

No. 24-6985

IN THE
SUPREME COURT OF THE UNITED STATES

R.V., Jr.,
Petitioner,
vs.
S.V.,
Respondent.

On petition for a Writ of Certiorari to
The Texas Court of Appeals at Austin
Third District

PETITION FOR REHEARING



Ricardo Vera Jr. #141884
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Pro Se Litigant

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CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment XIV, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Tex. Fam. Code § 107.013(a): At Appendix A

PETITION FOR REHEARING

Petitioner Ricardo Vera Jr., henceforth R.V., respectfully petitions for rehearing of this Court's June 16, 2025 Order denying his petition for writ of certiorari. This petition timely follows within 25 days after the Order of denial, and is limited to "other substantial grounds not previously presented." USCS Supreme Ct R 44.

REASONS FOR GRANTING REHEARING

The Texas Court of Appeals at Austin has decided a constitutional question of law that is opposite to six other state courts of last resort. Left undisturbed by the Texas Supreme Court, it stands as authority in that state. This matter has not been, but should be, settled by this Court.

Those six state courts of last resort have made the following decision: if a statute provides indigent parents in a termination suit with a right to counsel when the action is brought by the government, then the Equal Protection guarantee must extend to the same person in the same suit with the same right to counsel when the action is brought privately. A.W.S. v. A.W., 339 P.3d 414-19 (Mont. October 15, 2014) (two similarly-situated classes created by Montana's statutory framework effecting the involuntary termination of parental rights--a Title 41 petition brought by the state where counsel was afforded, and a Title 42 petition brought privately where counsel was not afforded--necessitated, by way of Equal Protection, that respondents to privately-filed termination petitions also be afforded counsel). See also: In re Adoption of Meghan, 961 N.E.2d 110 (Mass. January 30, 2012); In re L.T.M., 824 N.E.2d 221, 229-32 (Ill. January 21, 2005); In re S.A.J.B., 679 N.W.2d 645, 648-51 (Iowa May 12, 2004); In re K.A.S., 499 N.W.2d 558, 563

(N.D. April 27, 1993); Zockert v. Fanning, 800 P.2d 773, 776 (Oregon November 8, 1990).

Since section 107.013(a) of the Texas Family Code (Attachment A) provides such people this right "in a suit filed by a governmental entity," then the Fourteenth Amendment guarantees that right also applied to Texas litigants in privately-filed termination suits such as this instant case. U.S. CONST. amend. XIV. However, the Austin appellate court decided discordantly when they affirmed the trial court's denial of R.V.'s motion for counsel, thus implicating either:

1. the violation of R.V.'s constitutional right to equal protection had not rendered the proceedings fundamentally unfair; or
2. in opposition to the aforementioned courts, equal protection does not require the right to counsel in termination suits be extended from state-initiated suits to cover privately-initiated ones.

In either view, the appellate court has decided an important question of federal law that has not been settled by this Court.

Since various rights of constitutional magnitude are hereto intertwined--the right to counsel in termination suits, its extension by way of Equal Protection, how that fits through the "fundamental fairness" requirement of Lassiter as a portal to interpret the equal protection issue preserved, and parental rights writ large--this Court must now be the sole authority on this matter. Lassiter v. Dep't of Social Services, 452 U.S. 18, 32-33 (1981).

CONCLUSION

For the foregoing reasons, and those stated in the petition for a writ of certiorari, this Court should grant rehearing, and then grant the writ and review the judgement below.

Respectfully submitted,

July 3, 2025



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CERTIFICATE

Pursuant to Rule 44.2, I, Ricardo Vera Jr, pro se petitioner, hereby certify that the petition for rehearing is restricted to the grounds specified in Rule 44.2. I further certify that the petition for rehearing is presented in good faith and not for delay.

Furthermore, as an inmate confined in an institution and pursuant to Rule 29, I certify that I deposited this petition for rehearing in the institution's internal mail system on July 03, 2025, which is on or before the last date for filing (July 11, 2025), and that first-class postage has been prepaid.

I declare or certify under penalty of perjury that the foregoing is true and correct. Executed on July 03, 2025.



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PROOF OF SERVICE

I, Ricardo Vera Jr., do swear or declare that on this date, July 03, 2025, as required by Supreme Court Rule 29, I have served the enclosed PETITION FOR REHEARING on each party to the above proceedings or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the New Hampshire State Prison for Men's mailbox in Concord, New Hampshire. The mail is properly addressed to each of them and with first-class postage prepaid for delivery through the United States Postal Service.

The names and addresses of those served are as follows:

Carlos G. Salinas
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 03, 2025.


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