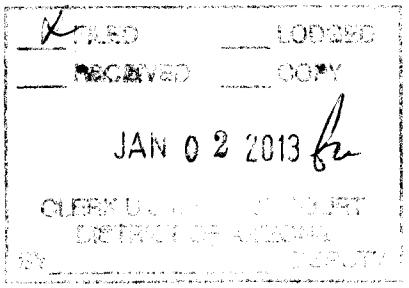

CV-12-02034-PHX-JAT

Annamarie D Reithmiller

v.

Unknown Parties

For personal attention of Judge Teilborg, Chief Justice and all Justices of US District Court, Arizona.

ANNAMARIE, LAST NAME UNCERTAIN since Smith's order of May 24, 2012 in 41-2009-DR-10430 out of the Twelfth Judicial Circuit Court for Manatee County, filed by constitutional officer Shore, knowingly violating his oath to the Constitution of the United States of America.
1207 43rd St W, Bradenton, Florida, United States of America. Tel: 337-254-1451

TO WHOM IT MAY CONCERN **DECEMBER 7, 2012**

18USC2382 REPORT – short version

NB! This places a constitutional obligation on such justices/CJs

United States Constitutional provision 18USC2382 identifies you as a person to whom abuses of fundamental rights must be reported. I hereby report such abuses to you as the Constitution of the United States of America trusted that you will have the integrity and courage to correct Constitutional violations and crimes and as a person who shall restore the fundamental rights of a victim such as myself.

I am a victim of many 18USC241 crimes spanning three years as is clearly evident from 41-2009-DR-10430 and related cases, but the most blatant and obvious violation is what I hereby report:

On October 11, 2012 under case number SC12-2053, quoting lower tribunal case numbers 2D12-4408 and 41-2009-DR-10430, the Supreme Court of Florida dismissed an appeal against Smith issuing a simplified divorce under Florida Family Law Rule 12.105 on May 24, 2012. The Rule for simplified dissolution demands that a divorce may only be granted if parties signed an under oath agreement of settlement (petition) and they are both present in court. There was no such agreement as marital asset, Fresh Start Law Group LLC, remains in dispute. The LLC is a firm started during the marriage with my assistance after I sold my assets to help my husband who has a long history of illness. In terms of Florida law, which regulates our marriage, I have a rightful constitutional property claim for equitable distribution of such marital asset Fresh Start Law Group LLC.

I was further not in court as the law demands when Smith made his order. Smith ordering a divorce when he knew he was not complying with the law and that such order was depriving me of my fundamental rights of due process, equality and property is a constitutional crime in terms of 18USC241 and other provisions. This section makes it a constitutional crime for two or more persons to conspire to deprive a person of fundamental rights. Smith was aided and abetted by Shore, the constitutional officer to the court. Shore had clear evidence on the record of 41-2009-DR-10430 that it was a contested matter with a counter petition and a counter claim which I had filed February 2010. Shore also had clear evidence on the record that due to deliberate obstructive conduct by officials who are friends of my husband's psychiatrist which psychiatrist such government officials, Ezell, Gilner, Moreland and Smith worked with closely for ten years in over 600 mental health cases (in which the psychiatrist was 'expert'), were the reason discovery had not taken place in 41-2009-DR-10430, and the reason the matter was not moved to a different venue as I begged should be the case since 2010. Further, I filed an appeal against Smith's order before Smith's order was even available on the record on the mere basis that Smith had granted a divorce in my absence, quoting the fact that it was a contested divorce where no discovery had taken place. Therefore, when Shore filed the order, making it official and giving it legal effect, he knew he was committing a constitutional crime depriving me of my constitutionally protected fundamental rights.

The State of Florida and the Florida Supreme Court were aware when the court issued its order on October 11, 2012, that I did not agree to change my name in writing or at all, yet Smith's order changed my last name to a last name I did not agree to. This is an extreme violation of my fundamental women's rights and violates me in the core of my being treating me like a chattel with no say over my own life. The State of Florida so openly violated my Supremacy Clause protected rights in retribution because I dare capitulate that my husband remains abducted by his psychiatrist (a Florida Statute 491.0111 and 491.0112 felony). The psychiatrist practiced for years with a fraudulent license whilst by her own written admission being disabled by mental illness.

Governor Scott of Florida is aware the Florida Department of Health Inspector general aided and abetted the psychiatrist's crime through a letter of September 30, 2010, wherein the Inspector General for the Florida Department of Health alleged the psychiatrist is American Board of Psychiatry and Neurology certified when the Inspector knew this was a fraudulent allegation and that board denied (in writing) that she was ever certified by them. The psychiatrist only removed her fraudulent allegation off the official Florida Department of Health website on October 14, 2011, yet Governor Scott is aware the Department of Health in November 2012 again alleged in writing the psychiatrist's license was never fraudulent. Scott knows this is a deliberately false allegation by the State of Florida and encouraging criminal elements in government to think that if they tell the same lie twice that it is the truth, which it of course is not.

My holding government officials accountable is what is causing the State of Florida through its order of October 11, 2012 to openly and willingly cover up Smith's and Shore's state and federal crimes at the expense of myself as victim. Firstly I am a victim by Florida not holding a criminal licensee responsible, the Florida not exercising its criminal jurisdiction at my expense. Secondly Florida is through Smith and Shore and then the 11 October 2012 order of the Florida Supreme Court openly depriving me of my Supremacy Clause protected fundamental rights, thus violating the Constitutions of the State of Florida and the United States as well as International treaties binding upon the United States. This unconstitutional conduct of Florida must be stopped forthwith. International, Federal and State legislation and case law demand that as a victim of fundamental rights abuses, I am entitled to demand that my fundamental rights: equality, due process and property rights, as well as my woman's right to my last name, first be restored before I participate in any further actions or proceedings. As such victim of fundamental rights abuses I ask you to urgently restore my fundamental rights of which I am deprived since the Florida Supreme Court decision of October 11, 2012 in case SC12-2053.

Note: Smith's order of May 24, 2012 in 41-2009-DR-10430 followed by the Florida Supreme Court order of October 11, 2012 forms part of widespread Florida citizen's abuse of fundamental rights. At the outset of the abuse I suffered at the small town county court, I invoked the Supremacy Clause in November 2010 to the Second District Court of Appeal review court. Despite the clear constitutional crime of Ezell and Gilner, the Second District Court of appeal dismissed with no reasons which resulted in a string of cases to the Florida Supreme Court which quoted Stallworth v Moore, 827 So. 2d 974 (Fla 2002), stating in exactly the same way as in case SC12-2053, that it then has no jurisdiction. In SC12-2053 the Florida Supreme Court had jurisdiction of 41-2009-DR-10430 when Smith May 24, 2012, made his order without having obtained jurisdiction from the Florida Supreme Court (Smith was hi-jacking the court when he made the order). I correctly appealed to the Florida Supreme Court with the Supremacy Clause and other pertinent laws like the Bill of Rights and International Treaties invoked. To avoid having to void Smith's order, the Florida Supreme Court then relinquished its jurisdiction (see Florida Supreme Court cases SC12-1647 and SC12-1183) to the Second District Court of Appeal which denied me due process by not even waiting for a brief to be filed, just ordering a dismissal giving no reason, this despite an urgent motion I had filed before the orders were made, warning these officials are busy with unconstitutional scheming and I anticipated the Second District Court was going to dismiss giving no reason, therefore I asked for reasons in advance. So deliberate was the intent to deprive me of fundamental rights and the intent to cover up Smith's and Shore's blatant constitutional crimes, that the Second District Court still dismissed giving no reasons!!! The Florida Supreme Court order of 11 October 2012 followed, exactly as I anticipated and warned was about to happen. No State, no government or country must be allowed to treat individuals like this. Please order the record of 41-2009-DR-10430 and related cases be sent to you, the Judicial Panel on Multi District Litigation and the United Nations High Commission on Human Rights in Geneva whose Special Operations is dealing with the matter, and please restore my fundamental rights and my last name through the powers the Constitution gave you to do so.

