

No. 25-6929

IN THE
SUPREME COURT OF THE UNITED STATES

PATRICIA M. CORNELL-PETITIONER

VS.

ANN CORNELL-RESPONDENT

PETITION FOR REHEARING FROM THE PETITION FOR WRIT OF
CERTIORARI.

PATRICIA M. CORNELL

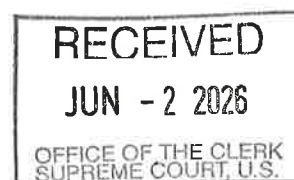
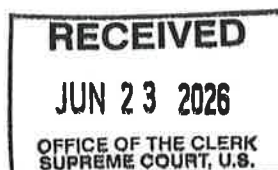
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REASONS FOR REHEARING

I am honest. I feel I may not have long to live, due in part because of this case. Please Dear Justices, I pray you take my case and Order my home my mother left for me to live in, be returned to me. My case is about my mother's Trust. Most importantly what she wanted for me. Which was to never again have to live in my car or the streets. This is not an ordinary Trust case. My sister Ann Cornell is the Trustee of my mom's Trust. Ann filed the case December 29'2020, this to get our mother's home/Property, for herself, the Trust did not allow that. The Trust stated a mandatory commandment with the use of the word "Shall" that I (Patricia Cornell) and Ann and Casey, have a Life Estate in the home. See **Exhibit A-the Trust, page 4, Article IV, Section C.**

Approx. fifteen years ago, Judge Kelly Simmons was investigated by Officials and was found guilty of Judicial Misconduct and was told to step down from the bench. Judge Simmons ignored that request. Judge Simmons was my trial Judge. Attorney Barbara Kaufman uncovered Records Tampering. There has been tampering with my clerks record and trial transcript of my Cross Examination of Ms. Trutner. In my trial, the lawyer who drafted my mother's final Trust- Cynthia Trutner- in her testimony, admitted that the Trustee could only sell my mother's house if all three kids didn't want to live in the home. Ms. Trutner had confirmed this in an email/letter to Patricia Cornell dated April 24'2020-Mrs. Cornell died March 6'2020. See **Exhibit B-Ms. Trutner's email to Patricia.** This email was entered into evidence at trial. In San Francisco, Catherine Stephani is the Supervisor for the Marina District. She is now in a higher up position. She wrote an article where she uncovered Corruption in the San Francisco Appellate Court. I know this same Appellate Court did not handle my appeal properly.

In California, Judges are bound by law to uphold a Trust according to the written INTENT of the person who created it. Probate Code Section 16000. Judge Simmons deliberately ignored the INTENT of my mother, because she showed Favoritism to opposing counsel Mr. Epstein, who is also the City Attorney for San Rafael. There have been Complaints from other attorneys regarding Judge Simmons unethical Favoritism to Mr. Epstein.

The last time mom updated her Trust, she unfortunately went to a new lawyer- a lawyer who met mom only once and only had one conversation with her.

One of the changes mom made was to add my name (Patricia Cornell) to the daughters who could live in her home because the boat I was living on sunk. I was living in mom's home helping care for my mom, when she died.

After mom died, my sister the Trustee of mom's Trust illegally locked me out of our childhood home. **I AM HOMELESS. I HAVE BEEN LIVING IN MY CAR FOR SIX YEARS NOW. I AM 64. I have Asthma.** The Trust gives me one third equal share of the Property. Ann and Casey have one third each. Casey is my sister. **I have Life-threatening health conditions.**

Fundamentally, I am living in my car instead of my mom's home because of a few sentences in mom's Trust and the deliberate misinterpretation of those sentences. I am living in my car because the Trial Court (Judge Simmons) in this case made such a mockery of the Judiciary by routinely ignoring its own rules that its arbitrary actions prevented me from receiving a fair trial. One of the trial court's most crucial violations is when, without any need or reason, the court cut me off as I was cross-examining the most important witness in the case—the drafting attorney. I was unable to address critical written evidence: emails from that attorney directly contradicting her testimony about the meaning of those few sentences in my mom's Trust. Even more fundamentally, of the court's numerous violations throughout the trial, there is no question that its **Violation of the law regarding Disqualification of a trial judge rose to the level of a Constitutional Denial of Due Process.**

My mom's Trust had long provided for her daughters to live in her home after she died. Of course, it makes sense for the Trust to address what should happen if none of us wanted to live in that home. And of course, it makes sense that if none of us want to live there, the trustee should be able to rent or sell mom's home.

At the same time, it makes no logical sense to think that a trustee should be able to rent my mom's home out only if none of her daughters wanted to live there but should be able to sell my mom's home even if one or all of us wanted to live there. Who would ever think that made sense? It certainly wasn't what my mom thought.

