

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

T.O., a minor, by and through his mother, Katrina Hayes **PETITIONER(S)**

VS.

Cumberland County Board of Education et al. **RESPONDENT(S)**

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The Fourth Circuit

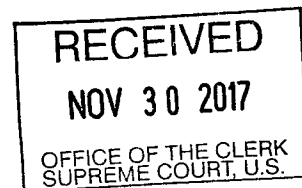
PETITION FOR WRIT OF CERTIORARI

Katrina Hayes

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Cary, North Carolina 27519

347-661-0235



QUESTION(S) PRESENTED

1. How can Petitioners utilize the court system effectively when there has been violations of due process rights (Amendment V and Amendment XIV) and Amendments IV, VII and VIII?
2. When will Petitioners right to privacy and security be restored from daily harassment?
3. What would you do if you found a letter from an attorney that stated "We will use your children to conquer your country by indoctrinating them; then one morning Americans will wake up and find that they live in a communist country!" "In 1963 'The Communist Takeover of America-45Declared Goals'..." and "The American government and the American people shrugged him off as a lunatic farmer. Believing their own PR like a Hollywood movie starlet, and acting like a teenager who feels himself impervious to injury and/or death, and thinking like the Professional and Business community, that America is too big to fail, his revelation was not taken seriously."
4. Would you please use your supervisory power to handle this matter that has so departed from the accepted and usual course of judicial proceedings?

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:

Katrina Hayes
Petitioner

T.O, a minor
Petitioner

Frank Till
Respondent

Susan Williams
Respondent

Judge Selina Brooks
Respondent

Cumberland County Board of Education
Respondent

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TABLE OF AUTHORITIES CITED

STATUTES AND RULES	PAGE NUMBER
Declaration of Independence For protecting them, by a Mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States.	5
The Federal Rules of Civil Procedure Rule 12. Defenses and Objections (1)(A) A defendant must serve an answer(i) within 21 days after being served with the summons and complaint.	8
IDEA Section 1415: Procedural Safeguards, Due Process NC 1504-1.14 Hearing Decisions (1) A hearing officer's determination of whether the child received a Free and Appropriate Public Education (FAPE) must be based on substantive grounds. 20 U.S.C. 1415(f)(3)(E) and (F), 1415(h)(4), 1415(o); 34 CFR 300.513;115C- 109.8	5-7
NC 1504-1.15 State Level Appeal; Impartial review NC 1504-1.15(b)(2)(ii) The official conducting the review must ensure that the procedures at the hearing were consistent with the requirements of due process (v) Make an independent decision upon completion of the review.	7
NC 1504-1.13 Hearing Rights 20 U.S.C. 1415(f)(2), 1415(h); 34 CFR 300.512;155C-109.6 (a) Any party to a hearing conducted...has the right to (2) present evidence and confront, cross-examine, and compel the attendance of witnesses.	5-6
NC1504-1.2 Withholding of information. Opportunity to examine records.	
Local Civil Rules U.S. District Court for the Eastern District of North Carolina Rule 6.1 Motions for an Extension of Time to Perform Act (a) All motions for an extension of time to perform an act required or allowed to be done within a specified time must show good cause, prior consultation with opposing counsel and the views of opposing	8

counsel. The motion must be accompanied by a separate proposed order granting the motion.

American Bar Association

Model Code of Judicial Conduct: Canon 2

Rule 2.2: Impartiality and Fairness 8
A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Rule 2.6: Ensuring the Right to be Heard 8
(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

NCGS 115C-109.6 Impartial due process hearings. 6
(d) The hearing shall be conducted in the county where the child attends school or is entitled to enroll under G.S. 115C-366.

NCGS 115C-391.1 Permissible use of Seclusion and Restraint. (b)(2)(a) 5
"Aversive procedure" means significant physical harm, such as tissue damage. (b)(2)(b) Serious foreseeable long-term psychological impairment. (b)(2)(c) Obvious repulsion on the part of observers who cannot reconcile extreme procedures as defined in this section is prohibited in public schools.

