ORIGINAL

No: 23-7633

In the

Supreme Court of the United States

Deanne Rose Upson Giese,

Petitioner

v.

William Earl Wallace III,

Respondent

On Petition for Writ of Certiorari to the Maryland Supreme Court

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PETITION FOR WRIT OF CERTIORARI

DEANNE ROSE UPSON GIESE
Pro se
c/o Hoffee Law Firm
132 E. Liberty St., 2nd Floor
Wooster, Ohio 44691
330-288-0555

February 19, 2024

QUESTIONS PRESENTED

Question 1: Given that the Equal Rights Amendment is now Ratified, have the states of Maryland, District of Columbia, and Virginia violated the rights of this Mother and Child under the United States Constitution?

Question 2: Did the Maryland Supreme Court err in ruling that this case (and related 20 case history) has "no public interest"?

Questions incorporated by reference from the Petitioner's first case at the US Supreme Court:

1) Does it violate United States Constitutional Rights between parents and children (and vice versa), due process, equal protection, and free speech for the states courts to allow a complete severing of ties between this fit parent and her child for over 4 years – or any length of time – *pendente lite* or in final ruling that is too long to maintain contact and a continuing meaningful relationship, to protect the best interests of the child, and ensure due process?
2) Does it violate the United States Constitution for the District of Columbia (DC) courts to informally allow matters relating to child custody and domestic violence to be heard in other state courts despite that child support and child custody jurisdiction properly attached in DC and no formal leave of court has been ordered to move matters to other states?
3) Does the US Supreme Court have a duty to impress the US Constitutional protections over interstate relations and civil rights to enforce the US Constitution in child support, child custody, and domestic violence cases to prevent interstate discrimination and litigant forum shopping between the states?

PARTIES TO THE PROCEEDING

Pursuant to Rule 14.1(b), the following list identifies all of the parties appearing here and before the District of Columbia Court of Appeals.

The Petitioner here and Appellant below is Mrs. Deanne Rose Upson Giese.

The Respondent here and Appellee below is William Earl Wallace III.

CORPORATE DISCLOSURES

Pursuant to Rule 29.6, Petitioner states: None

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January 14, 2011 District of Columbia Court of Appeals Ruling

September 22, 2023 State of Maryland Supreme Court

JURISDICTION

The Maryland Supreme Court issued its opinion on June 12, 2023. This Court has jurisdiction under 28 USC §1257. Underlying Maryland Supreme Court case is No. Petition Docket No. 136 September Term, 2023, (No. 1805, Sept. Term, 2022 Appellate Court of Maryland) (Cir. Ct. No. C-15-FM-22-003006).

CONSTITUTIONAL AND STATUTORY PROVISIONS

This case involves the First, Fourth, Fifth, Eighth, Fourteenth, and Twenty-Eighth Amendments of the US Constitution and various sections of District of Columbia Code, MD Code, VA Code, and the federal Code.

DC Code §11-1104(b)(1) Jurisdiction be retained in DC

D.C. Code §916.01 *et seq.;* DC UIFSA

D.C. Code §16-1001 *et seq.*; DC Intrafamily Offenses

D.C. Code §16-4601.01 *et seq.*; DC UCCJEA

MD Code § 9.5-101. *Et seq.*

VA Code §20-124.2; custody & visitation arrangements; VA Code §20-146.1, *et. Seq.* VA UCCJEA

Title 18, U.S.C., §241 Conspiracy Against Rights

Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law

Title 42, U.S.C., Section 14141 Pattern and Practice

CONCISE STATEMENT OF THE CASE

Mrs. Upson Giese was raped by William Earl Wallace III and her Daughter was conceived by this rape. The rapist has kidnapped and concealed her Daughter for 17 years. The rapist has abused her and her Daughter severely with all forms of abuse. He is an extremely wealthy lawyer that used court abuse to achieve his goal of basically killing off this Mother and kidnapping this Child to get out of paying all child support. After kidnapping and concealing the Child, the rapist engaged in human trafficking of tis Child and took it upon himself to have his half-sister raise this Child and told everyone that his half-sister is the biological mother. Many crimes have been committed by the rapist and his family. This is one of the worst cases ever of illegal forum shopping, and the harm to Mother and Child is irreparable and severe.

The stage of proceedings is that all cases in the District of Columbia, Virginia, Maryland, and the Federal District Court of the District of Columbia pertaining to this Case are final. Mrs. Upson Giese has exhausted all state remedies with the final order of the Maryland Supreme Court dated June 12, 2023. Mother incorporates by reference her prior case to this Honorable Court including all Questions asked for review and the entire case file.[1]

Mrs. Upson Giese refers this Honorable Court to her prior filing with this Honorable Court for a concise statement of the case up to the point of the filings in the courts of the State of Maryland in 2022 after the 28th Amendment, the Equal Rights Amendment was ratified and in effect. This is because this Honorable Court refused to review her prior filing with this court because

[1] Upson v. Wallace, 132 S. Ct. 203 (2011)

the Equal Rights Amendment was not yet ratified.

Mrs. Upson Giese raised the federal questions relating to US Constitutional rights regarding between parents and children (and vice versa), due process, equal protection, and free speech throughout the lower courts and appeals courts. Mrs. Upson Giese extensively outlined the violations of the US Constitution and uniform state laws in her Appeal Briefs to the DC Court of Appeals. Mrs. Upson Giese repeatedly raised issues regarding requests for contact with her child – even contact of any type – but was refused with each jurisdiction refusing to provide a forum for relief or summarily denied without explanation. Mrs. Upson Giese repeatedly raised the UIFSA and UCCJEA violations to the courts. Mrs. Upson Giese repeatedly told the court about the domestic violence occurring.

Mr. Wallace is an "extraordinarily high-income individual" with an annual income in excess of $3 million and net worth in excess of $30 million. He was a partner in the law firm Clifford Chance based in the United Kingdom. At the time of the child support *pendente lite* hearing, Mr. Wallace worked for Milbank Tweed Hadley & McCloy in their DC office. He currently is unemployed.