Annamarie, last name uncertain, victim of extreme fundamental rights abuses, constitutional and other crimes. I need your help. Act now. Please also appoint counsel to restore my equality.

BK 2422 PG 54 Dkt#3030253
R. B. "CHIPS" SHORE Clerk of Circuit Court Manatee County FL. Filed & Recorded 05/29/2012 04:46:46 PM (1 of 1)

Constitutional 18 USC 241 crime by Smith and Shore - See * There is and has never been a marital settlement agreement on the record or at all -

IN THE CIRCUIT COURT OF THE 12th JUDICIAL CIRCUIT,
IN AND FOR Manatee COUNTY, FLORIDA

Case No.: 09 DR 010430
Division: Civil/Dissolution

William Riethmiller, Petitioner,

and

AnnaMarie Riethmiller, Respondent.

1 No due process Constitutional crime - There is not, nor has there ever been a petition signed under oath by both parties

Party

2 was not in court as Rule 12-105 require

No Equality

FILED FOR RECORD
R.B SHORE
2012 MAY 24 PM 2:00
CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA

FINAL JUDGMENT OF SIMPLIFIED DISSOLUTION OF MARRIAGE

This cause came before this Court for a hearing on the parties' Petition for Simplified Dissolution of Marriage. The Court, having reviewed the file and heard the testimony, makes these findings of fact and reaches these conclusions of law:

1. The Court has jurisdiction over the subject matter and the parties.

2. At least one party has been a resident of the State of Florida for more than 6 months immediately before filing the Petition for Simplified Dissolution of Marriage. → was NEVER filed - fraud.

3. The parties have no minor or dependent children in common, and the wife is not pregnant.

4. The marriage between the parties is irretrievably broken. Therefore, the marriage between the parties is dissolved, and the parties are restored to the status of being single.

5. Marital Settlement Agreement.
[✓ one only]

→ Husband victim psychiatric crime FS 491.0111(2)

___ a. The parties have voluntarily entered into a Marital Settlement Agreement, and each has filed the required Financial Affidavit. Therefore, the Marital Settlement Agreement is filed as "Exhibit A" in this case and is ratified and made a part of this final judgment. The parties are ordered to obey all of its provisions.

Fraud ✓ Not True

→ Fraud no agreement ever entered into, none on record.

___ b. There is no marital property or marital debts to divide, as the parties previously have divided all of their personal property. Therefore, each is awarded the personal property he or she presently has in his or her possession. Each party shall be responsible for any debts in his or her own name.

6. (✓) yes ( ) no The wife's former name of *(full legal name)* AnnaMarie Versfeld is restored. → illegal NEVER agreed to change name.

Fresh Start Right to create

7. The Court reserves jurisdiction to enforce the marital settlement agreement.

ORDERED on May 24, 2012

Judith A. Smith Jr.
CIRCUIT JUDGE

COPIES TO:
Petitioner (or his or her attorney)

→ husband's affidavit failed to list marital asset Fresh Start law distributing group LLC there are none to compel filed 2010 and request for date for hearing in writing, counter petition and declaration filed February 2010. was contested divorce

Supreme Court of Florida

Evidence in 18 USC 2382 Report:

MONDAY, AUGUST 6, 2012

At all times and in all matters the Supremacy Clause and other pertinent laws were in voked having placed an obligation on all the Courts to address fundamental rights abuses 1st - When Smith issued his deliberately fraudulent and unconstitutional ordered May 24, 2012,

CASE NO.: SC12-1183
Lower Tribunal No(s).: 2D12-1175, 2009-DR-10430

ANNAMARIE RIETHMILLER vs. WILLIAM RIETHMILLER

Petitioner(s) Respondent(s)

Petitioner's motion for leave to proceed in forma pauperis is hereby granted.

A True Copy
Test:

Thomas D. Hall
Clerk, Supreme Court

kb
Served:
ANNAMARIE RIETHMILLER
WILLIAM RIETHMILLER

the Florida Supreme Court had jurisdiction over the matter and Smith had no jurisdiction and therefore hi-jacked the court, showing a total disregard for the Florida and US Constitutions and the Rule of law.

See next pages how Florida Supreme Court had jurisdiction, gave it to the Second District Court which despite a request for reasons dismissed giving no reasons, causing the Florida Supreme Court to allege it has no jurisdiction.

Supreme Court of Florida

THURSDAY, AUGUST 23, 2012

CASE NO.: SC12-1647
Lower Tribunal No(s).: 09-DR-10430

ANNAMARIE D. RIETHMILLER vs. WILLIAM RIETHMILLER

Petitioner(s) Respondent(s)

The petition for writ of prohibition is hereby transferred, pursuant to Harvard v. Singletary, 733 So. 2d 1020 (Fla. 1999), to the Second District Court of Appeal. The transfer of this case should not be construed as an adjudication or comment on the merits of the petition.

Florida Supreme Court relinquishing jurisdiction to Second District Court

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

September 6, 2012

CASE NO.: 2D12-4408
L.T. No. : 09-DR-10430

Annamarie D. Riethmiller v. William Riethmiller

Appellant / Petitioner(s), Appellee / Respondent(s).

BY ORDER OF THE COURT:

Petitioner's petition for writ of prohibition is denied. → gave no reasons, despite written request to give reasons.

DAVIS, LaROSE, and KHOUZAM, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Annamarie Riethmiller William Riethmiller R. B. "Chips" Shore, Clerk

Supreme Court of Florida

THURSDAY, OCTOBER 11, 2012

CASE NO.: SC12-2053
Lower Tribunal No(s).: 2D12-4408,
09-DR-10430

ANNAMARIE D. RIETHMILLER vs. WILLIAM RIETHMILLER

Petitioner(s) Respondent(s)

Having determined that this Court is without jurisdiction, this case is hereby dismissed. See Stallworth v. Moore, 827 So. 2d 974 (Fla. 2002).

No motion for rehearing will be entertained by the Court.

A True Copy
Test:

Thomas D. Hall
Clerk, Supreme Court

kb

Served:
ANNAMARIE RIETHMILLER
WILLIAM RIETHMILLER
HON. JAMES R. BIRKHOLD, CLERK
HON. RICHARD B. SHORE, CLERK

Florida Supreme Court had concrete evidence Smith's order of May 24, 2012 was fraudulent and unconstitutional deliberately depriving me of Supremacy Clause protected due process, equality property and women's rights but put in a deliberate scheme to cover up Smith and Shore's crimes, the Stallworth case ahead of the US and Florida Constitutions to let them get away with their 18USC241 Constitutional crime and fraud and leave me a victim completely deprived of my fundamental rights. 12/8/12

RULE 12.105. SIMPLIFIED DISSOLUTION PROCEDURE Extract from Florida Family Law Rules:

(a) Requirements for Use. The parties to the dissolution may file a petition for simplified dissolution if they certify under oath that No simplified petition signed by us both under oath was ever filed. Smith knew that. Shore had no such petition to submit - fraud by Shore.

