

NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

ARTIS ANDERSON,

PETITIONER,

Vs.

VANESSA M. DICKSON, *et al.*,

RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE
SIXTH CIRCUIT, NO. 16-6290

PETITION FOR WRIT OF CERTIORARI

ARTIS ANDERSON, Petitioner, *pro se*
225 Pearl Dr., # 19
Somerset, KY 42503

QUESTIONS PRESENTED

I

DID THE DISTRICT AND COURT OF APPEALS ERROR BY
FAILING TO FOLLOW KENTUCKY'S HIGHER COURTS'
INTERPRETATION OF STATE LAW?

..... 6

II

CAN A STATE COURT JUDGE GRANT A THIRD PARTY
"UNLIMITED AUTHORITY" OVER ANYBODY?.....12

III

CAN A STATE EXERCISE TOTAL CONTROL OVER A MARRIAGE? 13

IV

CAN A STATE JUDGE ANNUL A MARRIAGE ON THE
PETITION OF A THIRD PARTY? 14

V

CAN FEDERAL COURTS PROHIBIT A CITIZEN FROM SEEKING
REDRESS FOR VIOLATIONS OF RIGHTS UNDER THE
CONSTITUTION AND INTERNATIONAL LAW? 15

VI

CAN A STATE'S CONSTITUTION NULLIFY A STATE'S HIGHEST
COURT'S OBLIGATION TO PROTECT CITIZENS' RIGHTS UNDER
THE CONSTITUTION AND INTERNATIONAL LAW? 16-17

VII

WERE ALL OF THE UNDERLYING LEGAL ACTIONS BASED
ON FRAUD? 18

VIII

ARE THE APPELLEES ENTITLED TO IMMUNITY FROM LIABILITY? 20-21

IX

IS THE APPELLANT’S WIFE A VICTIM OF HUMAN TRAFFICKING? 22

X

DID THE COURT OF APPEALS MAKE NUMEROUS ERRORS IN
CONTROLLING LAWS AND OTHER ERRORS? 24-25

CONCLUSION 33

LIST OF PARTIES

Vanessa M. Dickson, Judge, Woodford County (KY) District Court;

Jeff Moss, Family Court Judge, Jessamine County (KY) Circuit Court;

Thomas Coburn, M.D.

Dr. Quisenberry;

Paramedic, Ford,

Paramedic Rankin

Officer Costigan, Versailles (KY) police department;

Patricia Wiley, CHFS, employee;

Jacob Edward, officer, Nicholasville (KY) police department;

John Short, employee of Council Oaks;

Robert Horn; and

Council Oaks, a Kentucky Corporation.

OPINIONS BELOW

JURISDICTION

INDEX TO APPENDIX:

A: OPINION AND ORDER OF DISTRICT COURT

B. OPINION OF SIXTH CIRCUIT COURT OF APPEALS

C: CERTIFICATE OF MARRIAGE

D: MEDICAL RECORDS, ascertaining that Mrs. Anderson's judgment was "normal.

E. OFFICER COSTIGAN NOTE ascertaining that Mrs. Anderson was unable to resist, this constituting kidnapping under Kentucky law.

TABLE OF AUTHORITIES

<i>Brown v. Administrative Office of the Courts</i>	13, 30
<i>Casey v. Population Services International</i> , 431 U.S. 678, 684-85.....	30
<i>Cooper v. Aaron</i> , 358 U.S. 1	10, 11, 20 24, 31, 34
<i>Denton v. Commonwealth</i> , 353 S.W. 2d 681	2, 6
<i>Doe v. Cowherd</i> , 770 F. Supp. 354, 965 F. 2d 1091, 509 U.S. 312	12
<i>Downing v. Siddens</i> , 247 Ky. 311, 57 S.W. 2d 189, 190-191	2, 21, 22
<i>Earle v. McVeigh</i> , 91 U.S. 503	16
<i>Elloit v. Piersol</i> , 1 Pet. 328, 340, 26 U.S. 328, 340	17, 31
<i>Ferguson v. Ferguson</i> , 610 S.W. 2d 925	9, 14, 21
<i>Griffin v. Breckenridge</i> , 403 U.S. 88, 91 S. Ct. 1790, ...	13
<i>Griswold v. Connecticut</i> , 381 U.S. 479, 86 S. Ct. 1678, 14 L. Ed. 2d 510	8, 20, 30
<i>Groppi v. Wisconsin</i> , 400 U.S. 505, 507	9, 24
<i>Hagar v. Pacific Mut. Ins. Co.</i> , 43 F. Supp. 22 (E.D., Ky.)	22
<i>Hanson v. Denckla</i> , 357 U.S. 235	17
<i>Hines v. Lowery</i> , 305 U.S. 85	16
<i>Jackson v. Indiana</i> , 406 U.S. 715	23
<i>Johnson v. Johnson</i> , 294 Ky. 77	4, 9, 14, 19, 26, 32
<i>Johnson v. Sands</i> , 245 Ky. 529, 53 S.W. 2d 929.....	27
<i>Jones v. Perry</i> , 215 F. Supp. 3d 563.....	36
<i>Jordan v. J. Gilligan</i> , 500 F. 2d. 701 (6 th Cir.).....	17, 30
<i>Kalub v. Feverstein</i> , 308 U.S. 433.....	16

<i>Kingsley Pictures Corporation v. Regents</i> , 360 U.S. 684	9
<i>Knott v. Garrote</i> , 784 S.W. 2d 603, 605.....	28
<i>Leach v. Burr</i> , 188 U.S. 510.....	6
<i>Logan v. Zimmerman Brush Co.</i> , 455 U.S. 422.....	21
<i>Long v. Shorebrook Development Corp.</i> , 182 F. 2d 548 (7 th Cir.).....	17
<i>Loving v. Virginia</i> , 388 U.S. 1, 12, 87 S. Ct. 1817.....	8, 20
<i>NAACP v. Ala.</i> , 377 U.S. 288, 307.....	30
<i>Mapp v. Ohio</i> , 267 U.S. 643.....	30, 33
<i>Marbury v. Madison</i> , 5 U.S. 127.....	11
<i>Maynard v. Hill</i> , (citation omitted)	20, 33
<i>M.B.L v. S.L.J.</i> , 519 U.S. 102, 109.....	13
<i>Miller v. Davis</i> , 123 F. Supp. 3d 924 (E.D., Ky.)	36
<i>Mills v. Killebrew</i> , 765 F.2d 69 (6 th Cir.).....	21
<i>Mireles v. Waco</i> , 502 U.S. 2, 9.....	29
<i>Moore v. City of East Cleveland</i> , 431 U.S. 494.....	5, 13
<i>Morrison v. Jones</i> , 320 U.S. 545.....	25
<i>O’Conner v. Donaldson</i> , 422 U.S. 563.....	23
<i>Obergefell v. Hodges</i> , 576 U.S. _____, 135 S. Ct. 2485, ...	7, 8, 20 29, 30, 32, 33
<i>Pauly v. White</i> , 580 U.S. _____ (2017), 137 S. Ct. 548, 196 L. Ed. 2d 463.....	21
<i>Pennzoil v. Texaco</i> , 481 U.S. 1, 18.....	35
<i>Rankin v. Howard</i> , 633 F. 2d 844 (9 th Cir.).....	20, 21
<i>Rice v. Floyd</i> , 768 S.W. 2d 57.....	2

<i>Riehle v. Riehle</i> , 504 S.W. 3d 7.....	15, 26
<i>Shepherd v. Shepherd</i> , 174 Ky. 615, 192 S.W. 658.....	14, 25, 26
<i>Silverburg v. Commonwealth</i> , 587 S.W. 2d 241.....	2
<i>Smith v. Flynn, II</i> , 390 S.W. 3d 157.....	15, 27
<i>Sterling v. Constantin</i> , 278 U.S. 378.....	30, 31
<i>Stump v. Sparkman</i> , 435 U.S. 349, 355, 356.....	20, 31
<i>Turpin’s Adm’r. v. Stringer</i> , 14 S.W. 2d 189, 190-91.....	2
<i>United States v. Blackwood</i> , 765 F. 2d 131 (7 th Cir.).....	4
<i>United States v. Murphy</i> , 768 F. 2d 1518 (7 th Cir.), <i>cert. den.</i> 475 U.S. 1012.....	4
<i>United States v. Peters</i> , 5 Crouch 115, 116.....	31
<i>United States v. Sypher</i> (citation omitted).....	17
<i>Watson v. City of Memphis</i> , 373 U.S. 526.....	11
<i>W. T. Sistrunk v. Navarra’s Comm.</i> , 268 Ky. 753, 105 S.W. 2d 1339.....	23

KENTUCKY CONSTITUTION

Section 131?