After this court refused to rule on Mrs. Upson Giese's case, she searched years for her Daughter and waited for the Equal Rights Amendment to be ratified so that she could seek relief in a court. She tried to seek relief right after this Court's prior refusal to review her case. She filed in DC Superior Court for child custody and child support. However, the DC Superior Court trial judge dismissed her case by telling her to go to some other state. Mother waited for the ERA to be ratified and found her Daughter in Maryland, and promptly filed for custody and support prior to her Daughter's 18th birthday and graduation from high school. The Maryland trial court simply

delayed all matters until her Daughter turned 18 and graduated high school, then simply dismissed Mother's case. Mother has not been able to establish any contact with her Daughter, and the rapist's family have continued to conceal her Daughter refusing all contact. This is a horrible case!

Mrs. Upson Giese asserts that the sum total of the circumstances indicates cruel and unusual punishment and is tantamount to state imposed torture.

Mrs. Upson Giese timely filed for relief in the Circuit Court of Montgomery County, Maryland, after finding her daughter in Maryland prior to her 18th birthday. Maryland has not given Mrs. Upson Giese any forum or relief and has not tried any facts except that her Daughter turned 18 and graduated high school before the Maryland court held a hearing and dismissed her case.

REASONS TO GRANT THE PETITION

This Writ meets the requirements of United States Supreme Court Rule 10.

This is the second time this set of cases has come before the United States Supreme Court regarding the same set of issues made worse by a complete severing of all ties between this fit mother and her abused child for over 17 years of kidnapping and concealment by the rapist William Earl Wallace III from Mother's home in the District of Columbia. The current set of cases arises out of the Maryland Supreme Court.

Among the most significant change of circumstances, aside from the extraordinarily lengthy time period, is that the Equal Rights Amendment (the 28th Amendment to the United States Constitution) is now ratified, in effect, and enforceable because this Mother and the Child now has standing and harm because under the United States Constitution because they are now persons entitled to relief with Constitutional rights

and protections afforded to full citizens.

While this Case arises from domestic and family issues, errors in prior judgments and rulings place this squarely into matters that should be decided by the US Supreme Court. Issues of equity and rule of law are at the heart of the matter. Mrs. Upson Giese's Daughter, DOB May 30, 2004, has been kidnapped and concealed by the rapist biological father, William Earl Wallace III (hereafter "Rapist"), for over 17 years "under color of law" of a foreign, unregistered, and unvalidated Virginia custody order lacking jurisdiction resulting from an improper filing, improper hearings and trials, and an unnoticed *ex parte* proceeding for which the court refused to ever hold subsequent hearing on, without any court accepting responsibility to end this complete severing of all ties between this fit Mother and Child. The original child support and child custody case was first filed in the District of Columbia Superior Court on August 16, 2004, and no formal leave of court has ever been granted to move any proceedings to any other state. This Child is the result of his internet sexual predation and rape of Mrs. Upson Giese by Mr. Wallace. Mrs. Upson Giese has been denied any state or federal forum to seek relief.

Question 1: Given that the Equal Rights Amendment is now Ratified, have the states of Maryland, District of Columbia, and Virginia violated the rights of Mother and Child under the United States Constitution?

Mrs. Deanne Rose Upson Giese, (hereafter, Mother), and Georgiana Rose Upson (hereafter, Daughter or Child) with Mother as this Child's next best friend assert that the State of Maryland has violated her and her Daughter's rights under the United States Constitution. Mother asserts that she and her Daughter are persons and citizens entitled to relief

under the now ratified[2] 28th Amendment to the United States Constitution – the Equal Rights Amendment (ERA) as well as the ERA in the Maryland Constitution. The statement by the National Archives acknowledging the ERA ratification is in Attachment 1 and proves the ERA is ratified by the requisite number of states.

Mother incorporates by reference her prior case to this Honorable Court including all Questions asked for review and the entire case file.[3] As that case was brought in 2011, Mother requests this Honorable Court obtain the entire case file from the National Archives because it is this Court's own case. Mother lost her entire court records from all courts due to harm and damages to her life caused by the failures of the courts and authorities of the District of Columbia, Commonwealth of Virginian, and State of Maryland to abide by and enforce their own laws resulting in such severe harm to Mother that she faced eviction, fled to a domestic violence shelter in the District of Columbia, fled severe domestic violence in DC, moved back home to the State of Michigan, lost her career, and lost everything she owned in life due to the crimes committed by the Rapist and the failures of the courts and law enforcement authorities to protect Mother and Child.

When Mother brought her first case to this Honorable Court in 2011, the law clerk of this Court assigned to Mother's case told Mother that her case had made Conference Committee, but not Review for one sole reason – the Equal Rights Amendment was not yet ratified. Therefore, he said, the case was "just like the

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[2] National Archives, www.archives.gov/ era-list-of-state-ratification-actions-03-24-2020.pdf, March 24, 2020

[3] Upson v. Wallace, 132 S. Ct. 203 (2011)

Dred Scott[4] decision."

The *Minor v Happerstett* [5] decision supports that women are both persons and citizens.

"There is no doubt that women may be citizens. They are persons, and by the Fourteenth Amendment 'all persons born or naturalized in the United States and subject to the jurisdiction thereof' are expressly declared to be 'citizens of the United States and of the state wherein they reside.' But in our opinion it did not need this amendment to give them that position."

So, per Mother's first SCOTUS case in 2011, she and her Daughter are a "person" and a "citizen" per *Minor v Happerstett*,[6] but not a citizen or a person "entitled to relief under the US Constitution" per the *Dred Scott* decision.[7]

The ERA cures Dred Scott as in this case before this Honorable Court, Mother and Child are clearly "persons entitled to relief under the US Constitution" now that the ERA is ratified, and both this Mother and Child have standing and have clearly been harmed by the rapist and these three states' prior court rulings and failures to follow the rule of law for their own state statutes.