No one in this case is disputing that the trustee can rent our mom's home out only if none of us want to live in it. It says so in mom's Trust.

The drafting attorney did not explicitly repeat the: "If no beneficiary chooses to live in the property" qualification in the next sentence about sale of the home. See **Exhibit A-Trust-page 4, Article IV, Section C**. Who would think that's necessary when the phrase already qualified the power to rent it? Now, because the drafting attorney did not explicitly repeat that phrase, and because the drafting attorney's testimony changed from her earlier written statements, and because the trial court repeatedly violated its own rules and prevented me from adequately confronting the drafting attorney—who, I think it is important to point out, has been paid ever since my mom died to administer my mom's Trust by the very Trustee who is advocating that she can sell mom's home—I am now living in my car instead of my childhood home. I have devoted the last several years of my life to trying my best to represent myself and have still never had the chance before an impartial judge to have a fair opportunity to make the case that the trustee cannot sell mom's home if one of us wants to live in it. You can provide me that chance.

We do not have time to go over all of the trial court's violations, but clearly the court's blatant disregard for the law regarding Disqualification is the most fundamental because it constitutes a Violation of the FOURTEENTH AMENDMENT CONSTITUTIONAL DUE PROCESS RIGHTS. My letter brief the Appeals court requested-(See Exhibit C), made clear that under the **California Supreme Court's *People v. Brown*** ruling, the court can consider a claim on appeal from a final judgment that the trial court's treatment of a Disqualification request Violated Constitutional Due Process. My letter brief also made clear that I satisfied *People v. Brown's* requirements for the Appeals Court to consider my claim: I have alleged Due Process Violations, and I filed a writ petition challenging the treatment of my Disqualification request that was summarily denied. **As a matter of law, the San Francisco Appellate Court erred by ignoring the trial court's Disqualification which denied me my Constitutional Due Process Rights.**

This issue alone is sufficient reason for this court to overturn the trial court's decision and for good reason. Both the United States Supreme Court and California Supreme Court have stated that an Impartial Judge is fundamental to a fair trial. When I alleged that the trial court judge was Biased, the court blatantly ignored the law and the court's own rules and

prevented my Disqualification request from ever even being properly considered by a judge pursuant to the Statutory Disqualification scheme.

The trial judge asked me to withdraw my request, then simply stated that she was not biased, took multiple contradictory actions, and most critically of all, never referred my Disqualification request to another judge, which is what the law plainly required. All of this is set out in greater detail in my letter brief. What is clear is that there could hardly be a more Fundamental Violation of Constitution Due Process and for that reason, this Court should overturn the trial court's decision.

Sufficient on its own is the trial court's refusal to allow me a court reporter, in direct violation of Supreme Court case *Jameson v. Desta* (2018) 5 Cal.5th 594. On what turned out to be the most crucial portion of the trial, and the court knowing it was under an obligation to provide a court reporter, the court proceeded with crucial testimony without a court reporter, as well as the fact that I was denied a court reporter on almost every hearing before the trial, and on more than one crucial part of the trial. See Exhibit D- *Jameson v. Desta* (2018) 5 Cal.5th 594.

My mother-Pat, in all of her Trusts, Pat wrote her PRIORITY INTENT of a Life Estate for her daughters. Exhibit F-past Trusts. Pat's Rights got trampled on along with her Constitutional Due Process Rights, Patricia (Tish) gets railroaded, this is sadly a common NATIONAL TRAGEDY that must be stopped by the Supreme Court of the United States.

The day before trial, Petitioner filed a motion to Disqualify the trial judge pursuant to California Code of Civil Procedure §§ 170.1 and 170.3 based on Bias and the Appearance of Bias. On the first day of trial, the trial judge Struck that motion which Violated Disqualification Procedure. The judge then presided over the trial, showed favoritism toward the Trustees' counsel, and ruled contrary to the plain language of the Trust — depriving Petitioner of a Life Estate in her mother's home that the Trust expressly provided. This improper handling of the Disqualification motion, combined with the trial judge's demonstrated Favoritism, deprived Petitioner of her Constitutional Right to an Impartial Tribunal under the Due Process Clause of the Fourteenth Amendment.

This Court should Grant Rehearing because the Petition presented a Substantial Federal Constitutional Question that merits review: As a matter of law, whether a state trial judge's Violation of Mandatory Disqualification Procedures under California law — specifically Striking a timely motion under CCP §§ 170.1 and 170.3 — combined with objective indicia of Bias, Violates the Due Process Clause's guarantee of a Fair and Impartial Judge.

The Trial Judge's Improper Striking of the Disqualification Motion Constituted Judicial Misconduct and Constitutional Due Process Violations. And the link to Federal Due Process Violations.

