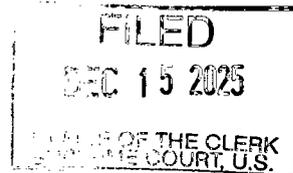


25-6929

No.



**IN THE
SUPREME COURT OF THE UNITED STATES**

PATRICIA M. CORNELL-PETITIONER

vs.

ANN CORNELL-RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
CALIFORNIA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

PATRICIA M. CORNELL

P.O. BOX 501

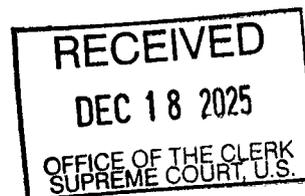
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IN PRO SE

1.



QUESTIONS PRESENTED

Three questions.

1. **Patricia A. Cornell Trust.** As a matter of law, did the Courts err when it **denied Petitioner her Constitutional Due Process Rights in the Fourteenth Amendment and First Amendment Right of Freedom of Speech and Right to Petition, to have her rightful home in her mother's Property?** Did the courts err in failing to recognize the **Settler's INTENT** for the **Beneficiary Petitioner's** right to an expressed gift with a mandatory commandment with use of the word: **"Shall" of a Life Estate?** Whether a Trustee can take away the rights of exclusive possession of the Property from a Beneficiary? Does the law still recognize unanswered conflicts regarding a Beneficiaries Right of Occupancy, and when a trustee has a right to sell the Property? As a matter of law, did the Court err in failing to recognize that a Court shall prove the **validity of Extrinsic Evidence** before allowing it in as Admissible Evidence, knowing full well drafting lawyers' Testimony was False?

There has been no unpublished case like this for over one hundred years. The Case: California Supreme Court: *Le Breton v. Cook*, (*Le Breton*) 107 Cal. 410 (1895).

2.

2. Petitioner was denied her Constitutional Right of Due Process to have an Impartial Trial Judge and a Fair Trial. Petitioner was denied her Right of Freedom of Speech and Right to Petition under the First Amendment. Petitioner filed a written Verified Statement of Disqualification pursuant to CCP section 170.3 (c) (1), for **disqualification of the Trial judge for Bias, Prejudice or lack of impartiality under CCP 170.1 (a) (6).** The Trial Court failed to follow any of the prescribed statutory procedure. **So, the Trial Judge held the Trial Illegally.** As a matter of law, did the court err in failing to recognize that the **California Supreme Court** in *People v. Brown* (1993) 6 Cal. 4th 322, 332, ("Brown"), summarizing and quoting *Arizona v. Fulminante* (1991) 499 U.S. 279, 309, "Arizona", squarely held an appeals court may consider a **Constitutional Due Process** challenge to the denial of a disqualification motion based on **Judicial Bias**, even on appeal from a final judgement. In *Brown*, the Court strongly suggested that a litigant raising a disqualification issue on appeal from a final judgement in most cases must have pursued the writ remedy and been summarily denied. Petitioner sought writ review and was summarily denied. Did appeals court err in failing to recognize Procedural requirements of **CCP 170.1, 170.3?** As a matter of law, whether a State Court violates the Due Process Clause of the Fourteenth Amendment by refusing to follow mandatory statutory procedures for adjudicating a timely challenge to the trial judge's impartiality under **Cal. Civ. Proc. Code §§ 170.1(a)(6) and 170.3—procedures the United States Supreme Court** has repeatedly held are **Constitutionally** required to protect the right to an impartial tribunal, see *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and *Bracy v. Gramley*, 520 U.S. 899 (1997) when the trial court simply ignored the verified statement of disqualification, **no Judge ruled on it, and the court of appeal refused to review the claim on direct appeal despite this Court's and the California Supreme Court's** clear holdings that such structural error is cognizable on appeal from a final judgment (*Arizona v. Fulminante*, 499 U.S. 279, 309–10 (1991); *People v. Brown*, 6 Cal. 4th 322, 334–35 (1993)).

3.

3. Petitioner, under the Fourteenth Amendment, was denied her Constitutional Due Process Rights and was denied her First Amendment Freedom of Speech Rights and Right to Petition to have a Court Reporter at critical parts of her Trial, as well as all but one of the Hearings before the Trial. The Trial Judge denied her these rights. Petitioner has a fee waiver under **Government Code section 68631**. The **California Supreme Court** in *Jameson v. Desta*, 5 Cal. 5th 594 (2018) (*Jameson*) mandated litigants with a fee waiver be provided a court reporter for free. Petitioner's case started in December'2020. As a matter of law, did the court err in failing to recognize *Jameson v. Desta* ? Did the court err by permitting the trial court's policy to never provide official court reporters in civil trials to absolve the court of its obligation under **Government Code section 68086 subd. (b)** to waive court reporter's fees for fee waiver litigants? Petitioner several times requested the trial court to have a court reporter. Legislatively established policy and longstanding precedent from this Court requires courts to exercise their discretion in a manner that protects the rights of indigent litigants to access the courts to redress their grievances. Did the **Superior Court abuse that discretion** by adopting a court reporter policy that has the practical effect of categorically denying all indigent litigants access to court reporters, and thus their practical ability to make a record for appeal? **Does lack of transcript deny Petitioner a fair and impartial ruling? First Amendment Freedom of Speech and Petition Rights: Whether a trial court's actions in silencing a pro se litigant's attempts to present evidence and refusing to ensure a record of multiple critical parts of the Hearings and Trial, Violated Petitioner's Rights to Freedom of Speech and Right to Petition and Constitutional Due Process?**

4.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

Superior Court of the State of California. Marin County.

Ann Cornell v. Patricia Cornell. No. PRO 2003455. (December 29'2020- March 16'2022)

Appellate Court for the State of California. San Francisco County. First District. Division Two.

Patricia Cornell v. Ann Cornell. No. A165245. (May 16'2022-August 11'2025)

Superior Court for the State of California. Marin County.

Patricia Cornell v. Cynthia Trutner, Genevieve Moore, Bancroft and McAllister.