It is important for this Honorable Court to review and rule in this case because there are conflicting rulings relating to the ERA in at least two Federal Courts brought in the "public interest" by various states and interested parties. The September Rhode Island federal

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[4] Dred Scott v. Sandford, 60 U.S. (19 How.) 393 (1857)
[5] Minor v. Happersett, 53 Mo. 58, 62 (1873)
[6] Minor v. Happersett, 53 Mo. 58, 62 (1873)
[7] Dred Scott v. Sandford, 60 U.S. (19 How.) 393 (1857)

court case[8] erred in ruling that the ERA needed to be published to be widely enforceable. Yet, the US Federal District Court in DC ruled that it could not say that the ERA wasn't ratified, in effect, and enforceable when there is standing and harm – the court opined that it might be. Rather that court ruled that it did not have evidence to meet the mandamus standard to order publication.[9]

Mother's case now is the test case regarding the ratified ERA and this Honorable Court should rule that indeed, Maryland's denial of forum and relief violates the US Constitution with the now ratified ERA no matter this Child's current age given that she is and was a registered voter in Maryland currently and as of 2022 prior to turning 18 and graduating high school. This Honorable Court can and should force the Circuit Court of Montgomery County, Maryland, or the District of Columbia Superior Court or the US Federal District Court in DC by reviving Mother's case to provide forum and relief in her case as Mother and Daughter have standing and harm, this Honorable Court need not rule whether the Equal Rights Amendment must have been published to be enforceable in other situations lacking the narrow standing and harm in this case.

Just as *Minor v Happerstett*[10] and *Dred Scott v Sandford* [11] proceeded because they were in the "public

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[8] Elizabeth Cady Stanton Trust V. Peter Neronha, Attorney General, State Of Rhode Island, No. 1:22-cv-00245-MSM-LDA, United States District Court for The District Of Rhode Island, September 8, 2023

[9] State Of Illinois And State Of Nevada, Appellants V. David Ferriero, In His Official Capacity As Archivist Of The United States, Et Al., No. 21-5096, United States Court of Appeals For The District Of Columbia Circuit, February 28, 2023

[10] Minor v. Happersett, 53 Mo. 58, 62 (1873)

[11] Dred Scott v. Sandford, 60 U.S. (19 How.) 393 (1857)

interest," Maryland violated Mother and Daughter's US Constitutional rights in ruling that Mother's case did not involve the "public interest." As persons entitled to relief, rights to familial association, speech, due process, protection from unreasonable search and seizure, protection from crime, and all other US Constitutional rights associated with being a citizen entitled to relief under the US Constitution that must be upheld in this case, and the case must be remanded with orders to reunify Mother and Daughter and provide forum and relief for the 17 years of kidnapping and concealment imposed on Mother and Child by the conduct and failure to act of the State of Maryland, the District of Columbia, and the illegal forum shopping in the Commonwealth of Virginia.

The Equal Rights Amendment was first introduced in Congress 100 years ago to commemorate the struggle for constitutional gender equality and enshrine the principle of gender equality under the law. Article V[12] of the U.S. Constitution has two requirements for amendments in the path every single amendment so far has taken: 1. Passage by 2/3rds of both houses of Congress and 2. Ratification by 3/4ths of the states (38) The Equal Rights Amendment (ERA) has met both of those requirements, and as such is the validly ratified 28th Amendment.

The National Archivist, Dr. Colleen Shogan, must fulfill her 1 U.S.C § 106b[13] described ministerial duty, and publish the duly ratified Equal Rights Amendment (ERA), and Attachment 2 contains the cited section requiring her to do so. This case should meet the level of standing and harm necessary for this Honorable Court to order *mandamus* relief ordering the Archivist

[12] United States Constitution, Article V of the U.S. Constitution
[13] 1 U.S.C. §106b. Amendments to Constitution

to immediately publish the ERA. The National Archives has publicly stated that the Equal Rights Amendment has achieved ratification by the required number of states and has listed them on the National Archive website, as demonstrated by a printout of that listing in Attachment 2. Therefore, the ERA was ratified as of January 27, 2020; and in effect as of two years after ratification as of January 27, 2022, and Mother is asking in this filing that this Honorable Court enforce her and her daughter's rights under the United States Constitution via the 28th Amendment, thereto, the ERA.

Mother properly asserted her rights under the now ratified 28th Amendment, the ERA, at the trial court level in this case in the Circuit Court for Montgomery County, Maryland, as well as with the Maryland Court of Appeals, and the Maryland Supreme Court. None of those courts addressed either the ERA in the Maryland Constitution[14] or the now ratified ERA in the US Constitution. Mother also asserted her rights previously under the three state Constitutions in her 2010 case before this Honorable Court, as this Court's own record shows. However, as her SCOTUS law clerk told Mother, the ERA wasn't yet ratified for inclusion in the US Constitution, and therefore the Article VI, Clause 2 Supremacy Clause in the US Constitution[15] couldn't previously be invoked to force the three states to abide by their own state constitutions, as the ERA wasn't ratified for the US Constitution yet.

Therefore, Mother requests this Honorable Court

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[14] Constitution of Maryland, Declaration of Rights, Art. 46. Equality of rights under the law shall not be abridged or denied because of sex (added by Chapter 366, Acts of 1972, ratified Nov. 7, 1972. Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978).

[15] United States Constitution, ArtVI.C2.1,

enforce the 28th Amendment to the US Constitution to provide relief guaranteeing the US Constitutional rights of Mother and Daughter, relieving both from the harm caused by the failures of the courts and agencies of the District of Columbia, Commonwealth of Virginia, and State of Maryland to follow their own laws for child support, child custody, protection from domestic violence, and prosecution of crimes including rape, sexual abuse, child sexual abuse, child kidnapping, human trafficking of a child, conspiracy to commit crimes, residency and domicile fraud by the rapist, income tax evasion by the rapist, federal voter election crimes, and crimes and offenses related to this 20 years long ordeal of irreparable and severe harm to Mother and Child.