Kentucky Statutes:

KRS 15.700.....	3
KRS 387.510(8)(b).....	7, 14, 23, 25
KRS 387.660(1).....	7
KRS 387.740(3).....	6
KRS 387.740(4).....	7
KRS 387.740(5).....	7

KRS 387.990.....	2, 22
KRS 402.....	7
KRS 402.020(1).....	27
KRS 402.120(a)(2).....	27, 28, 29
KRS 514.080.....	4

Kentucky Supreme Court (SCR) Rules

Code of Judicial Conduct	19
SCR, Rule CANON 3B(8).....	19
SCR	
1.040(5).....	32

Federal Statutes

18 USC §1951(b)(2).....	5
22 USC § 7101(23).....	8
28 USC § 1652.....	6
28 USC § 1981.....	30
28 USC § 1983.....	29
42 USC § 1985	13

Federal Rules of Civil Procedure (FRCP)

FRCP, Rule 52.....	5
--------------------	---

Publications

<i>Universal Declaration on Human Rights (UDHR), Articles 8, 16.....</i>	8, 15, 17
<i>International Covenant on Civil and Political Rights (ICCPR),.....</i>	9, 10

13 L. J. Fam. & Stud. 187 (2011).....	1
74 Norte Dame L. Rev. 1129.....	35
<u>Unoriginal Sin: The Problem of Judicial Plagiarism</u> , 45 Ariz. L.J. 1977,.....	10
<u>Government Accountability Office (GAO) Reports</u>	
No. 10-1046.....	1, 12
No. 17-33.....	1, 12
No. 13.110.....	1, 12
No. 11.208.....	1, 12
<u>Websites</u>	
<u>www.jail4judges.com</u>	2
<u>www.en.wikipedia.org/wiki/Marriage_Act_1753</u>	8
<u>www.dhs.gov/bluecampaign</u>	24
<i>Human Trafficking: It Ain't Just for Sex Anymore.</i> <u>www.activistpost.com/2011/04/human-trafficking-it-ain't-just-for-sex.html</u>	1
<u>www.senate.gov</u>	27
<u>www.indiana.edu/~istd/example.html</u>	17

APPENDIX:

1. Sixth Circuit Court of Appeals Opinion
2. District Court's Opinion
3. Mrs. Anderson's medical record (showing normal "judgment")
4. Mrs. Anderson's July 22nd Note

STATUTES:

18 USC § 1951(b)(2): In relevant part: “The term extortion means the obtaining of property from another, . . . under color of official right.”

28 USC § 1652: In relevant part: “The laws of the . . . states . . . shall be regarded as rules of decisions in civil actions in the United States.

22 USC § 7101(b)(23): “The United States . . . agrees that trafficking in persons. . . Universal Declaration on Human Rights.”

Kentucky Supreme Court Rules (SCR), Rule 3.1: “A lawyer shall not knowingly bring or defend a proceeding, or assert or controvert an issue, unless there is a basis in law and fact for doing so that is not frivolous, . . . ”

KRS 387.510(8)(b): In relevant part: “Disability . . . shall be evidenced by acts or occurrences within six (6) months prior to the filing of the petition. . . and shall not be evidenced solely by isolated instances of . . . behavior.

KRS 387.570(5): “The burden of proof shall be on the Commonwealth to prove the disability . . . by clear and convincing evidence.”

KRS 387.750(3): “Within one (1) week of the filing of a petition . . . the court shall conduct a hearing. * * * Notice of the time and place of the hearing shall be given not less than forty-eight (48) hours prior to the hearing. . . .”

KRS 387.990(1): “Any person who wrongfully causes or conspires with or assists another in causing the unwarranted determination of disability . . . or the denial of any rights accorded to him . . . shall be guilty of a Class A misdemeanor .

OPINIONS BELOW

The opinion of the Sixth Circuit Court of Appeals was not published (App. 1) and the opinion of the District Court was not published (App. 2).

JURISDICTION

The Opinion of the Sixth Circuit Court of Appeals was entered on the 17th day of October, 2017. This Petition was timely mailed to the Clerk of the Court and counsels for the Respondents. This Court has jurisdiction pursuant to 28 USC § 1254.

STATEMENT OF THE CASE

This case began in 2015 following the marriage of the Petitioner and Mary Ellen Reynolds.¹ Just as soon as Robert Horn became privy to the marriage, he set out to destroy it. He began by calling Mrs. Anderson's estranged daughter, Cheryl Webster,² and lying to her about the details of the marriage. A conspiracy was formed between Horn and Webster to seek guardianship over Mrs. Anderson for the purpose of getting her marriage annulled. Miss Webster started the execution of the conspiracy by coming to the Andersons' home with a police officer in tow for a "welfare check," a standard procedure when somebody wants to abuse the elderly. Ref.: GAO Reports Nos. 10-1046, 17-33, 13-110, 11-208, etc., and *Human Trafficking: It Ain't Just About Sex Anymore*, based on GAO, Report No. 10-1046.

1. The name used for Petitioner's wife will be Mrs. Reynolds prior to the marriage and Mrs. Anderson after the marriage.

2. The name used for Mrs. Reynolds/Anderson's daughter will be Miss Webster prior to her marriage and Mrs. Craft after her marriage which occurred about three weeks prior to her death.

Mrs. Anderson was forced out of her home and taken to Saint Joseph hospital and was discharged without treatment. However, Miss Webster persuaded the hospital to admit her for observation and then filed a Petition for guardianship in the Woodford County (KY) District Court using hers and a doctor's perjured affidavits and a portion of Miss Webster's affidavit was apparently "cut and pasted" from a legal publication: *13 L.J., Fam. & Stud.* 187 (2011).

On the 29th day of May 2015, the Kentucky District Court, Judge Vanessa M. Dickson, held a hearing over the objection of the Petitioner in violation of Kentucky's statutes and after she had lost jurisdiction under Kentucky statutes prior to commence the hearing. Kentucky guardianship statutes must be strictly followed, or jurisdiction is lost, *Rice v. Floyd*, 768 S.W. 2d 57, *Silverburg v. Commonwealth*, 587 S.W. 2d 241, *Downing v. Siddens*, 247 Ky. 311, 57 S.W. 2d 1 (1933), and the judgment is Null and Void, *Turpin's Adm'r. v. Stringer*, 14 S.W. 2d 189. 190, 191.

The Petitioner herein appealed Judge Dickson's decision to the Woodford Circuit Court and his appeal was dismissed without the Court addressing the germane issues—*e.g.*, the loss of jurisdiction, perjured affidavits and the inadmissibility of the doctor's affidavit, which is not unusual given that *pro se* litigates are treated with total disrespect and scorn. www.jail4judges.com.

Judge Dickson appointed Kentucky's Cabinet for Health and Family Services (CHFS) as Mrs. Anderson's guardian and the state's personnel completely disregarded and disrespected the Anderson's marriage and, in effect, appointed

Horn as Mrs. Anderson's deputy guardian in complete violation of the Petitioner's Constitutional rights as those rights have been defined by this Court in numerous cases. Judge Dickson effectively ended the Andersons' marriage. She granted the CHFS "unlimited authority" over Mrs. Anderson as if she was a Blue Blood Royal Queen and as if no state, federal or international law existed. Judge Dickson's acts were criminal under Kentucky law, KRS 397.990.

Judge Dickson scheduled another hearing for the 22nd day of July 2015, and on that date, Horn filed to be named Mrs. Anderson's guardian. The County Attorney—who is responsible for representing the Commonwealth of Kentucky—sternly objected to Horn being appointed. The County Attorney was also responsible to prove that Mrs. Anderson was "disabled" and needed a guardian and he made no effort to do so. Miss Webster's and Horn's attorney, Seth Thomas, was running the show like he had appointed himself to be the Woodford County Attorney. The Kentucky Attorney General has taken no action to prosecute the public officials' criminal acts and, in fact, has defended them contrary to law. KRS.15.700.