No. CV0001330. (March 16'2023-present)

California Supreme Court. San Francisco County.

Patricia Cornell v. Ann Cornell. No. S291320. (June 9'2025-July 17'2025)

Superior Court for the State of California. Marin County.

Ann Cornell v. Patricia Cornell. No. PRO 2003455. (October 23'2025)

Appellate Court for the State of California. First District. Division Two.

Patricia Cornell v. Ann Cornell. No. A174891. (November 21'2025-December 2'2025.)

California Supreme Court. San Francisco County.

Patricia Cornell v. Ann Cornell. Case No. Will be assigned. (December 12'2025-present)

Superior Court for the State of California. Marin County.

Patricia Cornell v. Ann Cornell. No. PRO 2003455. (November 24'2025-present)

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STATUTES AND RULES

Page number.

Probate Code

Civil Code of Civil Procedure 170.1, 170.3, 170.1 (a) (6) pg. 3.

Rule

OTHER

OPINIONS BELOW

Page number. DO: put page #s

Appellate Court for the State of California-the Opinion is Appendix A, ...page 6.

Appellate Court for the State of California did not publish the Opinion.

JURISDICTION

California Supreme Court denied review on July 17'2025.

A copy denying review is at Appendix C.

An extension of time to file a Petition for a Writ of Certiorari was granted to December 13'2025.

December 13'2025 is a Saturday, so due December 15'2025.

Granted on September 18'2025. No. 25A316.

The jurisdiction of this Court is invoked under 28 U.S.C. Section 1257 (a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Page number.

1. FIRST AMENDMENT FREEDOM OF SPEECH AND RIGHT TO PETITION

2. FOURTEENTH AMENDMENT DUE PROCESS RIGHTS

1. ~~Due Process~~, Freedom of Speech 2, 3, 4, 13, 15,
19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29

2. Due Process 2, 3, 4, 13, 15, 19, 20, ~~21~~, 21,
22, 23, 24, 25, 26, 27, 28, 29

STATEMENT OF THE CASE

There has been no unpublished case like this for over one hundred years. The Case: California Supreme Court: *Le Breton v. Cook*, (*Le Breton*)107 Cal. 410 (1895). *Le Breton*,: **Right of Occupancy is personal to the holder, and thus it generally cannot be sold. Much like a **Life Estate**. *Robbins v. Bueno*, 262 Cal. App. 2d 79, 82 (1968). *Robbins*,: Right of Occupancy has many of the attributes of a life estate, including **entitlement "to... exclusive possession for life"**) (Probate code 15300-153301). **INTENT IS THE LAW. So says the CONSTITUTION OF THE UNITED STATES. Signed September 17'1781. 238 years ago.****

For reference, Patricia Cornell is Petitioner for this court, and Appellant for Appeals courts.

1. Patricia A. Cornell's (Pat) Trust dated May 19'2019 As Amended and Restated. Amended July 17'2019. Pat's Past Trusts: November 16'1993, Amended 2015. Pat died March 6'2020. In Pat's Trust, she writes her **Priority INTENT: See Exhibit A-Trust, Page 4, Article IV, Section C: "San Rafael Property. All of Settlor's interest in the real property commonly known as 6 Madrona Street, San Rafael, California ("the Property"), and the sum of one hundred thousand dollars (\$100,000) shall be held in a trust for the benefit of Settlor's daughters: Patricia; Ann; and, Kathleen. The trustee shall allow any of the beneficiaries named in this Section C to reside in the property." "Emphasis added."** The word "reside" means "permanent". Those two sentences mean that Pat **INTENDED** a mandatory commandment with the use of the word "**shall**" that her **Property** is for the **BENEFIT of her three daughters: Patricia, Ann and Kathleen, and they each have an equal share of the Property. Pat INTENDED** a mandatory commandment with the use of the word "**shall**" that her **daughters: Patricia, Ann and Kathleen have a Life Estate and the Right of Occupancy in her Property.** In the Trust, Pat then writes a condition: "**If no beneficiary chooses to live in the property**",. That condition is the **ONLY** time when the trustee can rent or sell the Property. This case is about a Trust dispute about adhering to **SETTLOR'S INTENT** to leave her home for her daughters to live in. Pat spoke only once to a new lawyer, who drafted a Trust Amendment reflecting the **SETTLOR'S INTENT** to enable any of the three daughters to live in her home after her death. The drafting lawyer Cynthia Trutner (Trutner) confirmed this interpretation in an email/letter to Petitioner after Settlor's death. The daughter Ann, who is one of the Beneficiaries allowed to live in the home, Ann is also the Trustee. **This is page 11.**

The Trustee wants to sell the house despite her mother's desire to enable her daughters to live there if they choose. Living there is critical to Petitioner, who is living in her car. The entire case rests on one common drafting shortcut the drafting lawyer took: assuming the meaning of a provision is unambiguous so that it is unnecessary to repeat a qualifying phrase. In this case, the phrase is: **"If no beneficiary chooses to live in the property."** After being hired for the Trust administration by the trustee, the drafting lawyer changed her "interpretation" of the provision, claiming that the trustee's power to sell the family home was not subject to that qualification or seemingly any reasonable limitations. The final Trust is Amended from the original. **In Pat's past two Trusts, her Priority INTENT is the same where her Property is held in a Trust, and a Life Estate for her daughters, this with the use of the word "shall". See Exhibit B-Past two Trusts.**