Notably, the Maryland Supreme Court did not rule on whether Maryland could or should assert jurisdiction of any type in these matters. As can be seen in the attached ruling of the Maryland Supreme Court in the Appendix, that court found that the State of Maryland did not see any "public interest" in this Maryland case originating from the Circuit Court of Montgomery County, Maryland. Because the State of Maryland asserted no "public interest" then that court would not consider Mother's submittal to that court of the "public interest" demonstrating evidence of systemic bias against abused mothers and abused children in Maryland and other state courts.[16] See Attachment 4. Indeed, that evidence demonstrates the systemic bias is very much a "public interest." For this reason, this Honorable Court should remand back to Maryland to recognize the "public interest" of systemic bias against abused mothers and abused children in family court in Maryland and in other states.

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[16] Ducote et al v. S.B. U.S.C. No. 20-1627, Brief Amici Curiae, Women's and Children's Advocacy Project, et al, see Attachment 5

The Maryland Courts did not consider any evidence at all regarding the now 20 year history of all the abuses imposed on this Mother and this Child at the trial court level in the Circuit Court of Montgomery County, Maryland. This, despite Mother raising these issues extensively in her Initial Complaint and subsequent Motions, including Emergency Motions filed prior to this Child turning 18 and graduating high school.

Rather, the trial court in the Circuit Court of Montgomery County, Maryland, simply took no action at all and didn't review facts or evidence. It delayed proceedings, despite Mother's Emergency Motions, and waited until it received an unnoticed unserved Motion to Dismiss from the Rapist. By that time, this Child had turned 18 years old and had graduated high school. Then, the trial court scheduled a hearing for the last day of the next month and granted the Motion to Dismiss citing in Hearing that the Child had turned 18, and not citing any other reason.

Mother and child have a right to due process under the US Constitution because as of January 27, 2022, the ERA in effect as the 28th Amendment to the US Constitution and guarantees Mother and Child the right to due process that was denied by the Circuit Court of Montgomery County, Maryland. That court committed two due process errors. First, that court delayed proceedings 3 months despite Emergency Motions until after the Child was 18 and after the Child graduated high school, despite evidence being submitted proving the emergency. Second, that court granted an unserved Motion to Dismiss from the Rapist that was never served on Mother. The Rapist has a long history and pattern and practice of violations of court rules including requirements for service and prohibitions on *ex parte* communications including

falsely presenting himself as counsel not defendant. Despite Mothers requests for Reconsideration, the trial court refused to be a trier of facts and finalized their dismissal of the case.

Mother appealed to the State of Maryland Court of Appeals. However, that court did not address the due process errors of the trial court nor any other errors in failing to ensure Mother's and Child's state or US Constitutional rights. The Court of Appeals issued a ruling affirming the Circuit Court's dismissal but added clearly misogynistic and racist comments besmirching this rape victim and protecting this entitled white male lawyer rapist criminal. This, despite progress in the era of #MeToo.

Mother appealed to the Maryland Supreme Court noting the due process errors of the trial court and the sexist misogynistic and racist comments contained in the ruling of the Maryland Court of Appeals. However, the Maryland Supreme Court overruled the lower court rulings and held that the case had no "public interest." Either the Maryland Supreme Court was making Mother's appeal to the US Supreme Court very easy since this case involves many issues of "public interest," or was making it incredibly difficult even impossible if courts don't even recognize the systemic bias against rape victims which ought to garner widespread "public interest."

For these reasons, and any other reasons that may be reflected in the record in this case from the courts of Maryland as well as the record reflected in Mother's first Petition for Writ of Certiorari to this Honorable Court in 2011, Mother and Child have standing and clearly can demonstrate severe harm. It should be noted that this case also involves illegal forum shopping by the Rapist with alleged bribery of judge(s) in the

Commonwealth of Virginia to obtain an illegal child custody order that has never been Registered in any state – not the District of Columbia or Maryland.

This Child was kidnapped by the Rapist and an imposter DC police officer on December 22, 2006, from Mother's DC home and apparently was taken to the Rapist's home in the District of Columbia and then to his large equestrian estate in Montgomery County, Maryland. From there, it appears that over the years this Child was human trafficked to live in Bethesda, Maryland, to be raised by the Rapist's half-sister, a half-sister that routinely lied to school authorities at St. Andrew's Episcopal School in Potomac, Maryland, falsely claiming to be this Child's biological mother. Clearly, this evidence demonstrates that the Rapist never intended to raise Mother's Child. Yet no state or federal court has allowed Mother a forum to undertake Discovery or provide evidence or try facts related to these circumstances.

This Child currently is registered to vote in Maryland. Indeed, this Honorable Court could remand this case back to the trial court of the Circuit Court of Montgomery County, Maryland, because so many aspects of the crimes were committed in the State of Maryland. The Maryland trial court could assert jurisdiction due to this Child's voter registration and correct its prior refusal to consider any facts other than this Child turning 18 and graduating high school. Indeed, Mother asserted to the Maryland Courts at every level – Circuit Court, Court of Appeals, and Supreme Court – vast evidence of the many crimes and abuses. This Honorable Court could ensure Mother's and Child's rights under the US Constitution that now includes the ERA be enforced to provide relief to this Mother and Child, who is now a vulnerable-adult under Maryland statute protecting vulnerable-adults.

Without considering any facts other than the Child turning 18 and graduating high school, the Maryland Courts erred in being plainly wrong to fail to consider allegations that an abused child is still a vulnerable-adult the moment they turn 18 and graduate high school. Child development is well known in society indicating that children do not fully mature until well into their 20's, and do not magically transform from abused children to completely healthy adults instantaneously upon turning 18 and going through a high school graduation ceremony – to assert otherwise is plainly wrong and frankly absurd.

