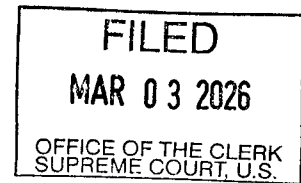


# ORIGINAL

No. 26-333



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In the Supreme Court of the United States

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P. L.,

Petitioner,

v.

R.S.,

Respondent.

---

ON PETITION FOR WRIT OF CERTIORARI  
TO THE NEW HAMPSHIRE SUPREME COURT

---

PETITION FOR WRIT OF CERTIORARI

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P. L.  
P.O. Box 843  
Concord, NH 03818

*Pro Se Petitioner*

MARCH MMXXVI

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## QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment requires a state court to grant a continuance when a disabled litigant explicitly informs the court at the outset of proceedings that she is cognitively impaired by medically-necessary medication and cannot meaningfully participate in the hearing—particularly where the court's own scheduling decision precipitated the medical crisis requiring the medication.
2. Whether Title II of the Americans with Disabilities Act, 42 U.S.C. §12132, as interpreted by this Court in *Tennessee v. Lane*, 541 U.S. 509 (2004), requires state courts to provide reasonable accommodations—including brief continuances—when a disabled litigant's disability-related medical treatment prevents meaningful participation in judicial proceedings.
3. Whether due process is violated when a state court's official transcript omits a litigant's opening statement containing explicit notice of disability-related impairment and requests for accommodation—thereby preventing meaningful appellate review of constitutional claims and insulating judicial conduct from scrutiny.
4. Whether due process is violated when a state appellate court remands a case to the same trial judge who committed statutory and constitutional violations against the litigant, rather than assigning a different judge, where the probability of bias is too high to be constitutionally tolerable under *Rippo v. Baker*,

580 U. S. \_\_\_\_ (2017), and *Caperton v. A.T. Massey Coal Co.*, 556 U. S. 868 (2009).

5. Whether a trial court violates due process when it limits evidence to post-final order events without prior notice, thereby preventing a litigant from presenting relevant evidence of ongoing stalking patterns and protective order violations.

## LIST OF PARTIES

P. L., Petitioner  
R. S., Respondent

## RELATED CASES

Conway Circuit Court – District Division (N.H. 3rd Cir.)

*P.L. v. R.S.*, No. 430-2024-CS-00007, Stalking Protective Order issued May 28, 2024. One-year extension granted May 20, 2025. Extension vacated June 9, 2025.

Supreme Court of New Hampshire

*P.L. v. R.S.*, No. 2025-0339 (Dec. 8, 2025) (final reconsideration judgment denied)

## TABLE OF CONTENTS

|                                                                                    |      |
|------------------------------------------------------------------------------------|------|
| QUESTIONS PRESENTED .....                                                          | i    |
| LIST OF PARTIES .....                                                              | iii  |
| RELATED CASES .....                                                                | iii  |
| TABLE OF CONTENTS .....                                                            | iv   |
| TABLE OF AUTHORITIES .....                                                         | viii |
| OPINIONS BELOW .....                                                               | 1    |
| JURISDICTION .....                                                                 | 1    |
| CONSTITUTIONAL AND STATUTORY<br>PROVISIONS INVOLVED .....                          | 2    |
| INTRODUCTION .....                                                                 | 2    |
| STATEMENT OF THE CASE .....                                                        | 4    |
| REASONS FOR GRANTING THE PETITION .....                                            | 10   |
| I.    THE DECISION VIOLATES THIS COURT'S<br>DUE PROCESS PRECEDENTS .....           | 10   |
| II.   THE DECISION CONFLICTS WITH<br>TENNESSEE v. LANE .....                       | 11   |
| III.  THE TRANSCRIPT OMISSIONS PRE-<br>VENTED MEANINGFUL APPELLATE<br>REVIEW ..... | 11   |
| IV.  THE REMAND TO THE SAME JUDGE<br>VIOLATES DUE PROCESS .....                    | 12   |
| V.   THE EVIDENCE LIMITATION WITHOUT<br>PRIOR NOTICE VIOLATED DUE<br>PROCESS ..... | 13   |
| VI.  THIS CASE HAS SIGNIFICANT NATIONAL                                            |      |

|                                        |    |
|----------------------------------------|----|
| IMPORTANCE .....                       | 13 |
| CONCLUSION AND PRAYER FOR RELIEF ..... | 14 |