In the final Trust, Pat amended her Trust and put Petitioner-Tish, on the house because the boat Tish was living on sank. Pat didn't want Tish living in her car. **See Exhibit A: Trust: Page 4. Article IV. Section C. "San Rafael Property. All of Settlor's interest in the real property commonly known as 6 Madrona Street, San Rafael, California ("the Property"), and the sum of one hundred thousand dollars (\$100,000) shall be held in a trust for the benefit of Settlor's daughters: Patricia; Ann; and, Kathleen. The trustee shall allow any of the beneficiaries named in this Section C to reside in the property.** During the period of the trust any beneficiaries living in the Property shall pay equal shares of all taxes, insurance, mortgage and any other expenses related to the property. If no beneficiary is living in the Property the trustee shall pay all expenses. **If no beneficiary chooses to live in the property,** the trustee shall be permitted to rent the property to a third party in the trustee's sole discretion. Any income shall be added to the principal. The trustee shall also be permitted to sell the property at any time in the trustee's sole discretion. The trust shall terminate upon the earlier to occur of the sale of the Property at the discretion of the trustee, **or the death of the last to die of the three beneficiaries named herein.** If the trust terminates due to the Property being sold during the lifetime of one or more of the beneficiaries, **the proceeds from the sale of the Property shall be apportioned into equal shares for Patricia, Ann and Kathleen. The shares for Patricia and Ann shall be distributed outright.** The share for Kathleen shall be held in a trust for the benefit of Kathleen during her lifetime and administered as provided in Section E of this Article. If Kathleen predeceases the Settlor, or predeceases the termination of the San Rafael Property trust, her share shall be distributed to her descendants, by right of representation subject to the provisions of Article VI,

Section G. If Patricia or Ann predeceases the Settlor or predeceases the termination of the San Rafael Property trust, her share shall be distributed equally to the then living daughters of the Settlor, including Cyndie, or to the survivor thereof. **If the trust terminates due to the death of all three beneficiaries, the Property shall be sold and the proceeds shall be distributed to the descendants of Kathleen subject to the provisions of Section G of Article VI. Emphasis added.** Petitioner-Tish, was living with her mother before and after she died. Tish was helping her mother. Pat died March 6'2020. Tish and Ann and Kathleen and Cyndie are sisters. Ann is the trustee. A couple of days after Pat's death, Tish called Ann and Ann said to Tish: "Mom left her house for her three daughters so we would have a roof over our heads." Tish told Ann she is living in the house. Tish told Ann to leave the house keys for her with the neighbor as Ann was going back to Alaska. Ann said she would. Tish informed Ann and Ms. Trutner in writing that she is living in the house and will live there for life. Then Ann did an "Illegal lockout" on Tish and Kathleen, who goes by Casey, by changing the locks and putting up a Security Alarm without any authority. Ann refused to give Tish the new keys and the code to the alarm. This has left Tish Homeless and living in her car now since June 1'2020. The very place her mother didn't want her to be. Casey has a low-income apartment and is on Disability. Ann has a home in Alaska. Tish's main shelter has been her car since June 1'2020. Tish is 64. See **Opinion: The trustee did not ask Tish and Casey if they wanted to live in the house. (Opn p. 3). At first, Casey didn't say she didn't want to live in the house. (Opn p. 3).** Ann wanted to sell the house. Tish objected. December 29'2020, the trustee Petitioned the court to get permission to sell the house. The trustee knew the Trust did not allow the sale of the Property when Tish is living in the house. The trustee wanted the home for herself. Ann started her case with no merit.

Due to the Trial judge's numerous Violations of Petitioner's Constitutional Due Process Rights and Freedom of Speech and Right to Petition, Petitioner filed a Verified Statement for Disqualification of the Trial court judge under CCP 170.1, 170.3. When petitioner alleged that the trial judge was biased, the court blatantly ignored the law and the court's own rules and prevented Tish's disqualification request from being considered by another judge pursuant to the statutory disqualification scheme. **(See Appellant's Opening Brief pg. 44-49).** This constitutes a **Violation of Constitutional Due Process.**

At the very first hearing there was no court reporter. Tish went to ask a court supervisor as well as court clerks if she could have a court reporter since she has a fee waiver. They said no. They said they don't provide court reporters for probate and civil cases. During the trial several times, Tish asked the trial judge if she could have a court reporter. The judge said no. There is a witness who heard this. A friend ended up paying for Tish to have a private court reporter for some parts of the trial.

For one of the most critical parts of the trial Tish asked the trial judge if she could have a court reporter. The judge said no. There was no court reporter for one of the most crucial parts of the trial, where the trial judge denied Tish her right to have a Rebuttal for one of her Subpoenaed Key Witnesses: Attorney Mr. Franceschini. Drafting lawyer Ms. Trutner had conversations with Mr. Franceschini and told Mr. Franceschini that Settlor's **INTENT** for her daughters was a Life Estate, and that it was only if none of the daughters wanted to live in the house, that the trustee could sell the home. Ms. Trutner had testified first, and contradicted what she wrote in the Trust, and contradicted what she wrote in her email to Tish, as well as contradicting many other emails she sent to Tish. So, Tish needed Mr. Franceschini's Rebuttal. **See Minute order: There was no court reporter between 2:35 pm and 3:45 p.m. See: (4 CT 1036-1037)-Minute Order Date 2-9-22), and it's on Pg. 18 in Appellant's Opening Brief. See Pg. 19 in Appellant's Opening Brief for the other times there was no court reporter.**

Drafting lawyer Ms. Cynthia Trutner did testify and admits Settlor Mrs. Cornell's Intent is to allow her daughters to live in her home for life. (4 RT 340, 341). Ms. Trutner admits the Settlor Mrs. Cornell never put anything in writing and did not sign her name anywhere in the Trust stating the Trustee could sell the house at any time due to family discord. (4 RT 359, 360). The Trial judge refused to let Tish finish IMPEACHING Drafting attorney Cynthia Trutner regarding written communications between Ms. Trutner and Tish. The trial judge had no valid reason. (4 RT 367, 368). See Appellant's Opening Brief and Appellant's Reply Brief. When Tish tried to address Ms. Trutner's Bias on cross-examination, the trial judge cut her off and then based her decision explicitly on Ms. Trutner's testimony. (4 RT 349, 350, 355). Ms. Trutner is on the trustee's payroll. The trial judge not allowing Tish to IMPEACH her Subpoenaed Key Witness Ms. Trutner, is a Violation of Tish's Constitutional Due Process and Freedom of Speech Rights.

