

24-6342

ORIGINAL

FILED
JUL 11 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

ANDY JAMES BRADLEY — PETITIONER

VS.

FL DEPT. OF CHILDREN
AND FAMILIES, et al. — RESPONDANT(S)

ON A PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF FLORIDA

AMENDED PETITION FOR WRIT OF CERTIORARI

Andy James Bradley, DO# Q12615
Calhoun Correctional Institution
19562 S.E. Institution Dr.
Blountstown, FL 32424

QUESTION(S) PRESENTED

1. Is a Superior Court's failure to take a de novo review of Constitutional, Statutory, and matters of law under a Discretionary Jurisdictional Review; due to a lack of an enumerated Opinion, a violation of Petitioner's First Amendment Right to Petition for redress?
2. Should a case be allowed to be upheld by a higher Court when matters of Constitutional Law and Statutory Violations that clearly violates Petitioner's Rights to Due Process of Law?
3. When a clear and evident violation of a citizen's right to a fair trial is apparent, is it not the correct posture to remand said case for new proceedings?
4. Is a trial Court not only required to serve notice, but have a parent present at all proceedings pursuant to Statutory laws in order to satisfy Due Process Requirements?
5. Does a State Statute that violates a person's First, and Fourteenth Amendment rights, and matters of Constitutional law; that is used against that person an egregious violation that can be overlooked by any Court?
6. Are West's Federal Digest Statute's applicable in a State Court family law proceedings, and if so when is it O.K. for a State Appellate and Superior Court to not take notice of such claims?

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Children's Legal Service

Attn: Sarah Rumph, Esq.

325 John Knox Rd. Bldg. S

Tallahassee, FL 32303

(Counsel For Dept. of Children and Families)

Statewide Guardian Ad Litem

Attn: Sara Goldfarb, Esq.

P.O. Box 10628

Tallahassee, FL 32302

Statewide Guardian Ad Litem

Attn: Caitlin Burke, Esq.

P.O. Box 10628

Tallahassee, FL 32302

Note: Petitioner does not have e-mails or Florida Bar numbers on above counsel. Also, Supreme Court of Florida issued notices to the following whom Petitioner has no contact information for:

Casey T. Barron

Eric C. Love

Andrew McGinley

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	2
STATEMENT OF THE CASE	5
REASONS FOR GRANTING THE WRIT	8
CONCLUSION	8

INDEX TO APPENDICES

APPENDIX A Supreme Court of Florida Rulings

APPENDIX B First District Court of Appeals Rulings

SUPPLEMENTAL APPENDIX MOTION TO SEAL

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

DeChellis v. DeChellis,

925 So. 2d 379 (Fla 4th DCA 2006.)

6

Meyer v. Nebraska,

262 U.S. 390, 43 S.Ct. 625 (1923)

4

Mullane v. Central Hanover Bank,

339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865 (1950)

3, 6

STATUTES AND RULES

West's Federal Digest

§ 786.2

3, 6

§ 786.3

3, 6

§ 798.5

3, 6

Florida Statute

s. 39.806 (1) (n)

4, 7

s. 39.808 (1)

4

Florida Rules of Civil Procedure

Rule 1.090 (d)

3, 6

OTHER

United States Constitution

Amendment I	2,5
Amendment VI	2
Amendment IX	3
Amendment XIV	3,6

BLACKS LAW DICTIONARY 11th Edition

Right of Family Integrity	4,5
Parental-Autonomy Doctrine	4,5
Parental-Privilege Doctrine	5

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a Writ of
Certiorari issue to review the Judgments below

OPINIONS BELOW

For cases from State Courts:

The opinion of the highest Court to review the
merits appears at: Supp. Appx. to the Petition and is:
Unpublished.

The Opinion of the District Court of Appeals, First
District of Florida appears at: Supp. Appx. to the Petition
and is: Published Without Opinion.

JURISDICTION

[✓] For Cases from State Courts:

The date on which the highest State Court decided my case was April 15, 2024. A copy of that decision appears at: Supp. Appx.

[✓] A timely petition for rehearing was denied filing in the original decision.

[✓] No extension of time to file the petition for a writ of Certiorari has been filed to-date.

The jurisdiction of the U.S. Supreme Court is invoked under 28 U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

A. United States Constitution, Amendment I, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or the right of the people to petition the Government for a redress of grievances.

B. United States Constitution, Amendment VI, The right to a fair trial, the right to compulsory process for obtaining witnesses, and the right to present a proper defense.

C. United States Constitution, Amendment IX, The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

D. United States Constitution, Amendment XIV, No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

E. West's Federal Digest, § 786.1 - Due Process requirements of the Fourteenth Amendment as regards notice and hearing do not depend upon a distinction between actions in rem or in personam.

F. West's Federal Digest, § 786.3 - Due Process Clause requires at minimum that deprivation of life, liberty, or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case.

G. West's Federal Digest, § 788.5 - Personal Service of written notice within jurisdiction is the classic form of notice always adequate in any type of proceeding to satisfy the requirements of Due Process.

H. Florida Rules of Civil Procedure (FL R. Civ. P.) 1.090 (d) mandates that a copy of the notice of hearing or motion be served a reasonable time before the time specified for a hearing. (See also: *Mullane v. Central Hanover Bank*, 339 U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (1950))

I. Federal and State Constitutional Law; Individuals have the fundamental Constitutionally protected rights to procreate and to be a parent to their child [ren], and these Constitutional rights are recognized under both, United States Constitution, and the Florida Constitution. Specifically the "Parental-Autonomy Doctrine, first recognized in: *Meyer v. Nebraska*, 262 U.S. 390, 43 S.Ct. 625 (1923)

J. Right of Family Integrity (1974) Constitutional Law. A fundamental and substantive Due Process Right for a family to be free from unjustified interference. (Black's Law Dict. 11th Ed.)