(1) there are no minor or dependent children of the parties and the wife is not now pregnant;

(2) the parties have made a satisfactory division of their property and have agreed as to payment of their joint obligations; and

(3) the other facts set forth in Florida Family Law Rules of Procedure Form 12.901(a) (Petition for Simplified Dissolution of Marriage) are true.

(b) Consideration by Court. The clerk shall submit the petition to the court. The court shall consider the cause expeditiously. The parties shall appear before the court in every case and, if the court so directs, testify. The court, after examination of the petition and personal appearance of the parties, shall enter a judgment granting the dissolution (Florida Family Law Rules of Procedure Form 12.990(a)) if the requirements of this rule have been established and there has been compliance with the waiting period required by statute. I was NOT in court Smith knew I was not in Court Smith could by law only grant the order IF the rule was met, which it was NOT - Smith's order is illegal.

(c) Financial Affidavit and Settlement Agreement. The parties must each file a financial affidavit (Florida Family Law Rules of Procedure Form 12.902(b) or 12.902(c)), and a marital settlement agreement (Florida Family Law Rules of Procedure Form 12.902(f)(3)). My husband deliberately did not mention Fresh Start Law Group, a marital asset on his affidavit, I filed to compel

(d) Final Judgment. Upon the entry of the judgment, the clerk shall furnish to each party a certified copy of the final judgment of dissolution, which shall be in substantially the form provided in Florida Family Law Rules of Procedure Form 12.990(a). NO agreement was ever signed or filed. Smith and Shore committed deliberate fraud to

(e) Forms. The clerk or family law intake personnel shall provide forms for the parties whose circumstances meet the requirements of this rule and shall assist in the preparation of the petition for dissolution and other papers to be filed in the action. deprive me of my fundamental due process, equality and property rights and last name - women's rights.

I have a right to equitable distribution of marital asset:

copy made from internet 12/18/12

updated from the Florida Dept of State December 14, 2012

re Fresh Start Law Group LLC owner William Christopher Riethmiller

I sold my assets and supported my husband when he started with my help this marital asset: I have a fundamental right to this property.

Fresh Start Law Group LLC has a location in Sarasota, FL. Active officers include William C. Riethmiller. Fresh Start Law Group LLC filed as a *Florida Limited Liability* on Wednesday, September 24, 2008 in the state of Florida and is currently active. William C. Riethmiller serves as the registered agent for this organization.

1990 Main St Ste 750
Sarasota, FL 34236

Filings: Florida Limited Liability (FL - Active)
Source: Florida Department of State last refreshed 12/14/2012

Fresh Start Law Group LLC filed September 24, 2008 – a marital asset to which I have a right to equitable distribution.

Implement ~~HARF~~ the Florida and US constitution & treaties = provide due process; restore equality & property and last name -

p.m., 2 business days before the day of the temporary financial hearing if served by delivery or 7 days before the day of the temporary financial hearing if served by mail, unless the documents have been received previously by the party seeking relief under subdivision (b)(2) of this rule. A responding party shall be given no less than 12 days to serve the documents required under this rule, unless otherwise ordered by the court. If the 45-day period for exchange of documents provided for in subdivision (b)(2) of this rule will occur before the expiration of the 12 days, the provisions of subdivision (b)(2) control. (1) On October 21, 2009 Gilner failed to consider my application for

(2) **Initial and Supplemental Proceedings.** Any document required under this rule for any initial or supplemental proceeding shall be served on the other party for inspection and copying within 45 days of service of the initial pleading on the respondent. temporary support at all, leaving me penniless.

(c) **Disclosure Requirements for Temporary Financial Relief.** In any proceeding for temporary financial relief heard within 45 days of the service of the initial pleading or within any extension of the time for complying with mandatory disclosure granted by the court or agreed to by the parties, the following documents shall be served on the other party: (2) On July 14, 2010 in 41-2009-DR-10430

(1) A financial affidavit in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(b) if the party's gross annual income is less than $50,000, or Florida Family Law Rules of Procedure Form 12.902(c) if the party's gross annual income is equal to or more than $50,000. This requirement cannot be waived by the parties. The affidavit also must be filed with the court. whilst hi-jacking the court and openly

(2) All federal and state income tax returns, gift tax returns, and intangible personal property tax returns filed by the party or on the party's behalf for the past year. A party may file a transcript of the tax return as provided by Internal Revenue Service Form 4506 in lieu of his or her individual federal income tax return for purposes of a temporary hearing. violating my fundamental rights,

(3) IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared. Ezell, despite my clear need and my

(4) Pay stubs or other evidence of earned income for the 3 months prior to service of the financial affidavit. husband's ability to pay, denied me any

(d) **Parties' Disclosure Requirements for Initial or Supplement Proceedings.** A party shall serve the following documents in any proceeding for an initial or supplemental request for permanent financial relief, including, but not limited to, a request for child support, alimony, equitable distribution of assets or debts, or attorneys' fees, suit money, or costs: interim support. Hurnigan September 13, 2011 got rid of Ezell's illegal order,

(1) A financial affidavit in substantial conformity with Florida Family Law Rules of Procedure Form 12.902(b) if the party's gross annual income is less than $50,000, or Florida Family Law Rules of Procedure Form 12.902(c) if the party's gross annual income is equal to or more than $50,000, which requirement cannot be waived by the parties. The financial affidavits also must be filed with the court. A party may request, by using the Standard Family Law Interrogatories, or the court on its own motion may order, a party whose gross annual income is less than $50,000 to complete Florida Family Law Rules of Procedure Form 12.902(c). but never restored my rights. I filed notice to

(2) All federal and state income tax returns, gift tax returns, and intangible personal property tax returns filed by the party or on the party's behalf for the past 3 years. compel and subpoenas re Fresh Start Law

(3) IRS forms W-2, 1099, and K-1 for the past year, if the income tax return for that year has not been prepared. Group LLC - Smith's order has intent to

(4) Pay stubs or other evidence of earned income for the 3 months prior to service of the financial affidavit. deprive me permanently of due process,

(5) A statement by the producing party identifying the amount and source of all income received from any source during the 3 months preceding the service of the financial affidavit required by this rule if not reflected on the pay stubs produced. equality, equitable right to Fresh Start/property and my last name.

re 12th Judicial Circuit Case 41-2009-DR-10430 (1) (2)

Federal Matter:
re Florida Violation of Supremacy Clause

This rule is not intended to prevent additional mental health professionals who have not treated, interviewed, or evaluated the child from testifying concerning review of the data produced pursuant to this rule.

This rule is not intended to prevent a mental health professional who has engaged in long-term treatment of the child from testifying about the minor child. Smith knew Le and Shore were

RULE 12.365. EXPERT WITNESSES committing of fraud with issue of

(a) **Application.** The procedural requirements in this rule shall apply whenever an expert is appointed by the court or retained by a party. This rule applies to all experts including, but not limited to, medical, psychological, social, financial, vocational, and economic experts. Where in conflict, this rule shall supersede Florida Rule of Civil Procedure 1.360. 24 May 2012 order in 12th

(b) **Communication with Court by Expert.** No expert may communicate with the court without prior notice to the parties and their attorneys, who shall be afforded the opportunity to be present and heard during the communication between the expert and the court. A request for communication with the court may be conveyed informally by letter or telephone. Further communication with the court, which may be conducted informally, shall be done only with notice to all parties. Judicial Circuit 41-2009-DR-10430

(c) **Use of Evidence.** The court shall not entertain any presumption in favor of a court-appointed expert's opinion. Any opinion by an expert may be entered into evidence on the court's own motion or the motion of any party in a manner consistent with the rules of evidence, subject to cross-examination by the parties.