The trial judge Violated Tish's Constitutional Due Process and Freedom of Speech Rights by denying Tish her right to have her Subpoenaed Key Witnesses testify to Pat's Intent that her home is for Tish, Ann and Casey. See Appellant's Opening Brief and Appellant's Reply Brief.

Drafting lawyer Cynthia Trutner's email/letter dated April 24'2020, to Appellant (Tish). (Admitted into Evidence Exhibit D-Trial 2022) "Tish- I hope you are staying safe in this unusual time. One question you asked was about the \$100,000 that is to be held in trust. After the expiration of the 120 day period Ann is directed to put your mother's house AND \$100,000 into a trust for the benefit of you, Casey and Ann. The monies are not to be distributed to you but are to be held in the trust to cover expenses of the house if nobody is living there and/or if whoever is living there does not pay her share of the house expenses. This is common as the trustee needs to have some monies to keep the house operating (taxes, insurance, maintenance). Therefore, that money will not be distributed to the beneficiaries until the time that the trust for the house is terminated. As I mentioned on the phone, nothing is going to happen during the 120 notice period other than Ann paying bills and collecting the trust assets. In the meantime, I recommend that you think about whether you intend to live at your mother's house. Ann will eventually likely go back to Alaska and Casey is thinking about if she wants to live in the house. If nobody is going to live at the house, Ann has the discretion to rent the house or to sell the house. If you know if you plan to live in the house please let Ann or me know. If the house is sold, the proceeds, along with any portion of the \$100,000 remaining, will be distributed to you, Ann and Casey. Please let me know if you have additional questions. Cynthia de Nevers Trutner." (4 RT 348) Email: (1 CT 71)- (Admitted-Exhibit D. Trial 2022) (Opn. p. 5.): Appeals court didn't include the full transcript of the email. This email/letter matches Settlor's Intent of a Life Estate.

Tish's mother's home is the only house Tish will ever be able to afford to pay the Property taxes because Pat got her house in 1970, so the taxes are low. If the house is sold, there is not enough money for another home for Tish. Tish can't afford any other place to live. Tish is 64 and is disabled. Pat made sure her daughters were on the house because if they ever got sick when they are elderly, they could get a live-in caregiver and never end up in a nursing home to die.

As a matter of law, the Trustee cannot sell the home if one of the beneficiaries wishes to live in it. The Trust Unambiguously requires the trustee to allow Tish to reside in the Property for life.

Trustee's discretion should not override the INTENT of the Settlor. Objectively looking at this language, one can only conclude that the Settlor wanted to provide shelter for any of her children who needed shelter and renting or selling the house comes only when none of the children desired to live at the house. Yet the court didn't interpret this simple paragraph in the order it was written. Even if we are to accept the court's ruling, the question will still remain: should the trustee's discretionary powers override the Intent of the Settlor, which conflicts with: **Exercise of Discretionary Powers 17.31:** Even where a trust provides a trustee with discretionary powers, the trustee still has an obligation to exercise those powers reasonably. **Probate code 16080:**.....a discretionary power conferred upon a trustee is not left to the trustee's arbitrary discretion..." **Sect. 2.43:** ...Trust purports to grant a trustee entirely uncontrolled discretion, the Probate code will...preclude the trustee from acting in bad faith....Trust confers "sole" discretion on a trustee, the trustee shall act...with fiduciary principals...shall not act in bad faith or in disregard of the purpose of the Trust. **Probate code 16081 (a).** It is **Fact** that the **Settlor's Intent** is a mandatory commandment with the use of the word "shall" that her **Property be held in a Trust for the Benefit of her three daughters.** It is **Fact** that the **Settlor's Intent** is a mandatory commandment with the use of the word "shall" that the **trustee shall allow any of her three daughters to reside in the property for life.** It is **Law** that the **Settlor's Intent** is a mandatory commandment with use of the word "shall" that her **Trust is for the Benefit of her daughters.** It is **Law** that the **Settlor's Intent** is a mandatory commandment with the use of the word "shall" that her **daughters have a Life Estate and a Right to Occupy her home for life.**

During cross-examination by Patricia Cornell-Tish of drafting attorney Cynthia Trutner, Ms. Trutner testified that the Trust language is mandatory:

Q. Ms. Trutner, in Trust Estate law, in that sentence, the word "shall" means what to you?

A. Ms. Trutner: That's something the trustee must do. (4 RT 331: 13-18). (The sentence Tish is referring to is the Life Estate.)

Q. Ms. Cornell: ...settlor gave the mandatory commandment that her daughters be allowed to reside in the property, didn't the settler qualify that by then saying: "During the period of the trust, each beneficiary shall pay equal shares of the taxes,"

A. Trutner: Yes. (4 RT 340-341)

The trial court's judgement-that the trustee "has the sole discretion to sell the real property...without limitation and may be exercised even if one of the Trust beneficiaries objects to the sale and wishes to live in the property-interprets the Trust in a manner that conflicts with this mandatory instruction. Clearly a sale "without limitation" would be contrary to the Settlor's INTENT: "The trustee shall allow any of the beneficiaries named in this Section C to reside in the property." (Opn. p. 3) The word "reside" means permanently. The judgement assumes an interpretation that improperly eviscerates a primary Trust clause creating a Life Estate and a Right of Occupancy. The court erred in determining that the final sentence in the provision: "The trustee shall also be permitted to sell the property at any time in the trustee's sole discretion.", creates an ambiguity. **Not so. It can't. (Opn. p. 3) That's because the "sell" sentence is placed after the superseding sentence: "If no beneficiary chooses to live in the property." Any other interpretation of the word "also" is contrary to the life estate and is grammatically incorrect, contradicting the ordinary use of the word "also" and purpose of the word "also". It is poor drafting. The Trust's General Powers of trustee are just that, powers in general (See Trust.) (Opn. p. 4). Ms. Trutner's email matches Settlor's Intent of a Life Estate, and it's ONLY if no daughter is going to live at the house, that is when trustee can sell. (Opn. p. 6).**

Trial court denied Petitioner-Tish her Due Process and Freedom of Speech Right to have her Rebuttal Witness Mr. Franceschini of Cynthia Trutner-drafting lawyer. There was no court reporter for that time between 2:35 and 3:45 p.m. as trial court denied Tish a court reporter. (4 RT 1036-1037). Opinion ignored that.