K. Florida Statute 39.808 (1) Advisory Hearing, Pre-trial Status Conference; Parent must be served notice of all hearings, Especially of the trial date.

L. Florida Statute 39.806 (1)(n) Parent is convicted of an offense that requires him/her to register as a Sexual Predator under, s. 775.21.

STATEMENT OF THE CASE

In this Petition for Writ of Certiorari, this petitioner will show how the many Constitutional rights and provisions of the United States Constitution was in fact egregiously violated by the Florida Courts, from the Fourteenth Judicial Circuit all the way to the Supreme Court of Florida. On October 28, 2021 Department of Children and Families of Florida filed a Petition to terminate the parental rights of the Father and Mother of two children. Due to there being one child still a minor, said child will be referred to in this Petition by the initials V.B. Over the course of 15 long months this case continued on to the January 26, 2023 Trial date, at which point the Circuit Courts unlawfully committed violations to terminate the parental rights of both parents. In this Statement Petitioner will show how in no way should the ruling have been upheld by any Court.

The first matter of law to address is whether the Florida Supreme Court's failure to take a de novo review of Constitutional, Statutory, and matters of law under the Petition for Discretionary Jurisdiction; due to a lack of an enumerated opinion, a violation of Petitioner's First Amendment Right to petition for redress? As no case cited in the denial has any relevance to a family law/termination of Parental Rights case this matter should have been subject to a de novo review as a matter of great public importance. To deny a fair de novo review is to deny a fair and impartial consideration to the matters raised. Such a denial denies this Petitioner's Constitutional Rights under the: Right of Family Integrity, Parental-Autonomy Doctrine, and the Parental-Privilege Doctrine.

Such Constitutional Law Violations are of the utmost great public importance to be reviewed to keep the Courts in line with the checks and balances system designed by the Founders of this Great Nation. Further to allow such, denies this Petitioner's right to his Christian faith practices of the same issues, the right to be a parent to his child without unjust interference by the government.

Should a lower court's judgment be upheld by a higher court when such a decision further upholds Constitutional, and Statutory Law Violations that are clear violations of this Petitioner's Due Process Clause rights? West's Federal Digest § 786.1; 786.3; and 788.5 all lay out guidelines that any person who is to come before a court be served a written notice. Furthermore, Florida Rules of Civil Procedure, Rule 1.090(d) mandates that a copy of the notice of hearing on motion must be served a reasonable time before the time specified for a hearing. This Petitioner was left out from attending several proceedings and was not put on notice of the trial date, but was bombarded. Florida law in DeChellis v. DeChellis, 925 So. 2d 329 (Fla. 4th DCA 2006) rules such as a violation of Due Process that should reverse and remand. This Honorable Court also found the same findings in Mullane v. Central Hanover Bank, 339 U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (1950). This violation of Due Process should have reversed the judgment, but at the very least should have brought a de novo review by the Florida Supreme Court. To allow a court to hold proceedings without the parent(s) present is a clear violation of the Due Process Clause to the concerned parties' rights to be put on notice protected under the Fourteenth Amendment of the United States Constitution.

When a clear and evident violation of a named party's Sixth Amendment Right to Fair trial is apparent is it not the correct posture to Remand for a new trial to correct the errors? Case in fact here this Petitioner's wife, and mother of the minor child was deemed to be a Pro Se litigant just days before the trial. The same individual was then forced to file for a Continuance due to a doctor's order to stay home. Trial Judge denied the Continuance, willing to endanger all in the courtroom to possible Covid. The trial proceeded without Pro Se litigant to present a defense for themselves, but also a proper defense for this Petitioner, not allowing for Pro Se litigant cross. Such Sixth Amendment violations is a violation, to Fair trial, to present proper defense, and right to Compulsory process of this Petitioner.

Does a Florida Statute that allows a Court to terminate a parental right due to a Court ordered designation violate a Citizens Constitutional law rights? Florida Statute 39.806 (1)(n) States that a parents rights can be terminated because they were convicted of a crime requiring them to register as a Sexual Predator. This law violates a Citizens right to procreate and be a parent to their child, because as in this current case a child was taken from both parents because of a 20 year old designation of this Petitioner. There were other allegations that started all the actions but both of the children recanted in full so there was nothing else to learn on. Although the lower courts would have everyone believe the recanted versions are not truth.

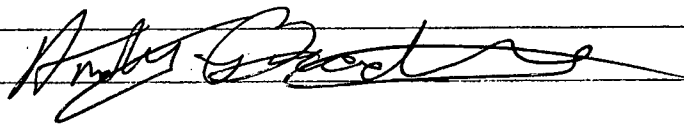
REASONS FOR GRANTING THIS WRIT

This instant Petition has shown these Courts just some of the Constitutional and Statutory violations. The ones presented herein are the most egregious that this Petitioner prays is sufficient to warrant this writ being granted to set matters right in accordance with the law. No Court should ever violate a persons rights, privileges and immunities in such a way as was done in this case prior to this point. This Petitioner humbly prays this matter gets the review it truly deserves and at some point true Justice Served.

CONCLUSION

The Petition for a Writ of Certiorari should be granted.

Respectfully Submitted,



Date: November 22, 2024