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

☐ is unpublished.

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

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest court to review the merits appears at Appendix D to the petition and is

☐ is unpublished.

The opinion of the Office of Administrative Hearings court appears at Appendix E to the petition and is

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United State Court of Appeals decided my case was August 28, 2017.

☐ 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 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 June 1, 2016. A copy of that decision appears at Appendix E.

☐ 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 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

Article III.

Section. 3. Page 6

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Bill of Rights

Amendment IV. Page 5

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V. Page 5,6,8,9

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; not shall any person be subject for the same offence to be twice put in jeopardy of the life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VII. Page 8

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Amendment VIII. Page 10

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment XIV. Page 5,6,7,8,9.

Section 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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.

STATEMENT OF THE CASE

Katrina Hayes is a former court appointed advocate of abused and neglected children who is advocating on behalf of her son with Autism, T.O. As a 14th Amendment right, Katrina, at the federal level, requested an attorney and was met with silence. Katrina's first duty as a parent was to remove T.O. from Cumberland County Schools due to denial of a Free and Appropriate Education (FAPE) and being physically, verbally and emotionally abused in the school. (115C-391.1 Permissible Use of Seclusion and Restraint) The audio of the abuse was filed in both federal and appeal courts. A petition for a contested case hearing was filed in September 2015.

After a forged signature of the Chief Administrative Law Judge on a court document, there was a judge reassignment for the administrative hearing. The judge assignment was released from Judge Augustus Elkins to Judge Selina Brooks. Within 30 days, Petitioners due process rights were violated by:

1. Not having the opportunity to present reasons why the reassignment shouldn't occur. (per Amendments 5 and 14)
2. Not being provided the grounds for the reassignment. (per Amendments 5 and 14)
3. Having a judge assigned to the case that was out of the geographic jurisdiction.
4. Barred from introducing expert witness testimony and related evidence (34 CFR 300.511 and NC 1504-1.12 through NC 1504-1.14 and NC 1504-1.16) (Amendments 5 and 14)
5. The hearing being moved from a courthouse location to a classroom in Fayetteville Technical Community College (Declaration of Independence-"For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these states.")

Additionally, petitioners hired Robert Ekstrand as counsel on February 2016. Mr. Ekstrand signed the agreement as RAT as opposed to his regular signature of RCS. On February 27, I received a LinkedIn request from RATnakala which stated that it is a mobile app development company. One of the ways my privacy has been invaded is through my mobile devices and email. (Amendment 4)

June 1st Administrative Hearing 15-EDC-07025

Hearing was dismissed in a classroom of a community college. How was an administrative hearing in a 15 feet wide and 17 feet long classroom with four bailiffs on the left side of Petitioner KH aligned with equal rights and liberty?

Respondents and respondent's witnesses were not in attendance. (NC 1504-1.13 Hearing Rights)

Counsel for both parties and petitioner weren't sworn in.

Petitioner KH fired petitioner's counsel at the hearing upon finding out he intentionally missed deadlines to submit evidence.

Petitioners were barred from introducing evidence and testimony a second time. (Amendment 14)

Petitioner was physically assaulted by petitioner's counsel when he existed courtroom. (Amendment 5)

Petitioner's counsel, Robert Ekstrand left a folder in the courtroom. The folder contained a letter laden with terroristic verbiage from James Middlebrooks, the respondent's counsel and a motion for designation of judgement. The motion was dated a day before the hearing and stated Petitioner's request the court to dismiss the case which was not true. Robert Ekstrand has not returned the petitioner's file. (Violation of the NC State Bar Rules of Professional Procedures)

Petitioners were not provided with appeal rights and there wasn't a date stamp on the order. (Amendments 5 and 14)

Hearing was not ruled based on substantive grounds as required per NC 1504-1.14, 20 U.S.C. 1415(f)(3)(E) and (F), 1415(h)(4), 1415(O); 34 CFR 300.513;115C-109.8

Page 36 of the administrative hearing transcript verifies the statement above by Judge Selina Brooks. "I have made no ruling concerning the substance of this matter." (Rule 2.2)

Hearing was held in a county where T.O. didn't attend school. NCGS 115C-109.6(d)

State Level Appeal to the State Review Officer

Case ID:15-EDC-07025

Petitioner's appeal to Joe Walters, State Review Officer was on June 27,2016.