Trial testimony: Cross Examination by Patricia Cornell of Cynthia Trutner.

Q. Patricia Cornell: You said Pat (Settlor) told you that there was family discord in the family. And that Ann-because of discord, Ann could sell the house at any time she wanted to no matter what. My question to you is: Did my mother sign a statement saying, well, because of discord that Ann could sell this house at any time and never mind the mandatory commandment that I gave. Because this really does not add up. (The mandatory commandment refers to Life Estate)

A. Ms. Trutner: No. (4 RT 359-360) (Opn. p. 7)(Appellant's Opening Brief). So, Ms. Trutner admits there is nothing in writing from Pat)

Ms. Trutner had first asked Attorney Mr. Franceschini to represent the trustee. Which is a **Conflict of Interest.**

Trial: Examination by Patricia Cornell of her Subpoenaed Key Witness Attorney Mr. Franceschini:

Q. Ms. Cornell: ... Trutner...what you recall?

A. Mr. Franceschini: ...she (Cynthia Trutner) told me...that she knew that there was a provision that required the trustee to allow her sisters to live in the house.

The court: Mr. Franceschini...during your conversation with Ms. Trutner, did she ever tell you what she recalls Patricia Cornell's intent to be as it relates to the disposition of her home?

A.Mr. Franceschini: Well I vaguely remember some discussion on it. ...obviously there was an intent that her daughters be able to live there...she obviously told me there was the clear intent for her daughters to live in the place. That's what she told me. (3 RT 196- 206).

The trial judge denied Petitioner her right to have her other Subpoenaed Key Witnesses testify. (Appellant's Opening Brief pg. 16)(7 RT 611, 612, 613, 644-650)(8 RT 707) These witnesses who knew Pat for over 60 years, would have testified and proved that Pat always told her family and friends that when she died, her home would always be there for her kids to live in for the rest of their lives. Her kids would never live in the street. And Pat never wanted her house to be sold. These witnesses knew that in all of Pat's Trusts, her true **INTENT** has always been that her house is for her kids for life. And they would testify that Pat never uses the words "family discord", Pat doesn't talk like that. Pat is a private person. Nowhere in the Trust does it say the trustee can sell the house at any time due to family discord. The provision for allowing the daughters to live in the property would be meaningless if the trustee could unilaterally prevent it the way the trustee did. **The trustee can't sell the property at any time because that is not consistent with what my mother wanted for me, which is a life estate. Nowhere in the Trust does it say what Ms. Trutner said: "If it's workable", that contradicts the mandatory Life Estate. Tish and Casey didn't have the chance to see if it was "workable" due to trustee's "illegal lock-out)(Opn. p. 7)**

When a Court relies on false or misleading evidence to ignore **Unambiguous Trust language**, it effects an unconstitutional deprivation of Property in contravention of the settled protections against state interference recognized in *Coolidge v. Long*, 282 U.S. 582 (1931). Because the original Trust is a Contract. In Petitioner's case, **the Trust is a Contract**. The trial judge intentionally allowed false and inadmissible evidence.

This Issue is of National Importance. This legal issue is case-dispositive and favors Petitioner. Because the law states: "A Judge is bound by law to uphold a Settlor's Trust as it is written." And a Settlor's INTENT is the LAW. The trial judge ignored the Settlor's Intent and the Trust itself. The appeals court Opinion is wrong. The trial court and appeals Opinion misapplied Supreme Court Precedent.

2. Petitioner Tish sufficiently stated a **Constitutional Due Process claim** under *People v. Brown* (1993) 6 Cal. 4th 322) and the appellate court's refusal to consider it was error. **The United States Supreme Court** stated: the "impartiality of the adjudicator goes to the very integrity of the legal system." (*Gray v. Mississippi* (1987) 481 U.S. 648, 668.) So much so that "trial by judge who is not fair or impartial constitutes 'structural defect [] in the constitution of the trial mechanism' and resulting judgement is reversible per se." (*People v. Brown* (1993) 6 Cal. 4th 322, 332 (*Brown*), summarizing and quoting *Arizona v. Fulminante* (1991) 499 U.S. 279, 309.) (*Arizona*). The California Supreme Court stated that an impartial judge is fundamental to a fair trial. The California Legislature created a statutory scheme to address disqualification of judges, including upon grounds of bias, or lack of impartiality. (CCP sect. **170 et seq.**) That scheme provides that if a litigant files a challenge (called a "statement" in the statute) to disqualify a judge, including on grounds for bias, and loses that challenge, the sole remedy is a mandamus action. (**CCP sect. 170.3(d)**). The California Supreme Court has held that section **170.3(d)** means what it says for both peremptory challenges and challenges for cause and that statutory disqualification challenges cannot be revisited upon appeal from a final decision. (**People v. Hull** (1991) 1 Cal.4th 266.) However, the **California Supreme Court** has also squarely held that despite the statutory disqualification scheme and its own holding above, an appeals court may nonetheless still consider a **Constitutional Right of Due Process challenge** to the denial of a disqualification motion based on judicial bias, even on appeal from a final judgment. (**Brown, supra, 6 Cal.4th at p. 335.**) In *Brown*, the Court strongly suggested that a litigant raising a disqualification issue on appeal from a final judgement in most cases must have pursued the writ remedy and been summarily denied. (*Brown, supra, 6 Cal. 4th at p. 336*). While the court's wording appears to allow for potential exceptions, in this case, Appellant-Tish-Petitioner sought writ review and was summarily denied. (**Cornell v. Superior Court for Marin County (2022) A164705, Order denying petition, March 15'2022**). The basis for Appellant's-Tish-Petitioner Verified Statement of Disqualification was the trial judge's pervasive bias in how the judge treated Appellant-Tish-Petitioner, relative to Appellee, reflected in numerous procedural and other rulings. (See Appellant's-Tish-Petitioner Verified Statement of Disqualification, passim, and Appellant's-Tish-Petitioner Writ with Exhibits, regarding the facts supporting the motion.) **DO: PUT EXHIBIT LETTER WRIT**