During the subsequent trial to determine Mrs. Anderson's disability on November 6, 2015, Horn ADMITTED that he had paid him for goods and services that he HAD NOT provided for Mrs. Anderson by the State out of Mrs. Anderson's funds—a cut and dried case of embezzlement. Mr. Horn ADMITTED at a subsequent trial that he WAS NOT related to Mrs. Anderson, but when he was in control of her at Council Oaks Assisted Living facility, he had the staff

convinced that he was her SON. Horn is a known liar, thief and perjurer. Nevertheless, he was eventually named Mrs. Anderson's guardian. He quickly started legal actions to deprive the Petitioner of property, etc., notwithstanding the fact that his appointment as Mrs. Anderson's guardian was based upon fraud, perjury, etc., rendering the guardianship a nullity without any force or effect of law. Every act and deed done by the so-called "guardians have been done in violation of State and federal criminal laws. In re the sale of the property, not one shred of evidence was filed to support Mr. Horn's lawyer's argument and the one piece of evidence vital to the case—the check written to pay for the property—was withheld by the attorney. The Judge, Jean C. Logue entered a judgment supported by nothing but a lawyer's argument, while Petitioner's motion to compel discovery was pending before the court. The court's judgment is a nullity and the purchaser of the property is a trespasser and possessor of stolen property valued at several thousands of dollars and Judge Logue is as guilty of theft of the property as Horn and his shyster lawyer, KRS 514.080. An appeal of this action is pending in the Kentucky Court of Appeals, but the Clerk of the local court has not Certified the Record contrary to State law that requires the record be certified within Ten (10) days after entry of judgment. Kentucky's Court of Justice is unconstitutional and operates as a criminal enterprise equal to the corrupt Cook County (IL) Circuit Court as found by the Seventh Circuit Court of Appeals, *United States v. Blackwood*, 768 F. 2d 131 (7th Cir. 1985); *United States v. Murphy*, 768 F. 2d 1518, *cert. den.* 475 U.S. 1012.

A week after the November 6th trial, Patricia Wiley, an employee of the Commonwealth of Kentucky, file a Petition to annul the Andersons' marriage in violation of Kentucky law. Jessamine Family Court Judge annulled the Andersons' Marriage in the 28th day of March 2016 but DID NOT sign a FINAL ORDER preventing his decision from being appealed to the Kentucky Court of Appeals. At a hearing held on the 2nd day of August 2017, Judge Moss promised from the Bench to sign a Final Order that day and has failed to do so. Judge Moss had no jurisdiction to grant the annulment on the so-called guardian's petition, *Johnson v. Johnson*, 294 Ky. 77.

The misdeeds of the Appellees in the U.S. District Court case have all violated the Petitioner's rights under the United States Constitution and International Law of which the United States is obligated to abide by and honor. The District Court DISMISSED the Petitioner's case in violation, *inter alia*, FRCP 52. Rather than consider the FACTS and apply the applicable LAW, Judge Caldwell "cut and pasted" from the arguments of counsel as her OPINION.

Notwithstanding all of the misdeeds and illegal acts of Judges Dickson, Moss, and all of the others judges that have had an opportunity to vacate, set-aside, and correct the nullities, the so-called guardians have continued to violate the Petitioner's constitutional rights and his rights under international law, including, *inter alia*, the right to have and own property, have a home with his spouse, and they have stolen and embezzle at the very least tens of thousands of dollars including approximately Forty-five Thousand (\$45,000) Dollars from the

Social Security Administration (SSA), violations of 18 USC § 1951(b)(2)—“under color of official right”— and perhaps as much as Five-Hundred Thousand (\$500,000) Dollars or more from Mrs. Anderson.

QUESTIONS PRESENTED

I

DID THE DISTRICT AND COURT OF APPEALS ERROR BY FAILING TO FOLLOW KENTUCKY’S HIGHER COURTS’

INTERPRETATION OF STATE LAW?

Yes, the federal courts—District and Appellate—are not Article III constitutional courts, but are legislative created courts under Article III of the Constitution. Therefore, the District and Petitioner courts are subject to the authority of the United States Congress, and the Congress has exercised its authority, by enacting 28 United States Code, § 1652, limiting the District and Appellate Courts’ jurisdiction. Therefore, the District and Courts of Appeal have no jurisdiction to interpret state law different that the states’ higher courts have interpreted it. Only the Constitution and International Treaties limit the jurisdiction of this Court.

The District and Sixth Circuit Court did not follow Kentucky’s appellate courts’ interpretation of State law nor the reverent opinions of this Court.

It was a violation of the Petitioner’s constitutional rights under the Due Process Clause of the Fourteenth Amendment for Judge Dickson to appoint a guardian over the Petitioner’s wife without a shred of evidence legally admitted that a guardian was needed or justified. Judge Dickson violated at least five (5)

Kentucky state statutes: a) the first hearing was not held within “one week” as required by KRS 387.740(3), as a “week” has been defined by this Court, *Leach v. Burr*, 188 U.S. 510, as being a seven days period of time commencing on Sunday and ending on Saturday; b) forty-eight hours’ notice was not provided to the parties of interest, the Andersons, and this deprived Judge Dickson of jurisdiction, KRS 387.740(3); c) Judge Dickson considered Dr. Queensberry’s affidavit as proof of Mrs. Anderson’s disability which was not admissible, *Denton v. Commonwealth*, 353 S.W. 2d 681; d) Judge Dickson allowed Seth Thomas to present the case in violation of KRS 387.560(3), which requires the Commonwealth to proof disability by “clear and convincing” evidence (KRS 387.570(5), KRS. 387.740(4)) and the Commonwealth must be represented by the County Attorney. The County Attorney made no effort to prove Mrs. Anderson was disabled. He did recite before the Court a phone call he had received from Mrs. Anderson that morning expressing her wishes and desires in an articulate, rational manner, and this disqualified Mrs. Anderson as a candidate for a guardian, *Hagar v. Pacific Must. Ins. Co.*, 43 F. Supp. 22 (U.S.DC, E. Ky.). Therefore, he knew that the guardianship was not justified; e) even if the perjured affidavit of Miss Webster had been true, her allegations did not establish sufficient grounds for a guardianship because they were based on an isolated incident, KRS 387.510(8)(b); f) Judge Dickson effectively ended the Andersons’ marriage which she lacked jurisdiction to do as only a Circuit Court judge can do under Kentucky law, KRS Chapter 402; and g) Kentucky statutes, KRS 387.660(1)--which is unconstitutional because it trespasses on the spouse’s Constitutional rights and is VOID

because it conflicts with International Law as encapsulated in the treaties signed by the United States, under Article VI of the United States Constitution--specifically limits the authority of guardians and nothing in Kentucky law authorize a judge to grant guardians "unlimited authority." Consequently, Kentucky state government employees have violated many of the Constitutional right that this Court has held that a spouse has under the Constitution of the United States and the District and Court of Appeals have failed to follow a single precedent of this Court to protect the Petitioner's rights.

Under International Law, *Universal Declaration of Human Rights*, (DUHR) Articles, *inter alia*, 8 and 16, which the United States Congress adopted as federal law, 22 USC § 7101(b) (23). The acts of Judge Dickson, et al., have effective put the United States government in violation of International Law. Judge Dickson and other Kentucky state judges have violated the Petitioner's rights under International Law³ as well as rights under the United States Constitution. People of majority have a right to marry and the only marriages that the states may prohibit are forced marriages. "The freedom to marry or not marry, . . . resides with the individual and cannot be infringed by the States." *Obergefell v. Hodges*, 576 U.S. _____, 135 S. Ct. 2584, 2599, 192 L. Ed. 2d 609, citing *Loving v. Virginia*, 388 U.S. 1, 12, 87 S. Ct. 1817, 18 L. Ed. 2d 1010. This Court said that, "Marriage is the coming together for better or for worst, . . . and intimate to the degree of being sacred." *Griswold v. Connecticut*, 381 U.S. 479, 486, 85 S. Ct. 1678, 14 L. Ed. 2d 510. This Court held in *Obergefell*, *id.* that marriage provided two persons such freedoms "as expression, intimacy, and spirituality," at

2599. The words “sacred” and “spirituality” have religious overtones. Indeed, marriage is a religious institution—being one of three sacred institutions that the Creator created for man, the other two being the Priesthood of the Old Testament and the Church of the New Testament and was recognized as such by Western Civilization until the Marriage Act of 1753 was enacted by Wales and England. Ref. www.en.wikipedia.org/wiki/Marriage_Act_1753. As this Court made clear, marriage is between two people—it is NOT subject to approval or disapproval by offspring of the couple contrary to the opinions of Kentucky’s courts—State and Federal and the Sixth Circuit.