## APPENDIX

### Appendix A

|                                                                                                     |       |
|-----------------------------------------------------------------------------------------------------|-------|
| Order, Supreme Court of New Hampshire, <i>P.L. v. R.S.</i> ,<br>No. 2025-0339 (Nov. 13, 2025) ..... | App-1 |
|-----------------------------------------------------------------------------------------------------|-------|

### Appendix B

|                                                                                                                                |       |
|--------------------------------------------------------------------------------------------------------------------------------|-------|
| Order [Reconsideration Denied], Supreme Court<br>of New Hampshire, <i>P.L. v. R.S.</i> ,<br>No. 2025-0339 (Dec. 8, 2025) ..... | App-4 |
|--------------------------------------------------------------------------------------------------------------------------------|-------|

### Appendix C

|                                                                                                                                                           |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| Order [Protective Order Vacated], New Hampshire<br>3rd Circuit Court, [ <i>P. L.</i> ] v. [ <i>R. S.</i> ],<br>No. 420-2024-CS-00007 (Jun. 9, 2025) ..... | App-6 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------|

### Appendix D

|                                                                                                                                                                                        |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| Order [Original Stalking Protective Order (May<br>28, 2024)], New Hampshire 3rd Circuit Court, [ <i>P.<br/>L.</i> ] v. [ <i>R. S.</i> ],<br>No. 420-2024-CS-00007 (Jun. 7, 2024) ..... | App-9 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|

### Appendix E

|                                                                                                                                                    |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Motion to Continue Hearing, New Hampshire 3rd<br>Circuit Court, [ <i>P. L.</i> ] v. [ <i>R. S.</i> ],<br>No. 420-2024-CS-00007 (May 30, 2025) .... | App-23 |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------|

### Appendix F

|                                                                                                                                                         |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Petitioner's Opening Statement, New Hampshire<br>3rd Circuit Court, [ <i>P. L.</i> ] v. [ <i>R. S.</i> ],<br>No. 420-2024-CS-00007 (Jun. 9, 2025) ..... | App-26 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------|

## Appendix G

June 9, 2025 Hearing Transcript, New Hampshire 3rd Circuit Court, *P.L. v. R. S.*,  
No. 420–2024–CS–00007 (June 9, 2025) ..... App–28

## Appendix H

Selected Text Messages from [M. A. S.] (Respondent's Wife) Demonstrating Respondent's  
Admissions Through His Spouse ..... App–65

## Appendix I

Respondent's Emails Acknowledging Petitioner's  
Disabilities, 2021–2024 ..... App–69

## Appendix J

Constitutional and Statutory Provisions .... App–71

## UNITED STATES CONSTITUTION

Amendment XIV, Section 1 ..... App–71

## AMERICANS WITH DISABILITIES ACT

Title II—42 U.S.C. § 12131. Definitions ... App–71

42 U.S.C. § 12132. Discrimination ..... App–72

## UNITED STATES CODE

28 U.S.C. § 1257(a). State courts; certiorari  
..... App–72

## NEW HAMPSHIRE REVISED STATUTES

RSA 633:3–a. Stalking ..... App–73

RSA 173–B:5, IX. Relief (Protective Orders)

..... App–74

NH Circuit Court Rule 1.8–B(B). Continuances

..... App–74

## TABLE OF AUTHORITIES

### CASES

|                                                                        |              |
|------------------------------------------------------------------------|--------------|
| <i>Boddie v. Connecticut</i> ,<br>401 U.S. 371 (1971) .....            | 10           |
| <i>Caperton v. A.T. Massey Coal Co.</i> ,<br>556 U.S. 868 (2009) ..... | 12           |
| <i>Goldberg v. Kelly</i> ,<br>397 U.S. 254 (1970) .....                | 10           |
| <i>Griffin v. Illinois</i> ,<br>351 U.S. 12 (1956) .....               | 11           |
| <i>Mathews v. Eldridge</i> ,<br>424 U.S. 319 (1976) .....              | 10           |
| <i>Mayer v. City of Chicago</i> ,<br>404 U.S. 189 (1971) .....         | 11           |
| <i>Rippo v. Baker</i> ,<br>580 U.S. ____ (2017) .....                  | 12           |
| <i>Tennessee v. Lane</i> ,<br>541 U.S. 509 (2004) .....                | 2, 4, 10, 11 |
| <i>Williams v. Pennsylvania</i> ,<br>579 U.S. ____ (2016) .....        | 12           |

### CONSTITUTIONAL PROVISIONS

|                                   |        |
|-----------------------------------|--------|
| U.S. Const. amend. XIV, § 1 ..... | passim |
|-----------------------------------|--------|

### STATUTES

|                           |   |
|---------------------------|---|
| 28 U.S.C. § 1257(a) ..... | 1 |
| 42 U.S.C. § 12132 .....   | 2 |
| N.H. RSA 633:3-a .....    | 5 |

## **PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully petitions for a writ of certiorari to review the judgment of the Supreme Court of New Hampshire.