(2) 18 USC 241 constitutional crime

(d) **Evaluation of Minor Child.** This rule shall not apply to any evaluation of a minor child under rule 12.363. and depriving me of due process, equality and property and last name

Committee Note

1998 Adoption. This rule establishes the procedure to be followed for the use of experts. The District Court of Appeal, Fourth District, has encouraged the use of court-appointed experts to review financial information and reduce the cost of divorce litigation. *Tomaino v. Tomaino*, 629 So.2d 874 (Fla. 4th DCA 1993). Additionally, section 90.615(1), Florida Statutes, allows the court to call witnesses whom all parties may cross-examine. *See also* Fed. R. Evid. 706 (trial courts have authority to appoint expert witnesses).

RULE 12.370. REQUESTS FOR ADMISSION arbitrarily and with intent to harm.

Requests for admission shall be governed by Florida Rule of Civil Procedure 1.370.

RULE 12.380. FAILURE TO MAKE DISCOVERY; SANCTIONS 12/18/12

Florida Rule of Civil Procedure 1.380 shall govern the failure to make discovery in family law matters and related sanctions, with the following additions. I filed August ~~2010~~ 2010

(a) A party may apply for an order compelling discovery in the manner set forth in rule 1.380 for the failure of any person to comply with any discovery request or requirement under the family law rules, including, but not limited to, the failure to comply with rule 12.285. to compel & issued

(b) In the case of rule 1.380(c), the court may defer ruling on the party's motion for sanctions until the conclusion of the matter in controversy. Subpoena July 2010 interrupted

RULE 12.390. DEPOSITIONS OF EXPERT WITNESSES to September 13, 2011

Depositions of expert witnesses shall be governed by Florida Rule of Civil Procedure 1.390. by Ezell's

RULE 12.400. CONFIDENTIALITY OF RECORDS AND PROCEEDINGS illegal orders

(a) **Closure of Proceedings or Records.** Closure of court proceedings or sealing of records may be ordered by the court only as provided by Rule of Judicial Administration 2.051.

Smith's order of May 24, 2012 is an Intentional fraud as he knew it is a contested matter - see below

Case Information

Case Number:	**41 2009 DR 010430**	**File Date:**	10/9/2009
Case Type:	Dissolution	**Case Status:**	Open
Case Action Code:	DISSOLUTION MARRIAGE	**Judge:**	PETER A DUBENSKY

Parties

I never agreed to change my

	Party Type	Name	Gender	Race	DOB
1	**Wife**	RIETHMILLER, ANNAMARIE ***ATTORNEY:*** *PROPER, PERSON*			
2	**Husband**	RIETHMILLER, WILLIAM C ***ATTORNEY:*** *RIETHMILLER, WILLIAM*			11/13/1956

Smith's order is a Federal offense and crime.

Dockets

last name: Smith deliberately violated my women's rights an illegally took away my last name.

	Image	Date	Description
1		10/09/2009	SUMMONS ISSUED WIFE HANDED TO HUSBAND
2		10/09/2009	FILING FEE ASSESSED-DISSOLUTION Receipt: 31390359 Date: 10/09/2009
3		10/09/2009	NOTICE OF SOCIAL SECURITY NUMBER - HUSBAND
4		10/09/2009	NONMILITARY AFFIDAVIT
5		10/09/2009	CIVIL COVER SHEET
6		10/09/2009	FEE FOR ISSUANCE OF CIRCUIT COURT SUMMONS Receipt: 31390359 Date: 10/09/2009
7		10/09/2009	PETITION FOR DISSOLUTION OF MARRIAGE WITH NO DEPENDENT OR MINOR CHILDREN OR PROPERTY
8		10/22/2009	SUMMONS SERVED - ANNAMARIA D RIETHMILLER
9		11/10/2009	FEE FOR VERIFYING AN INSTRUMENT PRESENTED F.S. 28.24(4) Receipt: 31395020 Date: 11/10/2009
10		11/10/2009	LETTER OBO ANNAMARIA D RIETHMILLER
11		01/14/2010	NOTICE OF FINAL HEARING
12		02/10/2010	NOTICE OF HEARING
13		02/15/2010	SECOND NOTICE OF TRIAL
14		02/15/2010	SECOND NOTICE FOR TRIAL (COPY TO JUDGES OFFICE)
15		02/18/2010	MOTION FOR TEMPORARY SUPPORT WITH NO DEPENDENT OR MINOR CHILD(REN)
16		02/18/2010	ANSWER TO PETITION AND COUNTER PETITION FOR DISSOLUTION OF MARRIAGE WITH PROPERTY BUT NO DEPENDENT OR MINOR CHILDREN OBO ANNAMARIE RIETHMILLER
17		02/18/2010	FEE FOR OATH, ADMINISTERING, ATTESTING, SEALING F.S. 28.24(13) Receipt: 31410301 Date: 02/18/2010
18		02/18/2010	TO FILE COUNTER PETITION / CROSS-CLAIM / COUNTER CLAIM OR THIRD PARTY COMPLAINT CHs 39, 61, 741, 742, 747, 752, 753 Receipt: 31410301 Date: 02/18/2010
19		02/19/2010	CIVIL ATTACHMENT TO MOTION TO DISQUALIFY JUDGE DUBENSKY - COPY OF EXPLANATION OF BENEFITS AND EMAILS

William filed: Fresh start Law Group, LLC is a marital asset and by Florida law I have a right to equitable distribution. I sold my assets and supported him and helped him start Fresh Start

Counter claim filed

Contested since February 18, 2010

Paid for counterclaim

I paid to counterclaim and have a defended divorce: Smith deprived me of due process, equality, property

2	07/14/2010	9:00:00 AM	4:55:00 PM	MOTION HEARING	EZELL, BRAXTON R
	Location: HEARING ROOM #2 - 3RD FLOOR				
3	08/09/2010	9:00:00 AM	4:55:00 PM	MOTION HEARING	EZELL, BRAXTON R
	Location: HEARING ROOM #2 - 3RD FLOOR				
4	08/10/2010	9:00:00 AM	4:55:00 PM	MOTION HEARING	EZELL, BRAXTON R
	Location: HEARING ROOM #2 - 3RD FLOOR				
5	09/13/2010	2:30:00 PM	2:55:00 PM	MOTION HEARING	DUBENSKY, PETER A
	Location: COURTROOM 3-E				
6	09/20/2010	10:30:00 AM	10:40:00 AM	MOTION HEARING	DUBENSKY, PETER A
	Location: COURTROOM 3-E				

My due process equality, property and women's Federal rights violated by Smith and Shore-