By affirming the lower court, the Sixth Circuit violated a very basic limit of its jurisdiction—*i.e.*, failing to follow the opinion(s) of Kentucky’s highest Court in interpreting State law. This Court held that the federal court must follow the states’ higher Courts’ interpretation of State law, *Groppi v. Wisconsin*, 400 U.S. 505, 507, citing *Kingsley Pictures Corp. v. Regents*, 360 U.S. 684. A guardian—empowered by state law and in reality a state actor and state agent, CAN NOT seek the annulment of a ward’s marriage, *Johnson*, *id.*, and neither can an offspring, *Ferguson*, *id.*, 610 S.W. 2d 925.

The relevant provisions of the *International Covenant on Civil and Political Rights* state the following:

Article 2(2): “Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, . . . to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.”

Article 2(3)(a): “To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.”

Article 2(3)(c): “To ensure that the competent authorities shall enforce such remedies when granted.”

Article 8(1): “No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.”

Article 8(2): No one shall be held in servitude.”

Article 12(1): “Everyone lawfully within the territory of a State shall, ... have the right to liberty of movement and the freedom to choose his residence.”

Article 17(1): “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.”

Article 17(2): “Everyone has the right to the protection of the law against such interference or attacks.

Article 23(2): “The right of men and women of marriageable age to marry and to found a family shall be recognized.”

Many rights guaranteed to the Petitioner or to Mrs. Anderson under the provisions of this Covenant have been violated and neither the Department of Justice or the United States Attorneys in Kentucky has taken any action to honor the obligation of the United States to enforce these treaties, to say nothing of the Executive, Legislative, or Judicial branches of Kentucky’s government’s obliga-

tion as defined by the Court in *Cooper*, id., pp. 17—19. The failures of Kentucky's government put the federal government in violation of International Law and as such Kentucky's state government is unconstitutional under *Cooper v. Aaron*, 358 U.S. 1, as defined by the Fourteenth Amendment to the United States Constitution: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; . . . nor deny to any person within its jurisdiction the equal protection of the laws." Fourteenth Amend., § 1.

The District and Court of Appeals have effectively sanctioned the violations of constitutional and international law violations by failing to enjoin the State's courts' decisions and have failed to protect the Petitioner's rights, which is the first duty of the government, *Marbury v. Madison*, 5 U.S.137. And this Court has ruled that people's constitutional rights are to be vindicated without delay. *Watson v. City of Memphis*, 373 U.S. 526 wherein this Court reversed the Sixth Circuit's opinion (303 F. 2d 863) that deprived citizens of their rights for six months and this Court Ordered prompt relief in *Cooper*, id. The Petition/Petitioner's rights have been violated for two and a half years. The Sixth Circuit failed to follow, at least, one opinion of this Court that Reversed the Sixth Circuit, *Moore v. City of East Cleveland*, 431 U.S. 494, Data shows that Eighty-six percent of the cases that this Court accepts from the Sixth Circuit are reversed—second only to the Ninth Circuit in percentage of reversals. The Fourteenth Amendment requires equal treatment.

II

CAN A STATE COURT JUDGE GRANT A THIRD PARTY
“UNLIMITED AUTHORITY” OVER ANYBODY?

No, the Liberty Clause of the Fourteenth Amendment guarantees—except in Kentucky according to the Kentucky state courts and the District Court and Sixth Circuit Court of Appeals—people personal liberty and freedom to make personal choices, including the choose of to marry or not to marry. Not even prison wardens have “unlimited authority” over inmates on death row. However, this is the authority that Judge Dickson granted the CHFS over Mrs. Anderson in total disregard of the Petitioner’s rights under the Fourteenth Amendment of the United States Constitution. With this “unlimited authority” came the ability to steal, mismanage, misuse, pay personal lawyers’ fees and embezzle Mrs. Anderson’s assets and the steal and dispose of the Petitioner’s property as if they were his guardian, too.

This type of abuse of elders’ assets is well known to the federal government but to the Petitioner’s knowledge has never been addressed by this Court and to Petitioner’s knowledge no case in Kentucky has been investigated. The General Accountability Office (GAO) has investigated several cases in twenty or more states and in every case investigated by the GAO predator guardians were prosecuted. The GAO, has published several reports, *inter alia*, Reports Nos. 10-1046, 17-33, 13-110, 11-208, and have funneled funds to the states to address the problem. However, in Kentucky the funds went to CHFS—the culprits’ doing the abusing or turning a blind eye to it. Kentucky’s statutory law is far too weak to curtail the abuse. For example, when a guardian submits his report as required

by law, it is accepted as *prima face* evidence and apparently cannot be questioned for abuse? KRS 387.790. This law establishes a legal license for predatory guardians to steal, misuse, and embezzle from their wards and according to Robert Horn's family this is how he has obtained about everything he owns. Kentucky's inadequate laws have been addressed by the federal courts before and found to be wanting. Ref. *Doe v. Cowherd*, 770 F. Supp. 354, *aff'd in part and rev'd in part*, 965 F. 2d 109, *rev'd*. 509 U.S. 312. One Kentuckian has raised questions about the state's guardianship practices and a state employee was allegedly fired for raising concerns about it according to pleadings filed in *Brown v. Administrative Office of the Courts*, 17—CI—00676, in the Franklin Circuit Court, and according to the pleadings a federal investigation is in progress with a grand jury calling witnesses in re Kentucky's corrupt guardianship program.

III

CAN A STATE EXERCISE TOTAL CONTROL OVER A MARRIAGE?

This Court has ruled in several cases that a state cannot exercise unreasonable control over marriages. For example, this Court held in *M.B.L v. S.L.J*, 519 U.S. 102, 109 that a state cannot DISSPECT or DISREGARD [emphases added] a marriage. That is all that Kentucky has done in re Petitioner's marriage—totally disrespect it and disregarded every Constitutional right that the Fourteenth Amendment to the United States Constitution and UCHR, grants him

under International Law; and the State usurped unwarranted control of Mrs. Anderson without a shred of evidence to support the state's acts.

Contrary to the lower courts' contention, 42 U.S.C § 1985 reaches private conspiracies to violate constitutional rights, and applies to all citizens. *Griffin v. Breckenridge*, 403 U.S. 88, 91 S. Ct. 1790, 1799.

The Sixth Circuit Court of Appeals failed to follow this Court's opinion in *Moore v. City of East Cleveland*, 431 U.S. 494, which *reversed* the Sixth Circuit.

IV

CAN A STATE JUDGE ANNUL A MARRIAGE ON THE PETITION OF A THIRD PARTY?

There is no federal law regarding the annulment of marriages to Petitioner's knowledge. Therefore, the annulment of marriages is controlled by State law. Kentucky's statutes and case law do provide for the annulment of certain marriage; however, those statutes do not apply to the Andersons' marriage. Under Kentucky law, an offspring cannot seek the annulment of a parent's marriage, *Ferguson v. Ferguson*, 610 S.W. 2d 925; a guardian cannot seek the annulment of a ward's marriage, *Johnson v. id.* Seth Thomas violated Kentucky Supreme Court (SCR) Rule 3.1 by failing to advise Miss Webster that she lacked standing to seek a guardianship over her mother to enable her to seek the annulment of the

Andersons' marriage. Also, Seth Thomas had done legal work for Mrs. Anderson only a few months prior to May 2015 and was privy to the totality of Mrs. Anderson's assets and he was privy to her intent to marry the Petitioner long before her competency was every questioned. Seth Thomas pressed for the admission of Dr. Coburn's deposition after the Petitioner had argued before Judge Moss that it was not admissible pursuant to KRS 387.510(8) b), *Smith v. Flynn II*, 390 S.W. 3d 157, and even if Mrs. Anderson was disabled at the time of the marriage, neither her daughter, the State, or she could challenge it, *Riehle v. Riehle*, 504 S.W. 3d 7, *Shepherd v. Shepherd*, 174 Ky. 615, 192 S.W. 658.

V

CAN FEDERAL COURTS PROHIBIT A CITIZEN FROM

SEEKING REDRESS FOR VIOLATIONS OF RIGHTS

UNDER THE CONSTITUTION AND INTERNATIONAL LAW?