Dr. Walters upheld Judge Selina Brooks decision on July 19,2016. The order wasn't time stamped.

Before Dr. Walter's decision in an email he stated "A review officer's jurisdiction is very limited in a case where there has been no hearing." (NC 1504-1.14 Hearing Decisions and Amendment 14)

Petitioner's informed Dr. Walters of the cover up of the abuse, provided him with audio of the abuse and a transcript of the audio. Dr. Walters didn't mention this in his order and subsequently mailed the evidence back to me.

On page 4 of Dr. Walters order, he states "evidence providing the substance of petitioner's case was never entered". (NC 15.4-1.14 and Amendment 14) The chasm of inconsistency lies in both the federal and state law, which requires the state review officer to ensure that procedures at the hearing were consistent with the requirements in due process. Both federal and state law requires that the decision of the hearing officer be based on substantive grounds. This is a material fact. Per State Level Appeals 34 CFR 300.514 and NC 1504-1.15 through NC 1504-1.16.

Federal Court. The United States District Court for the Eastern District of North Carolina Western Division.

Case ID 5:16-cv-00853-FL

Petitioners filed a federal action on October 14, 2016.

Petitioners served all parties within required timelines.

Petitioners requested a jury trial. The case was dismissed without a jury trial. (Amendment 6 and 14)

Judge Louise Flanagan was assigned to the case.

Judge Louise Flanagan, an Eastern Division Judge was assigned to this Western Division Case. The courthouse location was 3 hours away from petitioner's home.

Respondent Susan Williams didn't respond to the federal action as required within 21 days as per the Federal Rules of Civil Procedure. Susan answered 4 months later.

Attorney for respondent, Frank Till requested an extension that didn't follow the required procedures in the Local Civil Rules of Practice and Procedure. Rule 6.1 Motions for an Extension of Time to Perform Act. Petitioners didn't have the opportunity to respond to the extension request before it was granted. (Amendment 14) This motion was approved and signed illegally by the Clerk of Court, Julie Richards Johnston.

On March 13, 2017 an order and judgment was filed in federal court.

The signature of Judge Louise Flanagan has indentations and is smudged. Petitioners are aware that this is a cut and paste signature. Per fraud specialist, Natalie Riche of the North Carolina Department of Justice signatures with indentations are passed off as authentic because of the propensity to miss them because it looks accurate, the perceived reliability of the source and the perception that it comes from the court.

The order concluded in granting respondent's motion to dismiss without reasons why. (Amendment 14) This is a denial of the petitioner's due process rights. A decision was made without petitioners having the opportunity to be heard. (Rule 2.6 Ensuring the right to be heard and Amendments 5 and 14)(Rule 2.2)

The order was concluded as "plaintiff's motions for summary judgment and motion for default are DENIED AS MOOT." What effect do you think this has had for the family, it's perception of justice and how does this case with a plethora of evidence constitute a pretended court?

Petitioners didn't receive availability of appeal rights in the order. (Amendment 5 and 14).

Petitioner's filed an appeal to the United States Court of Appeals for the Fourth Circuit on April 12, 2017.

Petitioner's notified the United States Court of Appeals for the Fourth Circuit of the deprivation of appeal rights as an attachment to the notice of appeals. This can be found on page 3/3.

Appeal to the United States Court of appeals for the Fourth Circuit.

April 12, 2017

Case ID: 17-1470

Petitioners filed an Informal Opening Brief of 192 pages of facts, laws, policies and procedures.

Petitioners included over 17 hours of audio of the abuse T.O experienced.
(Amendment 14)

Petitioners received a judgment from the Court of Appeals affirming the decision of the district court. The paperwork received was not an official court document and it was not signed by officials.