Financial Summary

	Docket Application	Owed	Paid	Dismissed	Due
1	PAYMENT PLAN/DEPT FIN RECOVERY FEE	$0.00	$0.00	$0.00	$0.00
2	APPEAL FILE FEE	$100.00	$0.00	$0.00	$100.00
3	COPIES	$2.00	$2.00	$0.00	$0.00
4	COPIES	$1.00	$1.00	$0.00	$0.00
5	COPIES	$1.00	$1.00	$0.00	$0.00
6	SERVICE CHG	$3.50	$3.50	$0.00	$0.00
7	FILING FEE	$397.50	$397.50	$0.00	$0.00
8	SERVICE CHG	$3.50	$3.50	$0.00	$0.00
9	SERVICE CHG	$3.50	$3.50	$0.00	$0.00
10	SERVICE CHG	$3.50	$3.50	$0.00	$0.00
11	SUMMONS FEE	$10.00	$10.00	$0.00	$0.00
12	COURT COSTS	$295.00	$295.00	$0.00	$0.00
13	SUBPOENA FEE	$40.00	$40.00	$0.00	$0.00
	Total	$860.50	$760.50	$0.00	$100.00

Receipts

	Date	Receipt	Received From	Payment Amount	Applied Amount	Change Returned
1	10/09/2009	31390359	WILLIAM RIETHMILLER	$407.50	$407.50	$0.00
2	11/10/2009	31395020	ANNAMARIE RIETHMILLER	$5.00	$3.50	$1.50
3	02/18/2010	31410301	ANNAMARIE	$298.50	$298.50	$0.00
4	05/19/2010	31423835	WILLIAM	$3.50	$3.50	$0.00

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Annamarie D. Reithmiller, Plaintiff, vs. Electors for the State, Defendant.	No. CV 12-2034-PHX-JAT **ORDER** Matter interrupted by Florida Supreme Court 10/11/12 order cannot proceed till Plaintiff's equality restored.

URGENT NOTICE TO THIS COURT: An order by the Florida Supreme Court dated 11 October 2012, details of which are provided in the attached 18USC2382 Report to the justices of this court, deprived the Plaintiff of fundamental rights, including her treaty protected right to equality, and in terms of international laws and procedures and by virtue of orders of the United States Supreme Court interrupted this case until the Plaintiff's fundamental rights are restored. This case can therefore not proceed until then.

This violation of the Supremacy Clause of the United States of America by Florida transpired despite the fact that the Plaintiff had invoked Human Rights Treaties to enforce fundamental Rights as guaranteed by the Supremacy Clause of the United States of America to equal protection of the law (Declaration of Human Rights Article 7 and Covenant Article 26 for equal protection). Despite the United States Supreme Court having been given full details of the fundamental rights abuses by Florida, the inequality remain, leaving the Plaintiff no option but to file this 18USC2382 attached Report invoking an obligation on the justices of this court to restore the Plaintiff's fundamental rights.

Kindly advise the Plaintiff when her fundamental rights of due process, equality, her property rights to equitable distribution of marital asset, Fresh Start Law Group LLC and her last name is restored, so that this matter can proceed. Such notification must kindly take place through the Victims Unit of the United States Middle District for Florida Court, Tampa Division.

12.12.12. ---------- Annamarie, last name uncertain, previously Riethmiller

Care of : US Victims Witness Program Manager, Chris Griffiths
400 N. Tampa Street, Suite 3200, Tampa, Florida 33602 Phone: (813) 274-6091

The below is attached to a copy of the first page of the last filing by this court. This court has a duty to act and restore the Plaintiff Constitutional fundamental rights before any further steps are taken or demanded.

Harlan, in Poe v Ullman (1961), wrote: "the full scope of the liberty guaranteed by the Due Process Clause cannot be found in or limited by the precise terms of the specific guarantees elsewhere provided in the Constitution. This 'liberty' is not a series of isolated points pricked out in terms of the taking of property; the freedom of speech, press, and religion; the right to keep and bear arms; the freedom from unreasonable searches and seizures; and so on. It is a rational continuum which, broadly speaking, includes a freedom from all substantial arbitrary impositions and purposeless restraints." On the basis of this interpretation of the due process clause, Harlan concluded that the Connecticut statute violated the Constitution.

The Plaintiff suffers such extreme violations of fundamental rights through the order of Smith of May 24, 2012 in 41-2009-DR-10430 in the Twelfth Judicial Circuit for Manatee County, Florida and perpetuated by the Florida Supreme Court order of 11 October 2012, that she is a victim of extreme treaty protected international rights. The United States has a duty to ensure that no state (Florida) make or enforce any law (the precedent of Stallworth v Moore is used by the State of Florida to cover up constitutional crimes by government officials such as Smith abusing their power) which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law...nor deny any person the equal protection of the laws – Smith's order of May 24, 2012 in 41-2009-DR-10430 violates these constitutional provisions, Amendment 14 Section 1. The U.S. Supreme Court cases place a duty on this court to deal with the unconstitutional conduct by Smith FIRST and this court failed to do so. It must rectify its error immediately. Until the United States through this court restores the Plaintiff's Due Process, equality, property and women's rights and protects her from further hate crimes such as Smith's order and the recent order of Merryday in 8:12-cv-2349-T-23EAJ, she is not in a position or under any duty to file anything further in this or any other court in the United States. This court is reminded of the following:

The United States Supreme Court held that provisions of the Bill of Rights apply to both the federal government and the states. The State of Florida and this court therefore have legal duties to treat the Plaintiff equally before the law and provide her due process, protection of her property rights and her women's rights, which includes her marital rights and her last name. Smith's order violated all these rights and until dealt with by this and other courts leave the Plaintiff a victim. The Supreme Court relies on the "due process clause" of the Fourteenth Amendment, which prohibits a state from depriving "any person of life, liberty, or property, without due process of law." Smith's order deprived the Plaintiff of these and other rights and despite evidence provided to this and other Federal courts which had a duty to act and restore the Plaintiff's rights, this did not happen. The Supreme Court demands that federal courts protect 'liberties' protected by the due process clause of the Fourteenth Amendment from impairment by the states", yet this court failed to do so. The duty under which this court stands is what the United States Supreme Court demands, namely that the doctrine first enunciated in Gitlow in other cases, such as De Jonge v. Oregon, 299 U.S. 353 (1937), Wolf v. Colorado, 338 U.S. 25 (1949), and Gideon v. Wainwright, 372 U.S. 335 (1963), to extend the reach of the Bill of Rights, be applied. The "incorporation doctrine," through the Supreme Court orders placed this court under obligation to identify the fundamental rights the Plaintiff is deprived of and which are specified in the Bill of Rights and incorporated into the liberties covered by the due process clause of the Fourteenth Amendment, and should have granted the Plaintiff assistance and relief of these fundamental rights abuses, holding Florida responsible for violating the Supremacy Clause of he United States. Until the Plaintiff's equality and other fundamental rights are restored, she cannot proceed herein at all. Only when her equality is restored and Smith's unconstitutional and criminal conduct dealt with, can this and other matters proceed. Below follows the Plaintiff's final submission to this court which places on this court a duty to act and restore her fundamental rights.

THE SUPREMACY CLAUSE OF THE CONSTITUTION OF THE UNITED STATES AND OTHER PERTINENT LAWS ARE AND REMAIN INVOKED HEREIN.

Comments to the US Government and US Government employees, and in particular those tasked in terms of 18USC2382 to NEVER allow abuse of the Constitution of the United States of America, and never tolerate individual rights abuses:

This matter forms part of a group of matters all dealing with Florida and US Government employees putting themselves above the law and in particular above the Constitutions of the State of Florida and the United States of America with the specific aim to allow criminal conduct and in the process causing extreme abuses of individual rights to the Plaintiff and a large group of vulnerable others.