### **OPINIONS BELOW**

The opinion of the Supreme Court of New Hampshire partially granting and partially denying Petitioner's appeal is unreported and appears at Appendix A (App.1-3). The order denying reconsideration is unreported and appears at Appendix B (App.4-5). The order of the Conway Circuit Court vacating Petitioner's protective order is unreported and appears at Appendix C (App.6-8). The original stalking protective order containing Judge Greenhalgh's finding that Respondent "SEXUALLY ASSAULTED" Petitioner appears at Appendix D (App.9-22).

### **JURISDICTION**

The Supreme Court of New Hampshire entered its decision on November 13, 2025. Petitioner timely filed a motion for reconsideration, which was denied on December 8, 2025. This Court has jurisdiction under 28 U.S.C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides in relevant part: “[N]or shall any State deprive any person of life, liberty, or property, without due process of law.”

Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132, provides: “[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

## INTRODUCTION

This Court should grant certiorari because the decision below leaves an unresolved question of federal law affecting millions of disabled Americans, conflicts with this Court’s holding in *Tennessee v. Lane*, 541 U.S. 509 (2004), and permits state courts to deny fundamental access to justice based on disability with no remedy and no accountability.

On March 28, 2024, Petitioner—a disabled woman suffering from Complex Regional Pain Syndrome and systemic autonomic dysfunction—was sexually assaulted by her neighbor, Respondent R. S. A New Hampshire court granted her a stalking protective order. Judge Charles L. Greenhalgh explicitly found that Respondent “SEXUALLY ASSAULTED HER”

and that Respondent's consent claims were "NOT CREDIBLE." (App. 9–22).

Respondent's own wife confirmed the assault. In text messages dated April 11, 2024, Respondent's wife wrote: "When I confronted him about what you said he did he did confess he did those things... What he did was totally wrong." (App. 65–68).

When the protective order neared expiration, Petitioner moved to extend it based on six documented violations. The court scheduled a hearing at the exact time of Petitioner's standing trauma counseling appointment. Her motion to reschedule was denied without explanation. The resulting stress triggered a medical crisis requiring ketamine medication, since Petitioner would have to face her attacker without the benefit of counseling immediately prior to doing so.

At the hearing, Petitioner read an opening statement notifying Judge Greenhalgh that she had taken ketamine and could not meaningfully participate. He refused to grant a continuance and proceeded. At the hearing's conclusion, Judge Greenhalgh vacated the protective order—even after Respondent's own attorney admitted: "he was wrong originally, of course." (Transcript at 41:5–6). Furthermore, her opening statement was omitted from the official transcript.

On appeal, the Supreme Court of New Hampshire found that Judge Greenhalgh committed legal error by "incorrectly excluding evidence" and remanded for a new hearing—but remanded to the same judge who

had violated Petitioner's rights, and declined to address Petitioner's constitutional and ADA claims.

This Court's precedents establish that due process requires a "meaningful opportunity to be heard" and that the ADA requires courts to provide reasonable accommodations. *Tennessee v. Lane*, 541 U.S. 509 (2004). *This case* presents an unresolved question of federal law: whether the ADA and the Due Process Clause require state courts to grant a brief continuance when a disabled litigant's disability-related medication renders him or her cognitively incapable of meaningful participation. No decision of this Court, nor of any federal circuit court, has addressed this question. A brief continuance would have cost nothing, but its denial cost Petitioner her safety.

## STATEMENT OF THE CASE

### ***A. Petitioner's Disabilities and the Sexual Assault***

Petitioner suffers from Complex Regional Pain Syndrome (CRPS)—known as the "suicide disease" in the medical community—throughout her entire body, and secondary systemic autonomic dysfunction, causing severe chronic pain and life-threatening cardiovascular complications when triggered by stress. Her conditions also cause allodynia (extreme pain from touch) and complete disinterest in sexual activity. She manages these conditions with prescribed medications, including nasal ketamine for acute episodes.