Appellant-Tish-Petitioner raises **Constitutional Right of Due Process** considerations based on the judge's rulings at trial, such as arbitrarily refusing to allow her to present rebuttal testimony or

finish cross-examination, denial of subpoenaed key witnesses, denial of court reporter for crucial times in trial and hearings before trial, denied appellant-Tish her right to finish Impeaching drafting lawyer. However, Appellant's-Tish appeal and writ petition raise **Constitutional Right of Due Process considerations** uniquely fundamental to judicial impartiality: a complete breakdown of the disqualification procedure itself, a procedure that in this case included such blatant disregard for required procedure and hence so many procedural irregularities that the resulting "procedure" was in and of itself a Violation of a Constitutional Right of Due Process. Appellant-Tish timely filed a written Verified Statement of Disqualification for cause before trial. The statute prohibited the trial judge from moving forward but the judge proceeded with the trial. On day one of trial, the judge "struck" the statement", which she was not permitted to do. "A judge who refuses to recuse himself or herself shall not pass upon his or her own disqualification or upon the sufficiency in law, fact, or otherwise, of the statement of disqualification filed by a party." (**Code of Civ. Proc. Sec. 170.3 (c) (5)**). If the parties cannot mutually agree on a different judge to hear the disqualification, the statute requires the clerk to notify the Judicial Council to appoint a judge. Appellant-Tish emailed the court clerk and told him to notify Judicial council. He emailed appellant-Tish back saying he would not do that. No judge ever legitimately ruled on the disqualification. The court never issued a "written notice of entry of the court's order determining the question of disqualification," which is the trigger for filing a writ of mandate. (**CCP sect. 170.3 (d)**.) Appellant-Tish filed her writ timely under the circumstances. **In appellant's-Tish appeals brief and writ**, she cited the effect of the bias in these procedural violations, making clear that the effect was to **Violate her fundamental Constitutional Right of Due Process**. Appellant-Tish was denied her **Constitutional Right of Due Process under the Fourteenth Amendment**. **As a matter of law, the Appellate Court erred by ignoring CCP 170.1, 170.3 (d), 170.3 (c) (5) and ignored United States Supreme Court's *Brown, Arizona*. And ignored *Gray, Salas, Gagnon*. "The touchstone of due process is fundamental fairness." (*Salas v. Cortez* (1979) 24 Cal.3d 22, 27; see *Gagnon v. Scarpelli* (1973) 411 U.S. 778, 790. This Court should consider the facts regarding the complete failure of the disqualification procedure itself, which obviously could not have been alleged in Appellant's-Tish statement of disqualification, before those events occurred. No court has ever issued the required decision on disqualification.**

No judge was ever appointed to review the disqualification statement and hence no decision was ever issued. Appellant-Tish filed a writ petition based on the trial court's final decision for lack of any other trigger for review. The writ was summarily denied. Thus Appellant-Tish has satisfied Brown's requirements for the right to assert a **Constitutional Right of Due Process claim on appeal.** (*Brown*, supra, 6 Cal.4th at p. 336.) The Appellate Court in this case asserted that appellant-Tish never raised a Constitutional Right of Due Process claim and therefore cannot avail herself of Brown. **The truth is Petitioner-Tish did write in her documents the exact words: "Appellant was denied her Constitutional Right of Due Process", and stated the reasons why, many times. Verifiable. (*Ann Cornell v. Patricia M. Cornell*) (Opn. p. 9-10.)** As an in Pro Per Appellant-Tish, if Appellant at times did not use the phrase "Constitutional Right of Due Process" but she has asserted a denial of her fundamental right to a fair trial related to the disqualification from the beginning, such as in her disqualification statement: [I]f Judge Simmons does not recuse herself, proper statutory procedure must be followed so that another judge rules on the request. Judge Simmon's unfair treatment of Tish disadvantages Tish whereby she has been unable to even adequately be heard and present here case." (Statement to disqualify Judge Simmons page 2.) **In addressing the utter failure of the disqualification process, Appellant-Tish asserted broad violations in the issue heading in her brief: The trial court's numerous procedural violations were highly prejudicial to petitioner-Tish, depriving her of anything resembling a fair trial. (Petitioner for this court and is appellant for the court of appeals (Appellant's Opening Brief, p. 44).** Where the issue is one of fundamental Constitutional Right of Due Process, this court should not punish Tish for at times referring to denial of a fair trial rather than using the phrase "Constitutional Right of Due Process." The court's utter lack of respect for following the procedure of statutory law prejudiced Tish so horribly, and that is why she lost her case and her home her mother wanted her to have. All of this is set out in greater detail in Petitioner's-Tish Supplemental Letter Brief. (See Supplemental Letter Brief in Appellate Court's Records. DO PUT Exhibit ?)

This issue is of Nationwide Importance. This legal issue to be decided is case-dispositive in Petitioner's favor because CCP 170.1 and 170.3 mandate the Procedure of which the Trial Judge Violated and held the Trial Illegally. *People v. Brown* supports Petitioner. The Appeals Court Opinion is wrong. The trial court and the appeals Opinion misapplied Supreme Court Precedent.