On November 16, 2012 President Obama and the Secretary of State Hillary Clinton, filed the first ever report by the United States of America to the United Nations High Commissioner for Human Rights, confirming individual rights abuses of United States citizens by the United States Government.

United States Constitutional provisions became violated as a direct result of the 16 November 2012 filing. The explanation of which is as follows: The essence of the United States Constitution is that individual rights are sacred and provision after provision exists how through the Separation of Powers the fundamental rights of individuals must always stand protected (exceptions apply only to war, and in the cases in which the Plaintiff is involved or consider, are not applicable). Government officials are to hold one another accountable until a full restoration of fundamental rights and equality has taken place in respect of such victim of individual rights. Therefore, if a State and its judges and the United States Federal Government and its judges, and if Governors and the President of the United States of America learn of such human rights violations, their legal duty and task is not sit by and report it to the United Nations, but to repair each breach to the Constitution and restore the fundamental rights of victims.

The matters of which this form part deals with an individual whose rights are violated, who instead of protection by those in government tasked by 18USC2382 to protect rights, join in the frenzy to deprive her of fundamental rights. That is even with the Supremacy Clause invoked. In contrast to this blanket United States Federal refusal to implement the Supremacy Clause of the Constitution what it was intended for, is the article quoted at the end of this section, setting out how the United States Federal government manipulate through the Supremacy Clause more power for itself: what, so it can violated the individual rights of more people like the Plaintiff? The matters also show the extreme hardships individuals (the Plaintiff) are deliberately made to suffer when fundamental United States Constitution Supremacy Clause protected rights become violated and an individual dares capitulate, indicating the United States has become an arrogant abuser of human rights and violates through corrupt officials its own Constitution and treaty obligations.

The Supremacy Clause of the United States of America prohibits the Fifty United States and even the United States Federal government in terms of international treaties to violate individual (human, civil, women's rights, etc). The Supremacy Clause can only be raised by individuals when there is clear evidence of fundamental rights abuses by a State (which the Plaintiff provided in the form of the blatantly and clearly illegal unconstitutional order of Smith, May 24, 2012 in 41-2009-DR-10430).

If government officials tasked through 18USC2382 did their job, reporting individual rights to the United Nations will never be necessary. Mr Obama stood under obligation by virtue of his own oath to the Constitution of the United States of America to implement the Constitution of the United States of America and had to restore the rights United States citizens individuals BEFORE they were reported to the United Nations. It means that at most what the United States should ever need to report to the United Nations, is that it suffered corrupt officials, indentified them, held them accountable and worked them out of the system and restored the fundamental rights of victim individuals. From what can be gathered about

the report, that was not the case. Further, although Mr Obama is fully aware of the Plaintiff continuing to be a victim of fundamental rights abuses, she was not mentioned in the report, which cast a doubt on the accuracy of the report.

Unfortunately what the Plaintiff experienced thus far through this ordeal is that the extreme and blatant violations of individual rights are deliberately and arrogantly committed or endorsed by the Obama regime, indicating a policy by Mr Obama to allow individual rights to be abused, despite his oath to the Constitution. Mr Obama is reported to from a young age have stood up against the individual rights abuses in the Plaintiff's country of origin, South Africa. He shall therefore understand she (who similarly stood up against the abuses of the apartheid regime), has a moral and legal duty to stand up against individual rights abuses by the United States of America committed by his regime.

In the United States of America the apartheid laws does not exist, just and fair laws exist, but it is the officials who act outside the law which violate the individual rights and are not held accountable, but are allowed by further officials to get away with it at the expense of victims like the Plaintiff. This shows that the Obama regime is allowing in imperialist fashion government officials to abuse individuals, allowing non-compliance with the law and abusive corrupt officials to lord it over citizens.

The Plaintiff is also an officer of the High Court of South Africa and is bound by a duty of care in respect of the same international provisions which bind United States government and its officials presiding in this and other matters. Her duty as an officer of the (international) treaty courts and her duty in terms of her oath to the Constitution of the United States of America binds her to continue the quest of restoration of fundamental rights in this and other matters, until it is achieved. Every government officials who reads this have a task to bring about the restoration of individual fundamental rights she is asking for to avoid her becoming a United Nations statistic of someone who suffered at the hand of corrupt State of Florida and United States Federal officials in the next United States report to the United Nations.

Such State and Federal officials, all tasked with implementation of the laws of the State of Florida and the United States and in particular the Constitutions thereof, actively participated and continue to participate to disallow the Plaintiff, the whistleblower of State and Federal crimes, access to the law and even a legal platform at all in the form of a Federal court where simple clear evidence of the legal and constitutional violations she has suffered can be led. Disallowing such platform is of course an additional constitutional violation (case 8:12-cv-2349-T-23EAJ, where the Plaintiff is on clear evidence a Defendant in the matter, was dismissed by Merryday on the basis that she is a Plaintiff, Merryday looking for an invalid excuse to deprive her of her rightful legal platform to a jury trial).

This strange and unconstitutional conduct first by State and then by Federal officials is in retribution against the Plaintiff for her daring to stand on her Constitutional rights and seeking to protect her husband who has a very long history of mental illness as well as over 600 other vulnerable people. The Plaintiff and all these people were deprived of fundamental rights by government officials who are paid by the people to protect their rights. Layer after layer the United States has failed to implement its laws and has committed cover up after cover up. In South Africa people the Plaintiff knew and loved died in uniform defending a patently corrupt government, which at least had the decency to have the corrupt laws that all could see it. Now in the United States the laws are wonderful, but those tasked to implement the laws blatantly openly and deliberately are not doing so and are conducting themselves with conduct similar to apartheid. The United States armed forces do not swear loyalty to the government or to an official, but to the Constitution of the United States, trusting State and Federal governments to implement these Constitutions and laws. When as in the cases the Plaintiff suffer State and Federal government officials blatantly disregard the law and do all they can to trample individual rights as they have done in respect of the Plaintiff and over 600 others, then American men and women in uniform are dying in vain to protect the Constitution.

In the present matter brought to this court's attention, the day the Federal government of the United States turned against its own constitution is August 25, 2010 when Moody in Case No: 8:10CV1763-T-27TGW dismissed the matter despite Ezell hi-jacking a court July 14, 2010 with the intent to deprive the Plaintiff of fundamental rights, which he indeed deprived the Plaintiff of. Through Moody the United States failed to implement the Constitution of the United States of America in respect of the Plaintiff and it led directly to the confidence of Smith to so blatantly and openly order a constitutional crime sanctioned by the Florida Supreme Court 11 October 2012 in the Smith order under case number 41-2009-DR-10430. The Constitution of the United States of America is being killed by its own Federal officers not holding government officials accountable and they also not being held accountable. That points to poor management and poor government and must be fixed.

Because high level government employees are involved, the Plaintiff has no option but to point a finger not only at them, but also to the governments (Florida and the United States) they represent. However, it must be VERY clearly understood, all the laws are there to have prevented this situation and all the laws and the Constitutions of Florida and the United States are on the side of the Plaintiff, so she knows she does not only have a right but is right and shall succeed against the corrupt officials, no matter how long it takes. It is the corrupt and treasonous conduct of officials covering up the criminal conduct of a small town psychiatrist and her friends which led to the VERY serious Constitutional abuses of the State of Florida and the United States of America.