On March 28, 2024, Respondent R.S., Petitioner's neighbor who lives directly across the street, sexually assaulted her. The Conway Circuit Court granted a stalking protective order under RSA 633:3-a. In the order, Judge Greenhalgh explicitly found that Respondent "SEXUALLY ASSAULTED HER" and that his consent claims were "NOT CREDIBLE." ( App. 9-22).

Respondent's wife confirmed the assault in text messages: "When I confronted him about what you said he did he did confess he did those things... What he did was totally wrong... I feel that a terrible thing was done to you." (App. 65-68).

***B. Respondent's Knowledge of Petitioner's Medical Vulnerability***

Respondent cannot claim ignorance of Petitioner's disabilities. Email correspondence from 2021-2024 establishes his knowledge: In 2021, he requested CRPS educational materials. In February 2022, Petitioner informed him her "heart issue... is genetic, caused by CRPS, or both." In December 2023, she explained that "stress made her health much worse." Two days after the assault, Respondent emailed acknowledging Petitioner "feel[s] PAIN if your 'touched' because of CRIPS." (App. 69-70).

***C. Pattern of Protective Order Violations***

On June 9, 2025, both Petitioner and her husband testified to at least six incidents between April 8 and

May 6, 2025, where Respondent stopped his vehicle precisely where Petitioner was working outside her home—in direct violation of the protective order. (App. 28–64, Transcript at 13:12–15, 19:20–24). The original order prohibited such conduct with no exceptions.

***D. The Scheduling Conflict and Denied Continuance***

In May 2025, Petitioner moved the NH district court presided by Judge Charles L. Greenhalgh to extend the protective order. On May 20, 2025, Judge Greenhalgh granted that one-year extension. Respondent objected. On May 30, 2025, the court scheduled a hearing for June 9, 2025, at 2:30 p.m.—the exact time of Petitioner’s standing weekly VA trauma counseling appointment. Hours after the court clerk phoned Petitioner to tell her about the May 30 hearing on that same day, Petitioner filed a motion to reschedule. The court denied the motion without explanation, providing no reasons for its refusal to accommodate Petitioner’s documented counseling schedule.

On the morning of June 9, Petitioner phoned Judge Greenhalgh’s court and learned her motion had been denied. The stress triggered a severe autonomic crisis because she knew she would not be permitted to speak with her counselor prior to the hearing, and her pain elevated to ‘suicide level’ and triggered a pain

crisis. To prevent a cardiac event, she was forced to take prescribed nasal ketamine.

The causal chain is undeniable: (1) the court scheduled the hearing at the exact time of Petitioner's trauma counseling; (2) the court denied her motion to reschedule without explanation; (3) the denial deprived Petitioner of counseling before facing her attacker; (4) the resulting stress triggered a life-threatening autonomic crisis; (5) the crisis required prescribed ketamine to prevent cardiac failure; (6) the ketamine impaired Petitioner's cognitive function; (7) the court refused to accommodate the impairment it had caused; and (8) the court vacated Petitioner's protection based on a hearing she was medically incapable of participating in. Every link in this chain traces back to the court's own decisions.

### *E. The June 9, 2025 Hearing*

Having been denied both her counseling appointment and her motion to reschedule, Petitioner arrived at the hearing in a state of medication-induced cognitive impairment. At the hearing's outset, Petitioner read a prepared opening statement notifying Judge Greenhalgh that she had taken ketamine and could not meaningfully participate. (App. 26–27). Judge Greenhalgh refused to grant a continuance.

Throughout the hearing, Petitioner's impairment was evident. She stated: "I'm sorry. That's the ketamine talking." (Transcript at 12:2). She explained: "Right now I am under—I'm heavily medicated with

ketamine because my heart was over—was overreacting to the pain and the stress.” (Transcript at 16:22–24). Her service dog repeatedly alerted to her medical distress; Judge Greenhalgh ignored these medical alerts.

Respondent’s own attorney admitted during closing: “he was wrong originally, of course. He’s paid his price.” (Transcript at 41:5–6). Defense counsel thus conceded that the sexual assault occurred—yet Judge Greenhalgh vacated the protective order anyway, stripping protection from a victim whose attacker’s own lawyer admitted the attack happened.

#### ***F. The Transcript Omissions***

The official transcript omits Petitioner’s opening statement. The transcript proves this omission: Judge Greenhalgh states “before you proceed, I just want to address some of the things you’ve already said” (Transcript at 3:2–4)—yet the transcript contains no record of what Petitioner “already said.” This internal contradiction proves critical portions were excluded.