However, because the ERA is the 28th Amendment to the US Constitution as it is ratified, in effect, and enforceable because Mother and Daughter have standing and harm, this Honorable Court may wish to rule that this Mother and Daughter can seek relief in the Federal Court system. Moreover, it may be appropriate for the Federal Court system to be the trier of facts given that this involves 4 states – MD, DC, VA, and FL where the rapist has been falsely claiming residency and domicile having voted in Presidential elections to attempt to avoid the original jurisdiction of the District of Columbia Superior Court. The District of Columbia Superior Court ruled in September 2004 that Mother was the sole custodian of this infant Child and awarded Mother *pendente lite* child support – this is all demonstrated in Mother's 2011 Petition for Writ of Certiorari filed with this Honorable Court.

Mother filed a case against the District of Columbia, Commonwealth of Virginia, and State of Maryland in United States District Court in the District

of Columbia[17] regarding all these matters caused by the illegal forum shopping and failures of the 3 states to enforce their laws and protect Mother and Child. However, that case was dismissed without prejudice stating that Mother had not yet exhausted all state remedies.

That ruling was directly contrary to the Rapist being allowed to proceed with a case involving these matters in the United States Federal District Court for Southern Maryland in Greenbelt, Maryland.[18] In the Rapist's case in that Federal Court, the Rapist was allowed to proceed in his suit against the Montgomery County Police Department for enforcing Mother's valid protection order from the District of Columbia. Indeed, Mother was precluded from advising the Maryland Federal Court in that case because the Judge's law clerk told Mother that she is not a party to the case, so Mother could not tell the Judge of the illegal forum shopping the Rapist had done resulting in the illegal child custody order that the rapist used to win a judgment against the Montgomery County Police Department of $2.5 million for Mother's Daughter and $1 for himself for less than 1 day separation based upon the illegal Virginia child custody order.

Indeed, Mother asserts that her case in US Federal District Court in DC should result in a ruling in her favor of $2.5 million per day from December 22, 2006, when the Rapist kidnapped her Daughter through today as Mother and Daughter have never been reunited. For this reason, this Honorable Court may prefer to remand this case back to the US Federal

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[17] United States Federal District Court for the District of Columbia, Case 1:10-cv-00360-UNA, Upson v. District of Columbia et al

[18] United States Federal District Court of Southern Maryland in Greenbelt, case # 8:08-cv-00251-DKC Wallace v. Poulos et al

District Court in DC, and to punish the US Federal District Court in Southern Maryland in Greenbelt for allowing the Rapist's case to proceed against the Montgomery County Police Department. The faulty ruling in the Rapist's case should be repaid by the Rapist to the Montgomery County Police Department due to the Rapist's fraud upon the court. The Rapist and his legal counsel in that case should face Bar discipline for bringing a fraudulent case.

Question 2: Did the Maryland Supreme Court err in ruling that this case (and related 20 case history) has "no public interest"?

Mother prefaces her discussion of "public interest" by pointing out to this Honorable Court that her case is widely regarded as one of the worst cases of illegal forum shopping and abuse that has occurred, and throughout the past 20 years there has been tremendous interest by the public in her cases, and other cases like hers. Research demonstrates that approximately 60,000 abused children per year are placed in the custody of abusive fathers despite laws against this happening.[19] If one defines public interest as *"you know it when you see it,"* [20]one can see the great injustices imposed by these states upon a crime victim – this rape victim – and her abused Child conceived by rape who was illegally court ordered by Virginia to live with the Rapist with her name changed to the Rapist's name by a Maryland court, and then human trafficked to his abusive half-sister are such an outrage that the whole nation can see the injustices.

First, Mother puts forth for this Honorable Court

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[19] Ducote et al v. S.B. U.S.C. No. 20-1627, Brief Amici Curiae, Women's and Children's Advocacy Project, et al, see Attachment 5

[20] US Supreme Court Justice Stevens famously said about pornography: "I know it when I see it".

of what she has found regarding the definition of "public interest." According to Black's Law Dictionary[21] a "Public Interest" is defined as *"The welfare of the public as compared to the welfare of a private individual or company. All of society has a stake in this interest and the government recognises the promotion of and protection of the general public. This term is vague but the government will only let the public know what is in the publics' best interest. It won't release information that could cause riots and upheaval in the nation."*

The crux of the issues in this case concerns the public good of over half of the population of the United States, the State of Maryland, and the very public interests concerning cover up of illegal forum shopping involving kidnapping, concealment, and human trafficking – all public crimes affecting not only this Mother and Child, but also other victims of the sexual predation of the Defendant. In addition, the systemic discrimination against abused mothers and abused children in family courts across the states definitely make this a case involving "public interest."

States have passed laws trying to ensure that legislation passed by the United States Congress[22] urging states to pass model legislation ensuring that no rapist is awarded child custody. Indeed, Maryland passed such legislation, and it is included in Maryland Statute[23] – yet when Mother raised that Statute in this

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[21] The Law Dictionary, featuring Black's Law Dictionary 2nd Edition, https://thelawdictionary.org/public-interest/

[22] Congress enacted the Justice for Victims of Trafficking Act in May 2015. Title IV of that act, the Rape Survivor Child Custody Act addresses children conceived by rape should not be put in the custody of rapists.

[23] MD Code, Family Law, § 5-1402. Termination of parental rights after conviction of nonconsensual sexual conduct that resulted in conception of child; § 5-1403.(B)(1) – (2) Action for termination

case the Maryland courts ignored that Maryland Statute. Clearly, both the US Congress and the State of Maryland recognize it is a "public interest" that no rapist should get child custody. Therefore, the Maryland Supreme Court clearly erred in ruling this case had "no public interest."