3. As a matter of law, the court erred by ignoring the **California Supreme Court's mandate** of providing litigants who have a fee waiver and who request a court reporter, the court will provide court reporters free of charge for those litigants. *Jameson v. Desta*, 5 Cal. 5th 594 (2018). As a matter of law, the court erred by ignoring that Tish was granted a fee waiver under **Government Code sect. 68631**, ignoring that in 2013, Legislature requires court reporters' fees "shall be waived for a person with a fee waiver." Tish has a fee waiver. Several times Tish requested of the trial judge could she have a court reporter; the trial judge denied her that right. Petitioner-Tish was denied a court reporter for all but one of the hearings before trial, and for some critical parts of the trial. (Appellant's-Tish Opening brief p. 19.) Patricia (Tish) was denied a court reporter for a most crucial time during trial when the trial judge denied her right to have her Rebuttal Witness attorney Mr. Franceschini testify. - (There was no court reporter between 2:35 p.m. and 3:45 p.m. (4 CT 1036-1037)-Minute Order Date 2-9-22) (Appellant's-Tish Opening brief p. 18.) Mr. Franceschini would have proved drafting attorney Cynthia Trutner contradicted herself on the witness stand from what she had told him. Ms. Trutner had conversations with Mr. Franceschini telling him that "she knew that there was a provision that required the trustee to allow her sisters to live in the house." And that when the trial judge asked Mr. Franceschini what Ms. Trutner had told him about the Settlor's Intent regarding her home, Mr. Franceschini said: "...she obviously told me there was the clear intent for her daughters to live in the place." (3 RT 196-206). **As a matter of law, the court erred by ignoring Tish's Constitutional Right of Due Process to have her Rebuttal witnesses.** (Opn. p. 10)

Each year, thousands of indigent litigants seek civil redress in California courts. Already the odds are stacked against them: unable to afford a lawyer, they face represented litigants, and complex and burdensome court rules. **In 2013, Legislature amended statutes** governing court reporter fees to require court reporters' fees "shall be waived for a person who has been granted a fee waiver under Section 68631" to ensure "access to courts without regard to a person's economic means. (Gov't Code section 68086, subd. (b), Gov't code section 68630.) **The California Supreme Court** in *Jameson v. Desta*, 5 Cal. 5th 594 (2018) *Jameson*, mandates the court provide a court reporter free of charge for people with a fee waiver who request a court reporter. This applies to all hearings and trial.

Petitioner's-Tish case started December'2020, two years AFTER California Supreme Court *Jameson v. Desta* mandates court reporters free of charge for litigants with fee waivers. (Opn. 10-12): Petitioner-Tish WAS granted a fee waiver. Many times, Petitioner-Tish requested to have a court reporter to trial judge: "It is critical I have a court reporter." The Trial Judge denied Petitioner-Tish a court reporter. There are witnesses who heard the trial judge deny Tish a court reporter. The Trial judge denied Petitioner-Tish a court reporter for all but one of the hearings, and for some of the most crucial times during the trial.

This is an issue of Nationwide Importance. This legal issue to be decided is case-dispositive in Petitioner's favor because *Jameson v. Desta* was decided before Petitioner's case came about, so Petitioner should have been provided a Court Reporter for free, but the Trial Judge denied Petitioner a Court Reporter, so the Appellate Court's Opinion is wrong.

REASONS FOR GRANTING THE PETITION

1. Settlor's Trust. A Trust is a Contract. Settlor's INTENT controls the Trust. In the decision below, the Courts ignored the Settlor's Intent in her Trust. That decision conflicts with this Court's precedents and defies common sense. The Issue Is Legally Significant and Recurs Frequently. The lower Court's Decision Will Cause Significant Harm If Left Uncorrected. Unless the **United States Supreme Court** Resolves the Issue Now, The Issue Will Recur To Plague California Trial And Appellate Courts, and all State Court's, **Requiring Supreme Court Review Eventually.** **This issue arises regularly in Trust litigation.** Courts must often decide whether and how to consider the interpretation of a Trust when there is a dispute about the meaning of key provisions. **A published decision from this Court clarifying the proper role of Trustee particularly when it conflicts with contemporaneous third-party testimony regarding Settlor's express INTENT would provide necessary guidance to Courts Statewide and help prevent inconsistent rulings. Settlor's INTENT has long been the governing standard. California law has long held the primary goal in interpreting a Trust is to carry out the Settlor's INTENT, not the Trustee's interpretation. The Trustee's duties are fiduciary and administrative; they do not include rewriting the Trust or substituting a trustee's own understanding for that of the Settlor. By allowing the trustee almost unfettered latitude in interpretation of the Trust language eliminates Beneficiaries' rights. A Trust is for the Beneficiaries, and the trial court violated this core principle. If this precedent stands, it invites trustees, especially trustees who have a built-in conflict of interest to reshape a Trust in ways that benefit themselves or aligned parties, contrary to Settlor's INTENT. If allowed to stand, Appeal's Court's Decision creates a dangerous precedent: that a trustee's belief, often self-serving, can outweigh direct evidence of Settlor's INTENT to the contrary. This erodes the integrity of Trust law in State Courts and the Nation and undermines public confidence in the Trust system. It also encourages litigation tactics that exploit procedural imbalances and limit the ability of disadvantaged litigants to fully present their case.**

2. Disqualification of a Judge. The Trial Court's blatant disregard for the law regarding disqualification is the most fundamental because it constitutes a Violation of Constitutional Due Process. It is a bedrock principle that "[a] fair trial in a fair tribunal is a basic requirement of due process." In re *Murchison*, 349 U.S. 133, 136 (1955). **This Court's intervention is needed** to clarify that when a litigant makes a claim of judicial bias, especially when it's a bench trial with no jury, due process demands a fair hearing on that claim. **DO: START: Write more on Frankfurter-** As Justice Frankfurter observed, "The right to be heard before being condemned to suffer grievous loss is a principle basic to our society." Here, Petitioner faced the grievous loss of her home, yet she was effectively condemned without a fair hearing. **The trial court's actions Violated Due Process but also implicated the First Amendment: when a person comes to court to defend her rights, that act is an exercise of the right to petition the government. If the court prevents her from speaking or presenting her petition, it has chilled and curtailed that First Amendment liberty. This Court should Grant Certiorari to make clear that trial courts cannot mute the voices of pro se litigants and that doing so is incompatible with the Constitution's guarantees. Especially in civil cases where fundamental interests (like one's home) are at stake. The California courts offered no remedy for this muzzling of Petitioner's voice, making Supreme Court review the only avenue to vindicate Petitioner.**