The Plaintiff has no quarrel with the State of Florida or with the United States or either of their governments, other than the corruption and abuse of power the matters she became involved in uncovered and which must be restored. Individual rights are what is sacred in the Constitution of the United States of America and that is what is at stake.

'We the people' pay 167000 Judicial and legal employees in Federal government $880million per year to be servants of "we the people". No doubt most of these people are deeply committed to the Constitution of the United States of America and represents a United States Government that deserves deep respect and compliments for many accomplishments.

However, the 314859107 Americans, of which the Plaintiff is one, pay these servants of the people to act inside the Constitution and the Laws of the United States of America. Any servant stepping out of line of the Constitution of the United States must bear the brunt of the Constitutional and other provisions outlawing conduct by government officials which act outside the Constitution. The present main problems is the people specifically paid by the 314859107 Americans to ensure the preservation and continuation of the principles and laws of the United States Constitution are the Federal Justices to whom the matters were brought in good faith by the Plaintiff, and who in this and other matters failed to apply the legal and constitutional provisions which bind them, and who presumably in the matters reported by President Obama to the United Nations, did the same.

Instead of the Federal Justices giving effect to the Supremacy Clause of the United States to hold Florida accountable for violating the Supremacy Clause of the United States for violating the fundamental rights of the Plaintiff and over 600 others, the Federal justices ignored the Constitution and instead of exercising their judicial obligations are deliberately stonewalling the Plaintiff, depriving her from her fundamental right to equality before the law, and quite frankly to a tribunal at all, because no discovery of the unconstitutional conduct could yet take place, despite even filing Motions for the Panel on Multidistrict Litigation coordinating the very clear evidence of constitutional violations.

This matter form part of a bundle of federal cases which seeks to invoke the Supremacy Clause to the Constitution of the United States correctly, namely when a State (Florida) violate the constitution of the United States through its laws or conduct, that Federal Government intervene. From the below quotation

it is clear, that to usurp power, the Federal Government of the United States is using the Supremacy Clause as a stick against States, and abusing the seriousness of the clause.

The founding fathers of the Constitution created that clause to specifically ensure the most fundamental principles of the United States are not violated. No principle of the United States is more fundamental, than giving sacred rights of equality, justice and fairness to the people of the United States. Unfortunately as the Constitution is a legal document its enforcement lies with the judiciary. When they fail or are corrupt, then it is irrelevant how good the laws are. In previous filings the court was told of the situation where the Plaintiff was a mock International Court of Justice Judge in a moot and her co "judge" an attorney who only serves clients in the Supreme Court. This highly esteemed lady severely criticized an international moot team for the manner in which they combed their hair and dressed. Later that day at lunch with about 20 other attorneys, the same lady who was so pedantic about the mannerisms of the international team showed she did not have the same extreme convictions in respect of the United States Constitution. What happened is that an attorney asked the Plaintiff what she thought of the United States legal system, not knowing about all her ordeals. The Plaintiff was not going to share it either, but merely said her grave concern was that the United States Constitution is not being implemented. In response the high level lady attorney only serving the Supreme Court and who was so concerned for even mannerisms, said the worst case she ever witnessed of the Constitution of the United States of America being abused was at the Twelfth Judicial Circuit for Manatee County (where Ezell, Smith, Shore, etc come from!!!). This fine lady attorney did nothing about having witnessed constitutional abuse by corrupt officials. A person like her is a traitor to the United States of America. It is corrupt officials being pedantic about what is not important, which is what is destroying the Constitution of the United States of America, which they are witnessing being destroyed and they say nothing. Obama recording the individual rights abuses of the United States to the United Nations is witness to that.

Individual rights are fundamental God given rights the Plaintiff is standing on. The context in which she is therefore invoking the Supremacy Clause is the very reason it was created, namely to ensure a State never abuse the fundamentals of the United States Constitution of which no law is more fundamental, than that individuals rights are sacred and protected.

Despite the Supremacy Clause and other Constitutional provisions being invoked and clear evidence of fundamental rights abuses by Florida provided to the United States, not a single federal judge even mentioned the Constitution or Supremacy Clause, but quoted at length minor irrelevant sub paragraphs of subparagraphs of unimportant rules, showing to United States Federal judges the Supremacy Clause is only Supreme when they can use it as a tool in the hands of their masters, but not when it relates to true principle. The consequence is that with the knowledge and consent of the United States Federal government the Plaintiff suffers extreme violations of her most fundamental rights and in particular women's rights, which did not only deprive her of property, dignity but is now for a second time even threatening her very life. For the first half of 2012 it was feared the Plaintiff suffers terminal illness, but she was then told not. Now she has a grown out of her right wrist which makes continued typing impossible and directly as a result of Ezell, Gilner and Smith depriving her of property to which she has a rightful claim for equitable distribution, marital asset, Fresh Start Law Group LLC, she has no means of having her health seen to.

The same financial deprivation is causing the Plaintiff to not only be unable to obtain legal counsel to protect her rights, but means that even what she does type she cannot print and even when she prints it, she cannot afford to get the envelopes or stamps to mail. In each court where this is filed proof of fundamental rights were provided which demanded the judicial officers first corrects the fundamental rights abuses and hold those who violated such rights accountable. Smith's order is clear evidence of such fundamental rights abuse and considering the Plaintiff's circumstance she qualifies for the court ordering counsel. Thus far such request was ignored, but against the Plaintiff is asking the court to provide such counsel.

Because the evidence she has prove criminal conduct and constitutional crimes by government officials protecting the criminal the Plaintiff was denied a legitimate platform first in State court and then in Federal court to litigate and deliberately deprived of rights protected by international treaties the United States is party to and which are the same rights protected by the United States Constitution and its provisions. The Constitution of the United States is clear, any orders not complying with the laws of the States and the United States are illegal and void from the outset. It does not matter that the State of Florida violated the Supremacy Clause to try and lend legitimacy to Smith's illegal order of May 24, 2012. The Plaintiff is married by he laws of Florida and can only get divorced in terms of the laws of Florida. Smith deliberately did not follow the laws of Florida and granted a simplified divorce in a contested matter, not even complying with the State of Florida 12.105 Rules demanding a written agreement and presence in court: no matter what happens in the meanwhile, Smith's order is and remains illegal and is void from the outset. Obviously his order is a fundamental rights violation. The State of Florida and now the United States Federal government perpetuating the order through its unwillingness to provide a platform where the evidence of Smith's order of May 24,. 2012 and other evidence can be led, can never make what is illegal, unconstitutional, and criminal (Smith's order of May 24, 2012) legal. It is merely perpetuating and exacerbating the harm.

It is the Plaintiff's duty to mitigate the harm. Thus far, she gave all she have in energy, ability and even not paying the mortgage to bring the matter to the attention of even Federal judges outside the State of Florida. The United States has shown it shall discriminate against her and deny her equal access to the law and it shall deprive her of her fundamental, individual and women's rights as a team of abusers who will arrogantly trample her in any way it can. Again, when all the emotion is put aside, what one is simply dealing with is corrupt officials covering up for one another and it is simply the weaker side of the human element trying to destroy good principles fought over centuries to achieve: constitutionally protected individual rights.