No. The First Amendment to the United States Constitution guarantees the people the right to seek redress. And UCHR, Article 8 guarantees the peoples of the signature countries the right to a remedy for trespasses of their rights. However, given the history of Kentucky's District Courts and the Sixth Circuit Court of Appeals, the Petitioner will not file an appeal of his case in U.S.DC, W.Ky., 17—CV—00359—TBR—until this Court rules on this case.

It is true that the Petitioner has filed a few cases in the federal courts of Kentucky. What the Kentucky Attorney General does not brag about is that Petitioner's federal cases have allegedly resulted in two crooked states judges, Philip K. Wicker and William Cain resigning and Judge Coffman being partly reversed by the Sixth Circuit. Nor does the Attorney General disclose that in every one of the Petitioner's cases that have been dismissed the judges have "cut and pasted" parts of opposing counsels' arguments as the opinions of the court. In not even one of these cases cited by the Sixth Circuit has any discovery been allowed, which would have disclosed the lies of the lawyers. In one of the cases, the lies of the lawyer(s) for CHFS apparently resulted in the untimely death of a Kentucky woman and the CHFS have wasted, at least, tens of thousands of taxpayers' dollars resisting disclosure of the misdeeds of CHFS employees resulting in the deaths of several Kentucky's abused children.

The bottom line in this case, the illegally appointed guardians have stolen and destroyed thousands of dollars' worth of the Andersons' assets, including the Petitioner's home rendering him homeless, and now they are being awarded attorneys' fees which will result in him filing for bankruptcy when the bills come in. This is NOT what marriage is meant to mean at the hands of shyster lawyers and meddlers bullying themselves into matters that are none of their business.

VI

CAN A STATE'S CONSTITUTION NULLIFY A STATE'S

HIGHEST COURT'S OBLIGATION TO PROTECT
CITIZENS' RIGHTS UNDER THE CONSTITUTION
AND INTERNATIONAL LAW?

The answer to this question is No. Neither State law nor local rules of court can be Used to thwart a person's Constitutional rights under the United States Constitution. *Kalub v. Feuerstein*, 308 U.S. 433; *Hines v. Lowery*, 305 U.S. 85. The United States Constitution is the "Supreme law of the Land" as are the Treaties signed by the United States. There is no law above the Constitution of the United States and no state may follow any law to the contrary. However, Kentucky's Supreme Court rejected Petitioner's appeal because he styled it as an "Appeal" rather than a Petition for "Discretionary Review." This Court held in *Earle v. McVeigh*, 91 U.S. 503, *Hanson v. Denckla*, 357 U.S. 235, there is no room for discretion when a Constitutional right is violated. The Constitution mandated that the Kentucky Supreme Court vacate the lower courts' actions in re the Andersons' marriage and the guardianship because they were granted in violation of clearly controlling laws—statutory and case—they were nullities, *Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340. Nullities can be attacked in any court at any time and no court has jurisdiction to fail to set them aside, *Long v. Shorebrook Development Corp.*, 182 F. 3d 548 (7th Cir., Ill, 1999) followed by the Sixth Circuit, 474 F. 3d 324, and has no discretion in determining whether it should be set aside, *Jorden v. J. Gilligan*, 500 F.2d 701 (6th Cir.). The Sixth Circuit Court of Appeals simply failed to follow any controlling law. It too, largely formed its opinion by "cutting and pasting" lawyers' arguments as

its opinion. This practice has been condemned by many courts—including USDC, W. Ky., Louisville, in *United States v. Sypher*, (citation omitted); Seventh Circuit Court of Appeals. When judges “cut and paste” lawyers’ arguments as their opinion they are in fact engaging in plagiarism, which is tantamount to theft of another writer’s artistic work. Ref.: “Unoriginal Sin: The Problem of Judicial Plagiarism, 45 Ariz. LJ 1077, and the scores of cases cited therein. Seven or more words in sequence constitute plagiarism, www.indiana.edu/~istd/example.html.

VII

WERE ALL OF THE UNDERLYING LEGAL ACTIONS

BASED ON FRAUD?

Yes, the evidence is overwhelming that all of the underlying legal actions, including the guardianship petition, the annulment petition, and the abuse, theft and embezzlement of the Andersons’ assets and property were based on fraud. Here are some of the relevant FACTS: a) while the petitioners for the guardianship, Miss Webster and her shyster lawyer, Seth Thomas, had a week to prepare to prove Mrs. Anderson was disabled, all they did was obtain a perjured affidavit from Dr. Quisenberry on the 22nd day of May 2015. At this time, Mrs. Anderson’s medical records were available to Webster and Thomas wherein two (2) doctors recorded that her judgment was “normal. A copy of the said medical records are attached to this Petition in the Appendix. By submitting a perjured affidavit—its contents were proven false by Mrs. Anderson’s personal phone call to the County Attorney on the morning of May 29th prior to the initial hearing which apparently caused the County Attorney to make no effort to prove her disabled and rendered

all such so-called evidenced accepted by Judge Dickson—incompetent, irrelevant, and immaterial, and Judge Dickson had no jurisdiction to consider it.

By Seth Thomas withholding the medical records attesting that Mrs. Anderson's judgment was "normal," was withholding material evidence which is considered a very serious act of fraud against the court and against the State.

The lawyers representing the Appellees in this federal case underlying this appeal have echoed the fraud and other misconduct committed by Seth Thomas, et al., as legal proof that Mrs. Anderson was disabled and the Judge Caldwell and the Judges setting on the Sixth Circuit have accepted the fraud based upon the arguments of the lawyers and ignored the legitimate evidence that the whole proceedings were predicated upon fraud to steal and embezzle the Andersons' assets and all of the players are equally guilty of crimes of theft and fraud as well as violating the Petitioner's Constitutional rights as those rights have been defined by this Court and numerous states' and federal courts.

When courts' judgments are based on perjury and fraud, the resulting judgment is a nullity and has no legal value or effect.

Judge Moss granted the annulment of the Andersons' marriage on the Petition of Patricia Wiley acting as Mrs. Anderson's guardian, which was prohibited by Kentucky law, *Johnson, id.* Judge Moss remarked in Court that he was not going to "look at the law." And Judge Moss disregarded the Rules of the Kentucky Supreme Court (SCR). The relevant SCRs include, *inter alia*, the following: a) CANON 2A "requires judges to respect and comply with the law and act

at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” b) CANON 3B (8) “requires a judge to dispose of a manner promptly, efficiently, and fairly.”—Canons of the Code of Judicial Conduct. The problem is in Kentucky, the Canons are not routinely enforced and generally Complaints are DISMISSED without being investigated to ascertain the truthfulness of the allegations. In essences, misconduct is “sweep under the rug.” Locking up a case that Judge Moss decided without the Petitioner having standing to bring and brazenly lying on the bench that he would enter a Final Order “that day [August 2, 2017] and failing to do so continuing to block an appeal from being filed is misconduct justifying removal from office and disbarment. However, the Kentucky Attorney General is defending his misconduct. By these misdeeds, Judge Moss violated the Petitioner’s constitutional rights by illegally and without any jurisdiction annulling the Petitioner’s marriage. Judge Moss violated the following Constitutional rights of the Petitioner that this Court has defined under the Fourteenth Amendment to the United States Constitution, fifteen cases between *Maynard*, *Loving*, *Griswold*, *Obergefell*, *id.*, et al.

The Kentucky Attorney General had a legal obligation to intervene to protect the Petitioner’s constitutional rights, *Cooper*, *id.* Rather than doing what the law and his oath of office required him to do, he has defended the criminal culprits and wants the Petitioner to pay the criminals, thieves, and embezzlers’ legal fees and the Sixth Circuit penal agrees and remanded the case for that purpose.

VIII

ARE THE APPELLEES ENTITLED

TO IMMUNITY FROM LIABILITY?

No. The Sixth Circuit cited *Stump v. Sparkman* as authority to grant the defendant/appellees immunity. *Stump* is off point and misplaced. A close reading of *stump* shows that this Court examined the record very carefully to determine if Judge *Stockman* had violated a law and determined that he had not. In this case, the Judges, et al., have violated numerous State statutory and case laws. When a judge violates a law, he loses jurisdiction and acts committed by judge without jurisdiction have never enjoyed immunity from liability. For example, the law in Kentucky has been that when a judge fails to require an adequate bond, he is liable. The Ninth Circuit held in *Rankin v. Howard*, 633 F. 2d 844 that judges were liable when they violate the law; the Sixth Circuit held likewise citing *Rankin* in *Mills v. Killebrew*, 765 F. 2d 69; and this Court held in *Pauly v. White*, 580 U.S. ____ (2017), 137 S.Ct.548, 196 L. Ed. 2d 463, “immunity applied only to those that did not violate the law or were insane. This Court held in *Logan v. Zimmerman Brush Co., Inc.*, 455 U.S. 422 that when a judge violates the law, jurisdiction is lost. This Court also held that when a law is violated, and violator pays a penalty justice is served and the law has worked as intended.