#### ***G. The Supreme Court of New Hampshire’s Decision***

The Supreme Court of New Hampshire found that Judge Greenhalgh committed legal error by “incorrectly excluding evidence” and remanded the case for a new hearing. However, the court declined to address Petitioner’s constitutional due process and ADA claims, remanded the case back to Judge

Greenhalgh—the very judge who violated Petitioner’s rights—and denied reconsideration on December 8, 2025, stating “no points of law or fact were overlooked or misapprehended.”

#### ***H. The Pattern Continues After Remand***

The need for this Court’s intervention is not theoretical. After the Supreme Court of New Hampshire remanded the case to Judge Greenhalgh, the pattern of accommodation failures immediately repeated itself. On December 26, 2025, Judge Greenhalgh mailed a hearing notice for January 20, 2026, through regular mail—despite knowing that Petitioner is enrolled in New Hampshire’s Address Confidentiality Program (ACP). The ACP exists to protect stalking and assault victims by routing their mail through a secure forwarding system, which creates inherent delays. Petitioner did not receive the hearing notice until January 10, 2026—one day after the January 9 deadline to request a continuance had already passed. The court’s use of regular mail for an ACP-enrolled victim of the very respondent in the case—knowing the built-in mail delay—effectively denied Petitioner the opportunity to seek accommodation before the new hearing. This is the same pattern: the court’s own procedural decisions deprive Petitioner of the ability to protect her rights, and then the court proceeds as though no problem exists.

## REASONS FOR GRANTING THE PETITION

This Court should grant certiorari because the decision below leaves an unresolved question of federal law affecting millions of disabled Americans, conflicts with this Court's holding in *Tennessee v. Lane*, 541 U. S. 509 (2004), and permits state courts to deny fundamental access to justice based on disability with no remedy and no accountability.

### I. THE DECISION VIOLATES THIS COURT'S DUE PROCESS PRECEDENTS

This Court has held that due process requires a "meaningful opportunity to be heard." *Goldberg v. Kelly*, 397 U. S. 254, 267 (1970); *Mathews v. Eldridge*, 424 U. S. 319, 333 (1976). A "meaningless" hearing does not satisfy due process. *Boddie v. Connecticut*, 401 U. S. 371, 377 (1971).

Here, the trial court conducted a hearing at which Petitioner was demonstrably incapable of meaningful participation. The court had actual notice of her impairment, and her impairment was obvious. Most critically, the court's own scheduling decision caused the impairment. Having caused Petitioner's incapacity, the court stripped her of protection based on a hearing she could not meaningfully participate in.

Although the Supreme Court of New Hampshire recognized that Judge Greenhalgh erred by "incorrectly excluding evidence," it failed to address whether due process was violated when the trial court

forced an obviously impaired litigant to proceed. The state court's partial acknowledgment of error, while declining to address the fundamental constitutional violation, leaves Petitioner without a remedy for the most egregious aspects of the proceedings below.

## II. THE DECISION CONFLICTS WITH TENNESSEE v. LANE

In *Tennessee v. Lane*, 541 U.S. 509 (2004), this Court held that Title II of the ADA applies to state court proceedings implicating "the fundamental right of access to the courts." *Id.*, at 533–34. *Lane* addressed physical barriers to court access; this case extends the same principle to cognitive barriers caused by disability-related medical treatment. Whether the ADA requires a continuance as a reasonable accommodation when disability-related medication prevents cognitive participation is an unresolved question of federal law that no court—federal or state—has definitively answered. A continuance was the paradigmatic reasonable accommodation. It would have cost nothing. The court's refusal excluded Petitioner from meaningful participation solely because of her disability.

## III. THE TRANSCRIPT OMISSIONS PREVENTED MEANINGFUL APPELLATE REVIEW

Meaningful appellate review is essential to due process. *Griffin v. Illinois*, 351 U.S. 12 (1956); *Mayer v.*

*City of Chicago*, 404 U.S. 189 (1971). The transcript's internal contradiction—Judge Greenhalgh responding to “things you’ve already said” when the transcript omits her opening statements—proves the omission occurred. Without a complete record, neither the Supreme Court of New Hampshire nor this Court can fully evaluate the constitutional violations that occurred at the June 9, 2025 hearing.