Moreover, this case involves 20 years of crimes committed against this Mother and Child by the Rapist, officials, and states; such that it simply cannot be said that there is "no public interest" in protecting the public, this Mother, and this Child/vulnerable-adult from the Rapist. Mother would present much weighty evidence of the crimes committed if only ANY court would give her a forum for relief and function as a trier of facts – something that has never been performed by any court with any proper jurisdiction throughout the last 20 years. In fact, as time has progressed, Mother has uncovered much evidence of the Rapist's crimes, including his internet sexual predation on many women. How can it be that NO court in ANY state will provide Mother and Child with a forum or relief – can this Honorable Court countenance this deprivation of rights any longer simply to advantage a criminal?

When Mother brought her first case to this Honorable Court in 2011, the law clerk of this Court told Mother that her case had made Conference Committee, but not Review to one sole reason – the Equal Rights Amendment was not yet ratified. Therefore, he said, the case was "just like the Dred Scott decision." Otherwise, he opined that all the SCOTUS law clerks thought Mother would win on all her questions and issues. Obviously, if Mother's case is just like the Dred Scott decision, there is vast "public interest" as the Dred Scott decision was so outrageous that it led to the United States Civil War.

It is plainly wrong for the Maryland Supreme Court to rule that a case as significant as this one somehow has "no public interest" considering it involves this Mother's reproductive rights. If this Honorable Court cannot know it has "public interest" simply by seeing the vast injustices that this rape victim who chooses NOT to have an abortion of her baby doesn't reflect the "public interest", then it is ignoring the contemporary political reality of the impact of the Dobbs decision by this Honorable Court that is resulting in reproductive rights ballot measures being passed, including in Ohio where Mother now lives. Ohio's reproductive rights ballot measure even includes provisions in the Ohio Constitution prohibiting retaliation and punishment against mothers for their reproductive choices, including the choice not to have an abortion.

Yet, that "public interest" was not recognized by the Maryland Supreme Court, when they failed to acknowledge the severe retaliation and punishment inflicted on this Mother and Child resulting from rape. It is widely reported in the national press that the Dobbs Decision[24] has led to ballot measures in many states, including active ballot measures in the 2024 elections seeking to ensure reproductive rights in state constitutions. Clearly, there is enough "public interest" for these ballot measures to be placed on the 2022, 2023, and 2024 ballots in the states. Also, states are putting legislation and ballot measures forward to further ratify the ERA currently in 3 more states. Clearly, the ERA and reproductive rights – including the right not to have an abortion without fear of retaliation and punishment – are current "public interests."

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[24] Dobbs v. Jackson Women's Health Organization, No. 19-1392, 597 U.S. 215 (2022)

It is in the "public interest" for this Honorable Court to rule that rape victims who are fit parents should not lose custody and all contact with a child of rape – rape victims should not be retaliated against or punished for choosing not to have an abortion. Yet, in this case, the Virginia judge ruled that this Mother should lose custody and all contact with her child resulting from rape because the judge claimed that Mother "inconvenienced" the rapist by refusing his demand that she abort her healthy baby halfway through the pregnancy. Such a statement by the Virginia judge is outrageous and clearly a violation of the ERA and of the rights of victims of crime!

Moreover, this Child has been so abused that she now thinks she is actually a man and uses they/them pronouns and goes by the names "Anthony" and "Tony" in supposed "honor" of the Italian woman that married the Rapist despite her knowledge that he got two other women currently pregnant when he proposed marriage to this 3rd woman. Mother raised to the court the evidence immediately that started occurring on the very first visitation with the Rapist ordered by the Virginia court of the Rapist's sexual abuse of the 1 ½ year old toddler. Mother immediately raised all instances of the vast abuse occurring to all courts and all law enforcement authorities. Yet, there is such systemic bias against abused mothers and abused children in the family courts in DC, VA, and MD – as well as across all 50 states[25] – that Mother was called "obstinate" for raising the evidence to the courts resulting in another reason stated as to why Mother should lose all custody and have no visitation with this Child. Obviously, the evidence of the long history of systemic bias against abused mothers and abused children in family courts

[25] Ducote et al v. S.B. U.S.C. No. 20-1627, Brief Amici Curiae, Women's and Children's Advocacy Project, et al, see Attachment 5

across the USA is very much a "public interest."

Moreover, one must wonder why the systemic bias against abused mothers and abused children is occurring, but this Honorable Court need only consider that the US Government funds a "fatherhood.gov" program at $150 million annually, but there is no "motherhood.gov" program. How can fatherhood.gov be a "public interest" yet somehow there's no "public interest" in having a motherhood.gov? Outrageous! This is evidence of systemic bias against mothers that the ERA should cure and should cause this Honorable Court in this case to rule in Mother's favor that her right to motherhood has been violated in this case and by these states in the past.

Discrimination against mothers by the US Government in favor of fathers calls for strict scrutiny of this public policy and court rulings, not simply resorting to romantic paternalism that puts women in a cage. Why is a Rapist criminal given preference over a fit mother even though the Rapist demanded the mother kill her healthy baby via abortion? Such a ruling to deny this fit Mother all custody and visitation needs strict scrutiny as it reinforces sexist stereotypes that simply because the Rapist is rich and white and a lawyer that this Child is better in his sole custody than with the "obstinate" Mother who the trial judge considered should be subservient to the man.[26] The ERA demands strict scrutiny over family court rulings that have been so perverse as to not only allow but promote wicked stereotypes that women are crazy lying gold-diggers and "obstinate" if they defy a man's – let alone a Rapist's – demands for her to have an abortion. The trial judges needed to let this Mother out of the cage of stereotypes, and these men should take their feet off

[26] Reed v. Reed, 404 U.S. 71 (1971)

this fit Mother's neck! *Frontiero v Richardson* [27] should now be overturned because the ERA is Ratified, and this case clearly shows how gender stereotypes left with little scrutiny or even what may be rational scrutiny to a sexist judge can pervert equal justice under law for this fit Mother and Child.