IX

IS PETITIONER’S WIFE A VICTIM

OF HUMAN TRAFFICKING?

Given the totality of the circumstances, the Petitioner argues that she is, indeed, a victim of human trafficking. First, Judge Dickson had more than a week to research the law and review Miss Webster’s affidavit and was aware of Miss

Webster's intent and had a duty to know the law are reject Miss Webster's petition for guardianship to seek the annulment of her mother's marriage. Judge Dickson should have advised Miss Webster that if she was appointed Mrs. Anderson's guardian, she could NOT seek an annulment of the marriage under *Ferguson*, id.; secondly, Judge Dickson should NOT have permitted Seth Thomas to act as a self-appointed public official and do what Kentucky's statute required the County Attorney do; thirdly, Judge Dickson should NOT have considered Dr. Quisenberry's affidavit contrary to *Denton*, id.; fourthly Judge Dickson should NOT have held the hearing after the time limit for it to be held had expired and she had lost jurisdiction.

After the November 2015 trial, the Petitioner filed a Motion to vacate Judge Dickson's judgment, In her Order overruling the Petitioner's Motion, Judge Dickson incorporated, at least, three (3) LIES in her Order: a) she falsely stated that the Petitioner was represented by counsel—he was NOT; b) she falsely claimed that the Petitioner has requested a continuance of the May 29th hearing—he had not and in fact OBJECTED to a continuance; and c) she falsely stated that the petition had been filed on the 22nd day of May when it had been filed on the 21st day of May; and d) she falsely/misleadingly claimed that a case cited by the Petitioner, *Downing*, id. had been OVERRULED—it had been Overruled in part by the Kentucky Supreme Court but NOT on any issue relevant to this case and has, in fact, been cited as authority by the Kentucky Supreme Court since it was partly Overruled. This was a serious act of dishonesty by Judge Dickson given that the Movant (Petitioner herein) was proceeding *pro se* and was an obvious

effort to deceive the Movant and to conceal her criminal misconduct. Violations of KRS Chapter 387 are criminal, KRS 387.990, but the State has allowed the statute of limitations to expire.⁴

Since the State gained guardianship over Mrs. Anderson the guardians have acted like they were prison wardens over her denying her visitors, mail and phone privileges and keeping her confined against her will where she does not want to be. Given that Robert Horn was allowed to act like he was her guardian and spend her money any way he wished—obstinately for their personal attorneys' fees, and the evidence is persuasive that her money/assets have been misused to bribe—at least, Dr. Coburn, Dr. Quisenberry, a case manger at Saint Joseph hospital, Patricia Biggerstaff, and Benny Sowder—and Horn for goods and services not needed, illegally sold two (2) parcels of real estate, and, at least, two (2) attorneys have accepted Mrs. Anderson's funds via the so-called guardians indicating that they accepted stolen/embezzled funds for their legal fees. This Court has ruled in at least two (2) cases that the State has no authority to do what Kentucky's agents, officials, et al., have and are doing to Mrs. Anderson. *O'Conner v. Donaldson*, 422 U.S. 563, and *Jackson v. Indiana*, 406 U.S. 715.

One of the so-called guardians, Patricia Wiley, wrote the Petitioner e-mails that contained outright LIES: In one e-mail "Dr." Wiley falsely claimed that Mrs. Anderson was near death when she was taken to the hospital—the truth is—she was discharged without treatment. Lies have been quoted and repeated.

4. The Kentucky Judicial Misconduct Commission did not find a problem with Judge Dickson's incompetency, dishonesty, or perhaps mental impairment.

She claimed that Mrs. Anderson's mental health was declining—according to people that could visit her until Robert Horn gained “unlimited authority” over her per Judge Dickson's illegal Court Order, “Dr.” Wiley's claim was false. “Dr.” Wiley falsely claimed that Biggerstaff had substantiated “neglect and abuse” of Mrs. Anderson. Biggerstaff DENIED having “substantiated anything” as Mrs. Anderson's medical records proved and Biggerstaff had apparently only talked with Benny Sowder whom had LIED to her about a phone call that the phone records proved was a LIE. Mr. Sowder had a personal motive to LIE—he wanted to maintain control of Mrs. Anderson's farms and the guardians have allowed him to do so in violation of Kentucky's law because the guardians CANNOT operate their ward's businesses, *W. T. Sistrunk & Co. v. Navarra's Committee*, 268 Ky. 753, 105 S.W. 2d 1039.

The LYING, CONFLICT OF INTEREST, PERJURY, engaged in to keep Mrs. Anderson confined for the purpose of STEALING and EMBEZZLING her money, including her Social Security benefits, and real estate have the hallmarks of human trafficking as the elements of human trafficking are defined in the Blue Campaign literature, www.dhs.gov/bluecampaign. The Commonwealth of Kentucky has done absolutely nothing to curtail this illegal activity or to protect the Petitioner's—or Mrs. Anderson's--Constitutional rights contrary to its obligation under the United States Constitution as this Court held in *Cooper*, id., and as the State is required under UDHR, Article 30 as codified in 22 U.S.C § 7101(b) (23).

X

DID THE COURT OF APPEALS MAKE NUMEROUS

ERRORS IN CONTROLLING LAWS AND OTHER ERRORS?

Yes, the Court of Appeals made many errors not supported by facts or laws as more fully set-forth below:

1. The Court found that Mrs. Reynolds (as the Court refers to Mrs. Anderson) was suffering from “some form of dementia.” This is an argument of counsel that is completely unsupported by competent evidence. Appellee Dr. Coburn tried to make this belated claim in a deposition that was inadmissible under Kentucky law, KRS 387.510(8)(b), since he had not seen Mrs. Anderson in more than six (6) months prior the marriage of the Plaintiff/Petitioner. Therefore, the District and the Court of Appeals failed to follow the interpretation of State law as defined by the State’s highest Court as required by *Groppi, id.*, and erred by NOT following Kentucky’s lower courts’ opinions in violation of 28 U.S.C § 1652.

2. The Court of Appeals found that “Mrs. Reynolds’ marriage to Anderson was annulled.” This is simply not true because the annulment proceedings violated state law and is a nullity:

a) For sake of argument, if Mrs. Reynolds was too disabled to marry—Woodford County Judge/Executive the Hon. John Coyle, whom had known Mrs. Reynolds for years testified at the annulment trial that in his opinion she “knew exactly what she was doing,” Mrs. Nancy Houpp, whom had been Mrs. Reynolds’ banker for twenty years or longer, testified that she had told her weeks/months before the marriage that she was going to marry the Petitioner; Mary Wilson, CNA, testified to having twenty-eight years’ experience employed

by nursing homes that Mrs. Anderson did not show any signs of dementia; however, Judge Moss ignored all of these competent witnesses' testimony, in violation of Kentucky law in favor of using the inadmissible testimony of Dr. Coburn; b) if a disabled person marries, he/she cannot challenge it because he/she is considered the party at fault, *Shepherd, id.*, and given the testimony of Judge/Executive Coyle, Nancy Houp and Mary Wilson, the Petitioner had no reason to doubt or question Mrs. Reynolds' capacity to marry; c) Judge Moss could not rule on the marriage or non-marriage of the Andersons because the lower court Judge, Caldwell, had ruled in Case No. 15—cv—00207—KKC that the Petitioner were "married." No appeal was taken and the doctrine of *res judicata* foreclosed further argument about the marriage, *Morris v. Jones*, 320 U.S. 545, "A judgment of a court having jurisdiction of the parties and of the subject matter operates as *res judicata*, . . . "; d) Judge Moss had no jurisdiction to entertain a petition to annul the Andersons' marriage based on a Petition filed by the so-called guardian for two (2) reasons: 1) A guardian cannot seek to have a ward's marriage annulled, *Johnson, id.*; and 2) the so-called guardian was an employee of the Kentucky CHFS, and was acting as an agent of the State of Kentucky. The State of Kentucky has absolutely no authority to seek the annulment of marriages, and disabled person cannot seek to end his/her marriage, *Riehle, id.*