The unpublished document states that the appeal was submitted before GREGORY, Chief Judge, and SHEDD and DIAZ, Circuit Judges. There were no signatures of the judges on the document.

Petitioners also made the court aware of the continuous privacy invasions of petitioner's home(video and audio), cell phone, landline, email/computer, social media accounts, family members home, and requested a full investigation with the

attorneys Robert Ekstrand and James Middlebrooks. (Third amendment of the Bill of Rights, Amendment 14 and Amendment 8)

Though it was requested that the harassment be addressed at the federal and appeal levels, it hasn't been handled yet.

Petitioners have also notified officials of the privacy violations manifesting as vehicular harassment. For example, petitioner T.O. sensory sensitivity makes wearing socks a challenge. A car with the license plate NO SOCKS arrived at the parking lot of a store petitioner visited. Most of the people who participate in these acts wear dark shades to prevent them from being identified. Petitioner KH does have images of the license plates and tags.

The techniques being used are cruel and meant to make a sport out of embarrassing or exhausting petitioners.

REASONS FOR GRANTING THE PETITION

Petitioners have always admired and respected people who exhibit strength of character, hold to their principles and put people first. As a community leader, Petitioner KH has displayed and imparted these very same values as Girls on the Run Coach, Junior League member and in the honor of being a Girls Inc. of New York City Volunteer of the Year. I'm confident that these are values that Supreme Court Justices share.

SAFETY.

Every child deserves to be safe while at school. Maslow's Hierarchy of Needs shows that if a child's need for protection and security is not met, that child will not be able to realize their potential. Once T.O. was removed from Cumberland County Schools he made significant progress. From only writing the letter A, to writing full sentences. He is even able to take more complex thought processes and put them on paper, like the fact that he wants to be a fireman.

In retaliation for reporting the abuse T.O endured, Petitioner's family has experienced toxic items being left at our home, trash bags thrown at our car windshield while driving, privacy violations, etc.

PRIVACY.

Petitioners are aware of the intentional privacy violations to include audio and video recording of the home, tapping into cell phones, landlines, social media accounts, spies and infiltrators. Once Petitioners step outside the perimeter of the home, Petitioners are met with vehicular tags and license plates that display personal information and relay threats. The goal is to evoke terror and produce anxiety about the 24-hour surveillance. The US Constitution offers protection from these violations. Privacy violations impinge fundamental rights of personal security and personal liberty.

EQUALITY.

It takes a lot of effort to see clearly when there is a legitimate personal need, a moral value, and circumstance worth fighting for. Especially when no solutions have been provided. "Intelligence and reason are able to go through everything that

opposes them." Marcus Aurelius. Petitioners have experienced a pattern which resulted in a deprivation of rights and this has called for an inhuman level of persistence. Petitioners are aware these rights have been afforded to others. Equal access to the courts would make concrete improvements in people lives, would help people trust the court system, would be consistent with the Supreme Courts values and vision, and has generational consequences. What harms law has the power to harm states and citizens.

CONCLUSION

Imagine you are at a park. You see a slide, you see some swings and you see some other things. But each time you try to use one of them they won't let you. The swing doesn't swing. The slide doesn't let you slide down it. What use is the park?

It looks good, but it doesn't do its job. You came there for a purpose, but now the park is useless to you. The park is turning out to be lame, and unable to really do much for you...beyond simply "looking" like a park. -Anonymous

This had been the Petitioners experience with the courts:

- *Deprivation of Appeal Rights

- *Fraudulent court documents

- *Privacy Violations

- *Due Process Rights Violations

- *IDEA Hearing Rights and Hearing Decision Violations

- *Violations of Human Rights

- *Terroristic actions

- *Practice of conduct that deprived Petitioners of legal and Constitutional Rights

- *Repeated disregard for the law and the Constitution

Petitioners request privacy restored, full investigation of the attorneys, full reimbursement of tuition and tuition related expenses, punitive damages, restraining order, prospective education and a plan in place to prevent this from happening again.

Petitioners would appreciate it if you made the ethical choice regarding this request.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Katrina Hayes

Date: November 27, 2017