The MD Supreme Court narrowly ruled on this case by citing only one reason for denial – lack of a "public interest" – without stating any support that would let the public know what about this case's supposed lack of a "public interest" is in any way not in keeping with well-established and foundational original "public interest" against fraud, fraudulent marriage proposals intended to get sex, rape, kidnapping, concealment, human trafficking, abuse of mothers, abuse of children, perjury, lack of due process, lack of enforcement of statute and court rule, rule of law, and related "public interests" concerning the systemic integrity of the judicial, administrative, and law enforcement state authorities.

The MD Supreme Court appears to deliberately conceal Maryland court misconduct by ruling there is a lack of "public interest." MD Supreme Court refuses to accept Motions to include in the record evidence of great "public interest" that are happening in real time as the case is being reviewed by the MD courts at the trial, appellate, and state's highest court. Such evidence includes rulings from the United Nations[28]

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[27] Frontiero v. Richardson, 411 U.S. 677

[28] United Nations, CCPR/C/USA/CO/5, Concluding observations on the fifth periodic report of the United States of America* 1. The Committee considered the fifth periodic report of the United States of America 1 at its 4050th and 4051st meetings,2 held on 17 and 18 October 2023. At its 4067th meeting, held on 30 October 2023, it adopted the present concluding observations. Paragraphs 18 & 19

demonstrating the systemic failure of the United States and individual states to protect over half the population due to their failures to adequately shepherd equality of rights for women through the Equal Rights Amendment (ERA -- 28th Amendment to the US Constitution) or through the states' ERA's as amended in each states' Constitution in MD, VA, and DC.

MD's ERA is considered one of the strongest ERA's in the US, with strict scrutiny enforced. Yet, none of the MD courts at the trial, appellate, or highest court addressed the crux of the issues of MD's ERA or the US ERA. Given that the sole reason that the SCOTUS did not review these cases the first time – which was evidence presented to the courts of Maryland yet unaddressed and unevaluated by the MD courts – was that the ERA had not yet been ratified, and given that MD has one of the strongest state ERA's with strict scrutiny, the MD Supreme Court erred gravely in concluding without stated rationale that the cases had "no public interest." Now that the ERA is in the US Constitution, sex discrimination must be handled by the courts with STRICT SCRUTINY. One state, Pennsylvania, just ruled that the Pennsylvania ERA did cover sex discrimination.[29]

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18. While welcoming the various measures taken by the State party to advance gender equality, including the establishment of the White House Gender Policy Council in 2021, the Committee regrets the lack of explicit guarantee in the Constitution against sex and gender-based discrimination (arts. 2 and 3).
19. The State party should redouble its efforts to guarantee protection against sex and gender-based discrimination in its Constitution, including through initiatives such as the Equal Rights Amendment. The State party should also consider ratifying the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.

[29] Supreme Court of Pennsylvania, Alleghany Reproductive Health Center et al v. Pennsylvania Department of Human Services et al, No. 26 MAP 2021, January 29, 2024

In fact, these cases have profound "public interest" especially because they relate to 4 states and 2 federal courts with a parade of felonies committed by the Defendant, his family, his various lawyers, specific judges, and law enforcement. This case represents the very epitome of the type of case that is undoubtedly in the "public interest" because no one can have trust in the states or federal courts when crimes are committed and there is a systemic failure of the entire system of justice. This, especially when a US Constitutional Amendment has been achieved that solves the systemic justice problem, yet that momentous achievement is ignored and ignored purposely to conceal the complicity of the state itself in the injustices that have been perpetuated.

Moreover, Mother asserts that the US Supreme Court erred in failing to review her first SCOTUS case because Mother was discriminated against according to the "Dred Scott Decision" simply because she was a single mother not living in her father's house or in a married house under legal control of a husband. Reed v Reed 1971[30] may have ruled that women can be treated as equal citizens under the 14th Amendment but treated unequally except when women are at a "significant disadvantage." Meyer v Nebraska 1923[31] ruled that the right to 'parenting' is a fundamental right and there are parental interests in the well-being of their children in matters of health, physical and mental, as well as in education. Under the ERA, now motherhood is a fundamental right under the US Constitution. Yet, throughout the tortured history of all these cases Mother has been treated horrendously at a significant disadvantage simply because she is a single mother who was raped by a very wealthy white entitled lawyer Rapist. The courts' maltreatment of Mother and Child

[30] Reed v. Reed, 404 U.S. 71 (1971)
[31] Meyer v. Nebraska, 262 US 390 (1923)

was so severe that inconceivable abuse was ordered by the courts against Mother and Child including traumatic undeserved separations through improper contempt of court proceedings using extended visitation with the abuser Rapist as punishment for Mother through inflicting traumatic torture on a defenseless and innocent toddler.

The list of court abuses on Mother and Child is long, yet the courts of MD never performed the role of trier of facts nor allowed Mother any forum at all to present facts, evidence, or argument. Mother's filings document the vast abuses and crimes, yet the MD courts abused their discretion in failing to allow a forum, violating due process, and snidely discriminating against Mother and Child with sexist and racist rulings at the appellate level, and dismissive unsubstantiated rulings at the MD Supreme Court level.

This Honorable Court should overturn the prior *Morrison* ruling now that the ERA is ratified so that Title V of the Violence Against Women Act (VAWA) can offer a federal court forum and relief, especially because this case demonstrates the severe harm that can occur when state courts know they do not have federal court oversight. SCOTUS erred by not reviewing Mother's first SCOTUS case because of precedent from an erroneous ruling by SCOTUS striking Title V of VAWA in 2002.[32] This case demonstrates the need for a federal solution in domestic violence cases because Mother was not allowed to proceed with her federal case, but the Rapist was allowed to proceed with his federal case in a different federal court on the very same circumstances being actively adjudicated in the courts of DC, VA, and MD. Obviously, bias existed in the Rapist's favor and discrimination existed against the domestic violence

[32] United States v. Morrison, 529 U.S. 598 (2000)

victims (Mother and Child), demonstrating that SCOTUS striking down Title V of VAWA was plainly wrong and places domestic violence victims at a significant disadvantage without the Title V VAWA federal court resolution options in these interstate illegal forum shopping cases.