The Court of Appeals held that Judge Moss found that Mrs. Reynolds lack capacity to consent to the marriage. Not a shred of legally admissible evidence was presented to support this conclusion. Judge Moss' finding was based solely

upon Dr. Coburn's inadmissible deposition and contrary to at least two (2) doctors' opinions that Mrs. Anderson's judgment was "normal" several days after the parties were married. Yes, Kentucky law prohibits marriage of incompetent persons—BUT the incompetency MUST be established by JUDICIAL DECREE prior to the marriage and CANNOT BE ESTABLISHED after the marriage, *Smith, id.* If this is the legal standard in Kentucky and the Sixth Circuit, any guardian can have a ward's marriage annulled and dispose of the ward's assets, ruin his family relationship and violate every Constitutional right that married parties have just as have happened in this case. And according to information furnished to the United States Senate's Special Committee on Aging, by the GAO elderly Americans are being defrauding out of \$2.9 billion by predator guardians. www.Senate.gov. Special Committee on Aging.

b) It is fairly obvious that the Court of Appeals "cut and pasted" parts of the lawyers' arguments as its opinion, and the lawyers failed to fairly and honestly state the controlling laws of Kentucky. Kentucky's statute is clear: "Marriage is prohibited and void:" KRS 402.020(1). "When a person has been adjudged mentally disabled by a court of competent jurisdiction." KRS 402.020(1)(a). The person MUST to have been adjudged mentally disabled BEFORE the marriage for these statutes to apply, *Smith, id.* Mrs. Anderson had NOT been adjudged mentally disabled by a court prior to her marriage to the Petitioner.

c) If Mrs. Reynolds was too mentally disabled to enter into a contract of marriage, the Judge/Executive of Woodford did not believe she was; Nancy Houpp did not believe she was; Virginia McMaine did not believe she was, Sarah Cecil,

APRN for Dr. Anderson who saw her and questioned her extensively and had tried to make contact with her daughter whom did not answer or return her phone calls suggested that Mrs. Reynolds marry the Petitioner because she was privy to the care and protecting that the Petitioner was providing her, believed that she was not too handicapped to marry, and Mary Wilson believed that she knew what she was doing. All of these individuals' statements, affidavits and testimony are more competent and admissible than the deposition of Dr. Coburn, which was inadmissible via Kentucky statute. "The option to have a fraudulent marriage held void cannot be exercised by third parties or the party in fault." *Shepherd v. Shepherd*, 174 Ky. 615, 192 S.W. 658 (1928). "Fraudulent marriages are avoidable only at the election of the defrauded party, . . ." *Johnson v. Sands*, 245 Ky. 529, 53 S.W. 2d 929 (1932). Therefore, the Court of Appeals misrepresented the application of *Knott v. Garrote*, 784 S.W. 2d 603, 605, because that case was filed by a party to the marriage—not by a guardian or third party. If Mrs. Reynolds were too disabled to marry, only the Petitioner has standing to seek its annulment.

d) The Court of Appeals found that Wiley was appointed Mrs. Anderson's guardian eleven days before the annulment petition was filed. This language was apparently "cut and pasted" from a lawyer's argument and adopted as part of the Court's opinion. It is factually NOT TRUE. While the Petitioner does not know the exact date Wiley was appointed the so-called guardian because other employees of the Commonwealth of Kentucky had been appointed, *inter alia*, Malinda Meade, Cheryl Ford, and then Wiley. Wiley had had a confrontation with Mrs. Anderson tenant, Virginia McMaine during the summer of 2015 because Wiley

was refusing to pay McMaine's utility bills which McMaine had pre-paid to Mrs. Anderson and eventually self-evicted the McMaine family and she also paid Robert Horn for goods and services that he had not provided for Mrs. Anderson in August or September 2015, prior to Miss Webster's death.

e) The Court of Appeals held that Kentucky Statutes permit a guardian to seek the annulment of a marriage of a person who lacked capacity to consent, citing KRS 403.120(2)(a). However, the Court ignored the FACT that not a shred of evidence had been introduced to prove Mrs. Anderson was disabled by the County Attorney contrary to Kentucky's statutory law, nor that Dr. Quisenberry's lawyer LIED that he was a neurologists when he only qualified to practice Internal Medicine. Dr. Bridges is a neurologists and signed off on the medical records that Mrs. Anderson's judgment was "normal." Lying to a court in re a material facts is fraud. *United States v. Holzer*, 816 F. 2d 304.

f) The statute of limitations has run prior to the Petition for the annulment was filed. KRS 403.120(2)(a) requires a petition for annulment because of lack of capacity be filed within Ninety (90) days of discovery of the alleged disability. Miss Webster filed her perjured affidavit and Petition for guardianship predicated on her claim that Mrs. Reynolds lacked capacity to marry on the 21st day of May 2015 and Judge (Queen) Dickson found Mrs. Anderson to be disabled on the 29th day of May 2015, and the Petition to annul the marriage was filed on the 11th day of November 2015, months AFTER the statute of limitations had expired and this DENIED Judge Moss jurisdiction to consider the Petition for annulment of the

marriage and he violated the Petitioner's constitutional rights under the Fourteenth Amendment. The lying lawyers tricked the Sixth Circuit into believing the annulment petition was filed Eleven (11) days after Wiley was named Mrs. Anderson's guardian. "Dr. Wiley did not know Mrs. Reynolds prior to the marriage. Miss Webster claimed to have discovered Mrs. Anderson's disability on the 18th day of May and as noted in the medical records, Miss Webster had not had any contact with her mother since Christmas (Dec. 25, 2014). Judges Dickson and Moss have shown total disdain for Kentucky's statutes, case laws and the Petitioner's constitutional rights. Whether Mrs. Anderson and the Petitioner were married or not married was none of "Dr." Wiley's business and as an employee (agent) of the State had absolutely no authority to interfere with the marriage, *Casey v. Population Services International*, 431 U.S. 678, 684-85. Marriage is a protected LIBERTY, *Obergefell*, id.; "Privacy is protected from government intrusion," *Griswold v. Connecticut*, id.; "sanctity of home and privacy of life" are protected freedoms, *Mapp v. Ohio*, id., at 656; and the State "cannot invade the area of protected freedoms, *Griswold*, id. at 485, citing *NAACP v. Ala.*, 377 U.S. 288, 307. The Sixth Circuit ignored every relevant opinion of this Court that have addressed to subject matter of this case.

2. The Court of Appeals erred in finding that 42 U.S.C §§ 1981, 1985, did not apply to Petitioner's case for lack of race-based, etc., discrimination; but mentioned "intimidate parties," which Appellees Coatigan, Edwards, Ford and Rankin clearly did.

3. The Court of Appeals found that Judges Moss and Dickson were entitled to absolute judicial immunity, citing *Mireles v. Waco*, 502 U.S. 9, 11, 12; and *Stump v. Sparkman*, 435 U.S. 349, 355-56. Neither of these cases are controlling in this case because: a) Kentucky state law is clear, if a guardianship hearing is not held within the time limit allowed, the Court loses jurisdiction and when a judge acts without jurisdiction their judgment has no more validity than if it was signed by a private citizen; b) in both of the cited cases, the judges did not violate a state law. From the language in *Stump*, it is obvious that this Court closely looked for an Indiana law—statutory or case—that *Stump* had violated; c) in this case every judge that have had an opportunity to vindicate the Petitioner’s Constitutional rights as those rights have been defined by this Court have failed to do so contrary to their responsibility to vacate nullities, *Elloit*, *Shorebrook*, and *Jorden*, *id.* and d) the more on point and controlling cases in this case are: *Pauly* and *Cooper*, *id.*

The *Cooper* Court ruled: “Every. . . judicial officer is solemnly committed by oath taken pursuant to Art. VI, cl. 3, ‘to support this Constitution.’” 358 U.S. 1, 19. “If. . . annul the judgments of the courts of the United State, and destroy the rights acquired under those judgements, the constitution itself becomes a solemn mockery. . . .” *id.* p. 18, citing *United States v. Peters*, 5 Crouch 115, 136. If state officials can nullify constitutional rights the fiat would become “the supreme law of the land” and the Constitution “would be but impotent phrases. . . .” *Cooper*, *id.*, p. 19, citing *Sterling v. Constantin*, 287 U.S. 378, 307-308.

