still very happily married), and as such, definitely an individual entitled to bring such action under this statute.

The order contained in Appendix A of this Petition for Rehearing is from Tennessee Hawkins County Case No. 2017-CH-32. This case is mentioned in the Petition for Writ of Certiorari and is now in the Tennessee Court of Appeals due to opposing counsel for the Defendants talking with the psychiatrist of the adult with mental dysfunction, before that psychiatrist's deposition, and threatening her that if she testified regarding the

victim's mental health issues , she would face litigation from the victim's family . Thus he coerced her to withhold her testimony, and she did. This is all discussed in the Petition for Writ of Certiorari. Only three pages of the order from this Tennessee Chancery Court case are included because the judge quotes the statute in question , which clearly states that the Petitioner was an individual entitled to bring such action under this statute, being the victim's husband. This order along with the Original Complaint filed with the U.S. District Court in this case (Appendix F in the Petition for Writ of Certiorari) clearly prove that many of the Defendants' alleged actions occurred while this statute was still in effect, before 2017. The divorce of the Petitioner and his wife, the victim of these exploitations, became final in 2015, after an application for appeal to the Tennessee Supreme Court in that case was denied. Most of the Defendants' alleged actions occurred before their divorce was final. The Defendants' actions are what coerced the victim of these exploitations to initially file for a divorce, as discussed in the Original Complaint in this case. Many of the Defendants' alleged actions also occurred after the divorce was final in 2015 and before the statute was repealed in 2017. The property owned by the Petitioner and his now ex-wife was sold in February , 2016.

For these reasons, the Petition for a Writ of Certiorari should be granted.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "R. Darrell Trigg", is written over a horizontal line.

R. Darrell Trigg , Pro se , Petitioner

Date : April 27, 2018