Judge Rehnquist also held that the Equal Protection Clause did not authorize the law because the clause applies only to acts by states, not to acts by private individuals. In his dissenting opinion, Associate Justice David Souter argued that the majority revived an old and discredited interpretation of the Commerce Clause.

The profound "public interest" demonstrated by this case and all the preceding cases in VA, MD, and the federal courts in DC and MD cry out for the US Supreme Court to proceed precisely due to the "public interest" exhibited by the MD case and all the prior cases in the other states and federal courts.

Indeed, can the US Supreme Court identify any other set of cases in US history with as sordid and tortured illegal forum shopping as has occurred in these circumstances? How profound for the US judicial system! Being so profound, this case is surely in the "public interest." No Mother and Child should be dragged through so many different courts over the Child's entire life – that's not due process.

This whole tortured history of the cases involves right to counsel issues as well – yet another "public interest." Through due process delays and without evidentiary basis, this Mother has been denied her right to counsel when the conduct of the multi-jurisdictional courts have been to essentially deny Mother her parental rights and deny this Child her right to her relationship with her

Mother through lack of due process and court malfeasance.

Judges are supposed to be indicted, convicted, and serve sentences when they are bribed, yet the US federal government itself has been complicit in ignoring the judicial bribery and malfeasance that would have been addressed if the US DOJ had given this Mother and Child proper attention. Instead, consistent with the systemic failures across the 4 states and the 2 federal courts, the US DOJ failed to act when it could have intervened in the "public interest." The FBI and US DOJ have told Mother they won't interfere in interstate custody disputes and to just go get a lawyer. This case represents the "public interest" because no lawyer will take the case as it has been made so complicated as a legal tactic from this Rapist lawyer simply for legal advantage. As is so often the case, this Mother has had to file and argue her own case, just like the vast majority of mothers in family courts across the country – a "public interest" resulting in vast injustices for abused mothers and abused children in the nation's family courts.

In summary, it certainly is in the "public interest" as demonstrated by the social injustices in this case for this Honorable Court to rule that no fit mother should be retaliated against and punished for refusing to have an abortion. Also, this Honorable Court should recognize that it is indeed possible that child abuse can manifest in evidence that a child is so gender confused due to abuse and deprivation of her mother that the child thinks she might be a man. This was a healthy happy well-adjusted toddler girl prior to having court-imposed contact with this Rapist resulting in the conception of this Child through crime. The abuse started with the first visit and escalated rapidly, resulting in a now tortured vulnerable-adult who

doesn't even know her own identity or her real fit Mother.

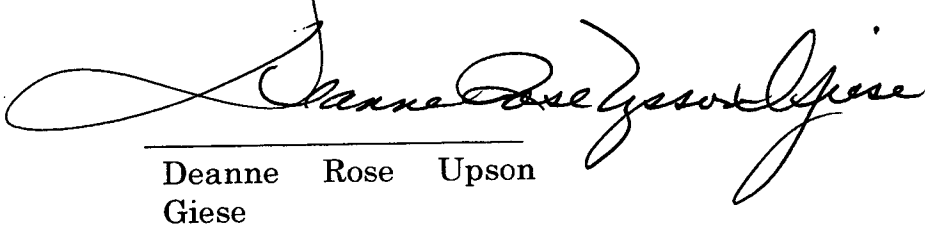
This whole horrific 20 years of state imposed torture could have been cured if the court of original jurisdiction – the District of Columbia Superior Court – would not have broken the law and made an illegal secret deal with a bribed judge in Virginia to allow the Rapist the advantage of 2 trials (Juvenile and Domestic Relations trial, and a *de novo* Circuit Court trial under Virginia law not allowed in DC or MD) to use his wealth and legal connections to have judges rule in his favor. This Rapist illegally forum shopped out of District of Columbia Superior Court simply because he called child support "extortion" and didn't like or pay the *pendente lite* child support ordered by the DC Superior Court in the amount of $4,000 per month.

At the Rapist's income levels as a Senior Partner at Milbank Tweed Hadley & McCloy he should have paid about $15,000 per month. The rapist even stated to the DC Court of Appeals that in his view he should only have to pay for "a few jars of baby food and a couple diapers." Clearly, that view violates the "public interest" demonstrated by child support guidelines in all 50 states for his income level.

Indeed, this Rapist criminal was rewarded for his crimes by paying zero child support simply because the courts and law enforcement officials across 3 states and 2 federal courts weren't forced previously by this Honorable Court to abide by the rule of law because the Equal Rights Amendment wasn't yet ratified and in the US Constitution. It is now, but it shouldn't have taken ratification of the ERA to see the injustice demanding remedy. SCOTUS should have previously reviewed Mother's first SCOTUS case based on the public interest in protecting victims of crime, as demonstrated by the parade of felonies perpetrated against Mother and Child. This is important because the Rapist is an internet sexual predator that has many other public

victims. If Mother could get any state or federal court to provide forum for relief, this all could be put before a trier of facts. It is a "public interest" that Mother has been denied a forum by all these courts. That represents a systemic failure of the legal system in the US and as such is a "public interest." Mother now again requests relief and enforcement of her and her Daughter's rights under the US Constitution as persons and citizens entitled to relief. This Honorable Court should finally grant review and relief to Mother and Child.

Moreover, as the Rapist is admitted to the US Supreme Court Bar, Mother requests this Honorable Court disbar him from US Supreme Court practice due to the circumstances of this case and due to him being under formal disciplinary action with the DC Bar currently.[33] The Rapist is not fit to be a member of the US Supreme Court Bar as he is despicable and lacks any fitting moral character.



Deanne Rose Upson Giese
Pro Se

[33] District of Columbia Court of Appeals, Board on Professional Responsibility, Ad Hoc Hearing Committee, Board Docket No. 17-BD-001, Bar Docket Nos. 2015-D147; 2015-D161; 2015-D162; 2015-D239; & 2016-D079