4. The Court of Appeals found that no valid marriage never existed. Per Kentucky state law, when a marriage license is issued, and a proper official officiates and marries the couple, it is a legal marriage and the Certificate of Marriage is evidence of the marriage, Federal Rules of Evidence, (FRE), Rule 803. Mrs. Anderson's mental capacity had never been questioned prior to the marriage and even if she became "disabled" after the marriage, the legality of the marriage cannot be questioned. And every right that state, national and international right applies to the Petitioner whether they be specifically claimed or not. As this Court held in *Obergefell*, *id.*, married couples have more than a thousand rights under federal law—of which 179 relate to federal income taxation (Cf. Ref. GAO, Report No. 04-353R, and a spouse does not need special documents to act for an incapacitated spouse *Obergefell*, *id.* slip op. p. 17.

5. The Court of Appeals held that transporting Mrs. Anderson (the Court used the name Reynolds) did not violate the Petitioner's rights. This is contrary to this Court ruling in *Obergefell*, slip op. 17, wherein the spouse had "medical decision" making authority and the Petitioner had been making medical decisions for Mrs. Anderson by getting her proper medical care and, therefore, she was discharged without treatment.

6. The Court of Appeals ruled that: "[t]he appointment of the guardian had no impact on Anderson, since his marriage to Reynolds had been annulled." This language was most likely "cut and pasted" from a counsel's argument. The marriage HAD NOT been annulled on the 29th day of May 2015 and was not

illegally annulled until the 28th day of March 2016. The guardian had to be appointed BEFORE she could file the Petition for annulment.

7. Citizens have a First Amendment right to petition the government for redress.

It is not an abuse of the Courts for a citizen to try to protect his so well established Constitutional rights and those rights have been defined by this Court in at least fifteen cases between *Maynard v. Hill*, 125 U.S. 190 and *Obergefell v. Hodges*, *id.* And for public officials to intrude into a citizen's home under false pretenses under the worn-out guise of a "welfare" check and lie to the citizens in order to get control of elders' assets, is a gross violation of American citizens' rights, *Mapp v. Ohio*, 367 U.S. 643, and a violation of treaties signed by the United States and are to be enforced by the United States.

CONCLUSION

This case is an excellent example of the errors that Court make when they "cut and paste" the arguments of lawyers as their opinions and cases are dismissed without factual evidence being developed via discovery. The lawyers for the Appellees filed approximately 700 pages of irrelevant rumors, hearsay, and many out-right lies and the District Court largely "cut and pasted" the lawyers' arguments as her opinion. For example, the lawyers' arguments persuaded the Courts to believe that Mrs. Reynolds were too disabled to marry, when there is not a shred of competent evidence to support that finding and Judge Moss, who remarked that he was not going to "look at the law" and he enter an Order of annulment in violation of the Kentucky Supreme Court Rules (SCR), Rule 1.040(5)

which mandates that he follow the precedents of the higher court, and *Johnson, id.* prohibited a Petition by a guardian from being considered for the annulment of a ward's marriage. But Judge Moss has at this time refused to sign a FINAL ORDER so that his judgment can be appealed to the Kentucky Court of Appeals—not withstanding his promise in open Court to do so “today” on the 2nd day of August 2017. Judge Moss obviously wants to “have his cake and eat it too”—grant the illegal petitioner the annulment and prevent Anderson from appealing his illegal ruling.

The Reynolds/Anderson marriage was perfectly legal under Kentucky law. The State had no authority to seek its annulment and to seek a guardianship over Mrs. Anderson to enable such a petition to be filed, and Judge Dickson entering an order of guardianship without a shred of evidence being presented by the only person legally qualified to prove Mrs. Anderson was disabled, the Woodford County Attorney, and he made no effort to prove she was disabled and Judge Dickson should have dismissed the petition.

This case is a prime example of the corrupt, unconstitutional Kentucky Court of Justice and may constitute an unconstitutional Kentucky state government given this Court's opinion in *Cooper, id.*, which held that the Executive, Legislative and Judiciary have a duty equal with the federal government to protect people's constitutional rights. Kentucky and its employees, agents, officials, and illegal deputies such as Robert Horn have violated Petitioner's constitutional rights under the Fourteenth Amendment to the United States Constitution and have done so absent of any jurisdiction.

The Sixth Circuit held that no valid marriage existed between the Anderson. This a bogus finding because Mrs. Reynolds and the Petitioner were married as legally as any couple in Kentucky—walked into the courthouse, were issued a license by the clerk and were married by the County Judge/Executive and issued a Certificate of Marriage. The marriage is legal and the State has no authority to question it or to seek its annulment and no judge has jurisdiction to interfere with it on a petition by the State or any agent of the State. Only a party to the marriage may challenge it and the disabled party cannot be the petitioner for the annulment.

The Sixth Circuit reference the *Rooker-Feldman* doctrine as barring the Court from granting the Petitioner relief. Perhaps this a question of first impression, but *Rooker-Feldman* appears to be in conflict with the guaranteed remedy established by the International Treaties, *supra*, which the United States have made a commitment to enforce. There cannot be a guaranteed REMEDY for the violations of rights if the federal courts are barred from granting relief. While a treaty cannot overrule the Constitution of the United States, apparently, they do overrule the authority of the lower federal courts and the Fourteenth Amendment guarantees Due Process and Equal Protection which cannot exist if the federal courts cannot enforce and protect basic constitutional rights from corrupt, lawless state officials. In fact, the federal courts' authority is unlimited in re enforcing the Constitution under the "All Writs Act," FRCP, Rule 81; and the *Rooker-Feldman* doctrine has been criticized, (Ref.: 74 Norte Dame L. Rev. 1129),

and referred to as “so-called *Rooker-Feldman* doctrine by the late Justice Scalia, *Pennzoil v. Texaco*, 481 U.S. 1, 18. If *Rooker-Feldman* applies to this case, it should have applied to *Miller v. Davis*, 123 F. Supp. 3d 924 (E.D., Ky.), and *Jones v. Perry*, 215 F. Supp. 3d 563 (E.D., Ky.), and the federal courts lacked jurisdiction to enforce compliance with *Obergefell*, *id.* However, since the state courts’ judgments in this case are nullities, the federal courts are NOT interfering with the States’ courts because their judgments are “nothings” without any legal effect.

For the reasons stated herein, this case should be reversed and remanded for adjudication consistent with the opinions of this Court cited herein and the Appellees including Judges Dickson and Moss should be held liable for damages, the United Nations’ treaties demand no less.

If a Certificate of Marriage properly issued by a competent government agency and a couple is married by an official authorized by law to perform marriages, then what proof of marriage must people provide the Social Security Administration, the VA and probate courts to prove marriage? This a serious question. And if a third-party embezzler and thief wants to challenge anybody’s marriage, why can’t they do so? Judge Caldwell remarked in both of her Opinions, 15-cv-207—KKC and the parent case to this action, No. 16—cv-00071—KKC—of the “marriage,” obviously recognizing it was a legal marriage, refused to issue an injunction to protect his right—a matter that the Sixth Circuit said he would be entitled to IF the marriage was valid. The Sixth Circuit lacked jurisdiction to override the doctrine of *res judicata* attached in 2015. Neither the District or the

Court of Appeals cited a single relevant case that holds that third parties or the State can seek to have citizens' marriages disrupted and their property stolen, embezzled and be DENIED every right that this Court has held in fifteen cases and DENY the parties the benefits that more than a thousand federal statutes grant them. The lower Court had no legal authority to support their opinions. And it appears that many of the opinions cited by the courts conflict with rights established under the International treaties, UDHR and ICCPR and the doctrine of immunity and abstaining from interfering with State courts when they are violating laws should be re-examined.

With the elderly being defrauded out of an estimated \$2.9 billion by predator guardians and shyster lawyers, this is a problem that needs to be solved. And the practice of courts "cutting and pasting" the artistic, creative, compositions of lying lawyers for their opinion is denial of Due Process and Equal Protection in violation of the Fourteenth Amendment and is considered theft of artistic works proving the judges disqualified for dishonesty. The Petitioner has personally witnessed this in most, if not all, of the cases he has filed and lost. State, national and international law demand better.

Petitioner requests the Sixth Circuit be reversed and the case remanded.

Respectfully Submitted,

Artis Anderson, Petitioner, *pro se*
225 Pearl Dr., # 19
Somerset, KY 42503
artanderson98@yahoo.com