California law requires prompt handling of Disqualification statements. A judge may not simply strike a facially sufficient statement without following statutory procedures. *See Hollingsworth v. Superior Court (1987) 191 Cal.App.3d 22* (writ issued where trial judge improperly struck disqualification statement as untimely; motion was timely under the “earliest practicable opportunity” standard).

When the trial judge struck that motion, this prevented any independent review by another judge, in **Violation of CCP § 170.3**. Such Procedural Violations, when coupled with actual Favoritism shown toward opposing counsel, undermine the integrity of the judicial process. The Appearance of Bias and Favoritism Required Disqualification under California law and the United States Constitution.

Under CCP § 170.1(a)(6), a judge must be disqualified if a reasonable person aware of the facts might entertain a doubt as to the judge's impartiality. See *Jolie v. Superior Court (2021) 66 Cal.App.5th 1025*. This is a Published case and a recent case. (Disqualification required where circumstances created an Appearance of Bias; Appellate court issued writ directing disqualification after improper denial).

This Statutory Standard aligns with the Federal Constitution Due Process Protections. This United States Supreme Court has long held that the Fourteenth Amendment requires an Impartial Decision-maker.

A FEDERAL UNITED STATES SUPREME COURT CONSTITUTION DUE PROCESS CASE ALSO RELEVANT TO PATRICIA CORNELL'S CASE: *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) (Due Process Violated where probability of actual Bias is too high to be Constitutionally tolerable; objective inquiry applies. Objective inquiry into whether the situation tempts an average judge to not hold the balance "nice, clear and true". Applies to State Judges.

See *Murchison*, 349 U.S. 133 (1955) (Due Process demands the absence of even the Probability of Unfairness).

See *Tumey v. Ohio*, 273 U.S. 510 (1927) (Judge with direct interest in outcome violates due process). Statutory Disqualification Rulings Do Not Bar Constitutional Review. California law limits some review of disqualification orders, but it does not preclude a Federal Constitutional Due Process Claim.

See *People v. Brown* (1993) 6 Cal.4th 322 (while Statutory Disqualification claims are subject to limits under CCP § 170.3(d), a separate Constitutional Due Process claim based on Judicial Bias may be reviewed on appeal from final judgment). Patricia Cornell in her Appeal to the San Francisco Appellate Court, wrote about the **Relevance in *People v. Brown* to her case, of which, as a matter of law, the Appellate Court erred by ignoring this fact, and this action **Violated Patricia Cornell's Constitutional Due Process Rights of having a Fair Trial Judge. The California Supreme Court case *People v. Brown* discusses the interplay between Statutory Disqualification (section 170.3(d), limiting review) and Constitutional Due Process Claims of Judicial Bias. It holds that while statutory disqualification rulings have limited appellate review, a separate due process claim (impartial judge under the Fourteenth Amendment) can still be raised on appeal from final judgement in some circumstances. In Patricia Cornell's case the trial judge did in fact Violate the rules regarding her Disqualification, which rose to a Federal Constitutional Due Process Violation (Denial of Fair Tribunal), this Prejudiced and Harmed Patricia Cornell.****

The trial judge's actions here created a Structural Defect that Infected the entire proceeding. Petitioner was Denied a Fair Trial before an Impartial Judge, in Direct Violation of the Fourteenth Amendment: Constitutional Due Process Rights.

***NEW CASE: LUCY NEWELL V. SUPERIOR COURT OF LOS ANGELES, 107 Cal.App.5th 728 (2024), 328 Cal.Rptr.3d 322.* This case is Relevant to Patricia Cornell's case because the lower courts ignored the fact that a Trustee is not allowed to even sell a property when a Trustee is accused of Breaching Fiduciary Duties, Misappropriation of Trust Funds. Exhibit H-Newell. The laws state a Trustee is not allowed to sell the home/Property, until all Appeals are over. If the Trustee sells the house before Appeals are over, and the Beneficiary wins her home on Appeal, the Laws require the new owners give back the home to the Beneficiary. The trial and appeals courts Ignored Patricia Cornell's claim re: Trustee's Breaches of Fiduciary Duties and Misappropriation of Trust Funds and Collusion with Ms. Trutner. This Violation of Constitutional Due Process caused Patricia Cornell to lose her case re: her home-Property and to be Homeless.**

CONCLUSION:

The lower courts erred when they said my mother's Trust was ambiguous. It is not. Laws require that ambiguity must be proven with evidence. There is no evidence of ambiguity. I proved with Fact and Law that my mother's Mandatory Commandments in her Trust are not ambiguous. On my Cross Examination of Ms. Trutner-she admitted there was nothing in writing from my mother that proves ambiguity. (4 RT 359-360). The trial court Violated the law because the law requires the Trustee to provide a Valid Reason to sell the house/Property-which she didn't, trial court didn't address a Valid Reason. Exhibit G-Exercise of Discretionary Powers. Exhibit I-New Evidence-PLEASE READ. The trial judge-Judge Simmons, deliberately Ignored this Written Evidence, Evidence proving my mother's INTENT regarding her house-her Property. Judge Simmons did this because she was showing Favoritism to opposing counsel Mr. Epstein-who is also the City Attorney for San Rafael. The Appellate court Ignored this Evidence. This is a Violation of my Constitutional Due Process Rights. Their DISHONESTY caused me to lose the case. Leaving me HOMELESS TO DIE. This case got to my niece Ashley, my mother's grand-daughter, who took a temporary escape: Someone gave Ashley Fentanyl which killed her. She was 33.

Exhibit J: Ashley at 5. Because of DISHONESTY, VIOLATIONS OF LAW in this case, against my will, I got behind in my health and now I may have Breast Cancer. My sister the Trustee has Brain Cancer and is dying, that could have been caught sooner but this case interfered with that. She is 61. Please return our home to us. I am the only one without a home.

My mother doesn't want me living in my car to die, I have Asthma. MY MOTHER'S HOUSE IS HER PROPERTY ONLY. PLEASE ORDER HER HOUSE BE RETURNED TO HER. ESPECIALLY FOR HER DAUGHTER PATRICIA CORNELL. THE TRIAL JUDGE-JUDGE SIMMONS, THE APPELLATE COURT-EVERY TIME THEY VIOLATED MY CONSTITUTIONAL DUE PROCESS RIGHTS, THEY VIOLATED MY RIGHTS UNDER THE FIRST AMENDMENT: FREEDOM OF SPEECH AND RIGHT TO PETITION.

Justice Frankfurter observed, "The right to be heard before being condemned to suffer grievous loss is a principle basic to our society."

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 its letter."

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

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

Petitioner respectfully requests that this Court Grant Rehearing, Vacate its prior Order denying Certiorari, Grant the Petition for Writ of Certiorari, and reverse the judgment below. This is the HONEST thing to do. Thank you.

Dear Clerk, if this Document is not proper, please tell me how to fix it. I'm very sick and doing best I can. Thanks. I am Pro Per and need all Notices and Documents sent to my P.O. Box and email. Thanks.

Two rules: the choice of fifteen pages-Rule 33-2(b), I have used 9 pages not including the separate pages for Certificate of Declaration, etc... the choice of 3000 words-per Rule 33-1(g)-(xv). I have used 3000 words not including table of contents. I have used Microsoft Word.

Certificate of declaration: I, Patricia Cornell, declare under penalty of perjury, that my petition for Rehearing from Writ of Certiorari is presented in good faith and not for delay. This petition for Rehearing shall and is based on grounds of intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

Date: May 29'2026

Patricia Cornell

DO SIGN NAME:

Patricia Cornell

EXHIBITS:

A-TRUST

B-EMAIL/LETTER FROM MS. TRUTNER TO PATRICIA CORNELL DATED APRIL 24'2020.

C-5 PAGE LETTER BRIEF. *Brown*

D-*Jameson v. Desta*

E-WRIT AND WRIT EXHIBITS

F-PAT'S PAST 2 TRUSTS.

G-EXERCISE OF DISCRETIONARY POWERS 17.31.

H-*Lucy Newell*

I-NEW EVIDENCE

J-ASHLEY PHOTO

I, Patricia Cornell, declare under penalty of perjury the above to be true. This petition for Rehearing is due May 29'2026.

Date: May 29'2026

Patricia Cornell

DO SIGN NAME:

Patricia Cornell

PROOF OF SERVICE

In Re the: Patricia Cornell Trust Dated November 16, 1993, as Amended and Restated.
Marin County Superior Court Case No. PR2003455

I, B. Brown, declare as follows:

I am employed in the county of _____, California; I am over the age of 18 years, and
not a party to the within action; my address is _____

On May 29, 2016 I served a copy of the following document on the party or parties listed below:
Appellant Patricia Cornell's Petition for Rehearing From
Writ of Certiorari.

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☒ US MAIL. By placing the document(s) listed above in a sealed envelope, addressed as set forth
above, and placing the envelope for collection and mailings in the place designated for such in our offices,
following ordinary business practices.

☒ Personal delivery. By causing a true copy thereof to be personally delivered to the person(s) at the
address(es) set forth above.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true
and correct, and that this declaration was executed on May 29, 2016 at Marin County, California.

B. Brown

**Additional material
from this filing is
available in the
Clerk's Office.**