3. Indigent Civil Litigants Will Lose the Right to Meaningfully Appeal Adverse Judgements in Civil Trials. Petitioner was denied a court reporter in all but one hearing, including key parts of trial. This lack of transcripts has obstructed her ability to seek full appellate review, especially during trial regarding the Denial by the trial judge of her Rebuttal Key Witness, Mr. Franceschini's testimony would have proved that drafting lawyer Ms. Trutner's testimony contradicted Settlor's TRUE INTENT in her Trust. Review is warranted to ensure that litigants are not prevented from appellate review due to trial-level procedural violations. Appellate Court's Opinion precludes indigent litigants like Tish from appealing adverse judgements arising from their civil trials. Their decision is contrary to express Legislative policy of the state: statutory authority permitting waiver of reporters' appearance fees for indigent litigants, and nearly a century of precedent from this court and the court of appeal requiring California courts to exercise their discretion regarding the rights of indigent persons access to the courts, including appellate courts, to redress their grievances. The Court's intervention is necessary, both to secure the Uniformity of Decisional Law and to settle an important question of law regarding the rights of access to civil appeals and because the case presents an issue of profound importance that has been resolved by the California Supreme Court in *Jameson v. Desta*, mandating persons with a fee waiver are granted a court reporter for free, but **Petitioner was denied her Constitutional Right of Due Process to have a court reporter. This case is a Travesty of Justice. This court should reverse.**

CONCLUSION

It started with the Constitution of the United States, September 17'1787. 238 years ago. Back then, there was much talk about a person's INTENT regarding documents. Hence, INTENT IS THE LAW. Petitioner wrote in her documents since day one of this case to the trial court, the appeals court and the California Supreme Court about how the Courts Violated her Fourteenth Amendment Constitutional Due Process Rights, and how the Courts Violated her First Amendment Freedom of Speech Rights and Right to Petition, and because of it she has no home. She is Homeless. The Courts also Violated her mother's Constitutional Due Process Rights and her Constitutional Freedom of Speech Rights, by Trampling on her Rights too. The Courts Violated Petitioner's mother's Due Process Rights by denying her the Right to have her Trust carried out the way she INTENDED it to happen. The Courts Violated her mother's Freedom of Speech Rights because her mother's Voice was in her words in her Trust. The words she stated were written so that her home is for her daughters so that they would not have to live in their car or on the streets.

Justice Stephen Field wrote for a unanimous Supreme Court in the 1869 case of United States v. Kirby. That "The reason of the law...should prevail over it's letter." The law was not to be applied in a way that led to an "absurd consequence," even if that consequence followed naturally from the literal language of the law. The Kirby decision was a 19th century reminder that what we are to adhere more closely to the spirit of the law than the letter of the law.

United States Supreme Court Justice Sandra Day O'Conner, when referring to a Trust wrote: "The meaning of certain words or phrase may only become evident when placed in context."

United States Supreme Court Justice Antonin Scalia, when referring to a Trust wrote: "That in a Trust, an unambiguous sentence IS unambiguous. It must hold."

Perhaps it is time for our Supreme Court of the United States to follow the words of Justice Sandra Day O'Conner and Justice Antonin Scalia, and the other named Justices in this document, to make sure that this Nation follow those words. So that the thousands of people across the Nation who have lost their Property, their Home, and were made Homeless, and who, where under the Fourteenth Amendment were Denied their Constitutional Due Process Rights, and under the First Amendment they were Denied their Freedom of Speech and Right to Petition, because of Courts not upholding the INTENT of a Settlor's Trust as it is written.

The Right to petition the government is "one of the most precious liberties safeguarded by the Bill of Rights." Petitioner asks the court to intervene where a State's Judicial Process went awry, to ensure that "No person is deprived of Property or Rights without the basic procedural protections that our Constitution guarantees, and that indigent litigants have an equal right to be heard in the Administration of Justice."

I am Patricia Cornell. I go by Tish. Most important are the words from my testimony, because they are the words my mother has told me for years. "she would say Tish...this house is yours for the rest of your life. ...she said "You just come here and stay with me now. You just move right on in. "Tish, I don't want you sleeping in your car. Why are you sleeping in your car when you have a home here?" I did move in with my mother. Testimony from family member Keith Jones: "I've had many conversations with Pat...she wanted her kids to have a place when she goes. I understood her saying that she wanted her kids to have a place to live. She never told me that Ann could sell the house if one wanted to live there. She just said, "I want to have a place for my kids when I'm gone, I'm giving them a place to live-that they got a place to stay." Most people who knew Pat know that's what she wanted." I knew my mother for 58 years before she died. That's how I know my mother's True Intentions.

On behalf of my mother, I beg of you, please Grant my Writ of Certiorari. So that I can have what my mother wanted for me. Her home, so I would not be homeless and die.

My mother would be heartbroken to pieces knowing what has happened to her home, and I am homeless. Due in part because of this case, my niece Ashley was so upset, she went out looking for a temporary escape, someone gave her some Fentanyl that killed her. She was 33.

I am asking you to please save my life. Because if I don't have my home, I will die homeless. I can't afford to pay "Costs". Please don't Order me to pay costs or attorney's fees. Thank you truly.

This Court should Grant the Petition for a Writ of Certiorari and Reverse.

Word Count

Patricia Cornell has used 9000 words, not including Table of Contents, using Microsoft Word.

Rule 33.

Per the Rules I have attached documents I need this court to see. I am listing them as Exhibits because I don't know what these documents are called for this court.

32.

I, Patricia Cornell, declare under penalty of perjury the above to be true. This Writ of Certiorari is due December 13'2025, but that is a Saturday, so Writ of Certiorari is due December 15'2025.

Date: December 15'2025

Patricia Cornell

Pro Per

DO: SIGN NAME:

Patricia Cornell

33.