#### IV. THE REMAND TO THE SAME JUDGE VIOLATES DUE PROCESS

This Court has held that due process requires recusal when “the probability of actual bias... is too high to be constitutionally tolerable.” *Rippo v. Baker*, 580 U.S. \_\_\_\_ (2017); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). In *Williams v. Pennsylvania*, 579 U.S. \_\_\_\_ (2016), this Court held that a judge’s prior significant involvement in a case creates an unconstitutional risk of bias. Judge Greenhalgh’s prior involvement here is extensive: he presided over the original protective order hearing, formed impressions of both parties’ credibility, and then presided over the extension hearing while Petitioner was cognitively impaired—forming further impressions based on testimony she was medically incapable of presenting coherently. The risk of bias is not speculative. As described in Section H above, Judge Greenhalgh’s conduct after remand—mailing a hearing notice through regular mail to an ACP-enrolled victim, ensuring she could not request a continuance before the deadline

passed—demonstrates that the pattern of accommodation failures will continue unabated. Because Conway Circuit Court has only one judge, any fair rehearing requires transfer to Carroll County Superior Court.

#### **V. THE EVIDENCE LIMITATION WITHOUT PRIOR NOTICE VIOLATED DUE PROCESS**

The trial court limited evidence to post-final order events without providing prior notice to Petitioner, thereby preventing her from presenting relevant evidence of ongoing stalking patterns and the full scope of Respondent's protective order violations. The Supreme Court of New Hampshire recognized this error, finding that Judge Greenhalgh "incorrectly excluded evidence." However, the state court's remedy—remanding to the same judge without addressing the constitutional dimensions of the error—is inadequate.

#### **VI. THIS CASE HAS SIGNIFICANT NATIONAL IMPORTANCE**

This case affects millions of Americans with disabilities who access state courts. The stakes are highest for victims of violence seeking protective orders—the very people most vulnerable and most in need of court access. This case presents an unresolved question of federal law. No decision of this Court has addressed whether a continuance is a required reasonable accommodation under the ADA when a litigant's disability-related medication prevents meaningful

cognitive participation. Nor has any federal circuit court ruled on this question, leaving state courts without guidance and disabled litigants without protection. This question affects not only Petitioner, but every litigant whose disability-related medication—including chemotherapy, psychiatric medications, anti-seizure drugs, opioid pain management, benzodiazepines for anxiety disorders, and medications for PTSD—may impair cognitive function on the day of a court proceeding. Veterans, cancer patients, epilepsy sufferers, chronic pain patients, and millions of other Americans with disabilities face this risk every time they enter a courtroom. Without guidance from this Court, state courts will continue to force cognitively impaired litigants to proceed with hearings that determine their safety, their liberty, and their fundamental rights. This Court's intervention is necessary to resolve this open question and establish a uniform national standard. Clear guidance from this Court is essential.

### **CONCLUSION AND PRAYER FOR RELIEF**

A court forced a disabled sexual assault victim to proceed with a hearing she was medically incapable of participating in. The court ignored her explicit notification of impairment. The court stripped her of protection from her attacker. The court ensured meaningful appellate review would be impossible by omitting critical statements from the record. The

appellate court then remanded back to the same judge who committed these violations. And after remand, the same judge immediately repeated the pattern—mailing a hearing notice through channels he knew or should have known would prevent timely receipt.

The trial judge found Respondent “SEXUALLY ASSAULTED” Petitioner. Respondent’s own wife documented his confession. Respondent’s own attorney admitted he “was wrong originally, of course.” Petitioner and her husband testified to six violations of the protective order. Despite this overwhelming and uncontested evidence—including a concession from defense counsel that the assault occurred—Petitioner has no protection.

The protective order was vacated solely as a result of proceedings that violated Petitioner’s constitutional rights. The original order remains supported by Judge Greenhalgh’s own finding that Respondent “SEXUALLY ASSAULTED” Petitioner, the confession documented in Respondent’s wife’s text messages, and Respondent’s attorney’s admission that Respondent “was wrong originally, of course.” Where a judgment is void due to constitutional violations, justice requires restoration of the status quo ante.

Petitioner respectfully prays this Honorable Court:

1. Grant certiorari to review the judgment of the Supreme Court of New Hampshire;
2. Reverse the judgments in the Appendices below;

3. Reinstate the stalking protective order that was vacated solely as a result of proceedings that violated Petitioner's constitutional rights;

4. Remand with instructions that any further proceedings be conducted before a different judge, and that the case be transferred to Carroll County Superior Court given that the Conway Circuit Court has only one judge;

5. Grant such other relief as justice may require.

Respectfully submitted,

P. L.

P.O. Box 843

Concord, NH 03818

MARCH 2026

*Pro Se Petitioner*