The Plaintiff has never come across an American who is not deeply committed to the Constitutional Rights safeguarded by the Bill of Rights in the United States Constitution, the instrument used by the United Nations to draft the Universal Declaration of Human Rights. Therefore, by the Plaintiff also choosing her international treaty rights in terms of the Supremacy Clause of the United States, she is not claiming anything foreign to the laws or Constitutions of the State of Florida or the United States of America. The only reason she is forced to seek United Nations intervention, is because the State and Federal officials who had the legal duty to implement the mirror laws in the United States, deliberately failed to do so.

Therefore, in relation to the Plaintiff, the Federal justices who each (including the judge in this matter) had a legal duty to first and foremost restore her fundamental rights and ensure protection for her and other victims, deliberately refused to implement the Constitution and must be held accountable for their treason to the Constitution of the United States of America which binds them to have acted in terms of it.

Article III of the United States Constitution demands that Federal judges must be of good behavior, meaning they have to implement the Constitution of the United States and other laws and if they fail to do so, they must like bad servants be relieved of their duties.

The unconstitutional and criminal conduct which the Plaintiff suffers from escalated because United States government officials tasked to restored the situation to the Constitution and the laws failed to do so. However, it is never too late. The filing to this court is another attempt to ask this judge to restore to the Constitution. The evidence of fundamental rights abuses in 41-2009-DR-10430 is overwhelming and confirmed clearly through the order of Smith of May 24, 2012. This court has the power to order the records of that case, or at least to order it be sent to the Judicial Panel for Multi District Litigation. In any event this court is asked to order it be sent the the Special Provisions Department of the United Nations High Commissioner for Human Rights office in Geneva. At all times this judge stands under a duty to

implement the Supremacy Clause of the United States of America. When implemented it will recognize the fundamental rights abuses in 41-2009-DR-10430 and related cases, it will order the Plaintiff's rights and other victim's rights be restored. It can order an investigation to identify constitutional violations and when such violations are reported order counsel to protect the Plaintiff's fundamental rights. In each case, including this one, the Plaintiff begs the court also on behalf of the other over 600 victims, that they fundamental rights be restored and protected. The Plaintiff has pleaded for these reasonable requests over and over and over and in vain.

The Plaintiff therefore has no option but to seek permission to sue the United States.

Part reason for this filing is the Plaintiff acting in terms of her oath to the Constitution of the United States of America. That oath binds her to not rest until the Constitution of the United States of America triumphs. The failure thus far by the United States through errant officials to adhere to its own Supremacy Clause and other Constitutional and Treaty provisions is causing extreme continued harm and fundamental rights deprivations in respect of the Plaintiff and others. The United States giving permission to sue it, will hopefully assist those government officials who honor and implement the Constitution of the United States an opportunity to correct to the Constitution and clear corrupt rotten officials out of the system.

Any comments as to referring to the United States government as being a villain, is accordingly in the context of the corrupt officials encountered thus far, and no other.

The Plaintiff swore an oath to the United States Constitution. It has pained her deeply as it became clearer and clearer that the greatest threat to the United States Constitution is not terrorists, by those tasked to preserve the Constitution, who swore oaths to keep it, and who are instead violating it deliberately. The Plaintiff accordingly has a sacred duty to hold those who are violating the United States Constitution accountable, and regardless of her own extreme deprivations and hardship, she must step by step take this matter to its conclusion, even if it costs her life.

This court through filings before it, knows the Plaintiff suffers deliberate State of Florida, US perpetuated, government induced poverty, leaving her at an extreme disadvantage to defend her the Constitution. Thus far defending the United States Constitution from the villains inside its system is taking a terrible toll from the Plaintiff. When she accordingly appears harsh in her criticism of those violating the United States Constitution who are inside the system and paid by "we the people", it is not meant to hurt the feelings of any of those not guilty of such unconstitutional conduct, but does place a duty on such officials to bring an end to the harm.

Like with all things, if rot, or what is wrong, is allowed to grow, it eventually destroys. In this instance the 'rot' is disobedience to the Constitution of the United States by the very people paid by the people to implement and protect the Constitution. No woman or individual in the United States under its Constitution should ever be deprived of fundamental rights as the Plaintiff is suffering. The evidence is clear in the form of Smith in the Twelfth Judicial Circuit for Manatee County Court Florida being so obsessed to harm the Plaintiff and depriving her of her fundamental rights, that he in conjunction with Shore even granted a simplified divorce in a contested matter with intent not adhering to the law of the State at all, knowing he is depriving the Plaintiff of her fundamental due process, equality before the law, property and other fundamental rights, even removing depriving her of her name, and internationally protected woman's right.

The Plaintiff believes the United States Constitution deserves implementation and survival, please help her in holding accountable individuals "rotting" the Constitution of the United States, and understand, the Plaintiff's unhappiness is not with the people of the United States, or the United States itself, nor with its government or laws. The Plaintiff's legitimate efforts are against the corrupt government officials

misusing the United States government as a deliberate tool of harm and illegal and criminal unconstitutional conduct.

The only manner in which they can be identified and eliminated out of the system to purify and correct it, is to hold the United States responsible until the Constitution of the United States triumphs in every respect.

A further aspect the "people" must take note of, is that government servants must never put themselves above the people or the people's Constitution, and that goes even for the President.

A President is merely given additional responsibilities for which he or she is also rewarded with power and respect. That power and respect is however directly related to his or her oath to keep the Constitution of the United States of America, and nothing in the laws or Constitution of the United States give the President the power to act outside its fundamental principles. If he or she steps outside the boundaries of the Constitution or fail in ensuring it is implemented in respect of each citizen, such President is failing in his or her duties. Holding President Obama responsible for the unconstitutional conduct of fellow public servants, is merely giving effect to the Plaintiff's oath. The cases before the 2012 election which the Plaintiff filed in the 50 United States were a legitimate question to the Federal Courts, that as Mr Obama was served details of her extreme fundamental rights abuses, did he violate Amendment 14, Section 3 of the Constitution by making himself available as candidate.

Soon Mr Obama will take another oath to the Constitution of the United States of America. If he is a friend of the Constitution and willing to live up to his oath, he shall assist the Plaintiff to restore her fundamental rights, because since the September 2012 filings the Plaintiff has suffered further fundamental rights abuses. Mr Obama has has verbally been a great proponent for individual and women's rights. He is simultaneously herewith provided with a formal 18USC2382 Report served on him in the last weeks, which gives him an opportunity to live up to his oath.

It has concerned the Plaintiff greatly that her fellow Americans are so fearful of their own government, as even people who have first hand knowledge of the extreme violations of the law and Constitution the Plaintiff and other suffer are too fearful to stand up against the abuse.

The Constitution of the United States of America specifically is there so that government should not only be the people's servant, but also their friend. It should be the greatest ally of the people's fundamental rights and civil servants should take great pride in serving their people and implementing their Constitution for the benefit of all, so that all people will be free and treated equally and justly. Therefore, holding civil servants accountable is not something which should be feared, it is merely part of healthy society.

When the conduct of civil servants (such as Gilner, Ezell, Moreland and Smith as well as those trying to protect their unconstitutional conduct in State and Federal courts) fall inside that of Federally protected Constitutional crimes, as the conduct of Gilner, Ezell, Moreland, Smith and Shore does, we the people must stand together and take away the power they abused with the penalties as the law demand in cases of such unconstitutional conduct. When an officials has once so clearly committed a federal crime as Smith and Shore did, perhaps they can harm more of the 3,14,859,107. What is happening to the Plaintiff must NEVER happen to another American and Mr Obama and the others, including the officers of this court to whom this is filed must in terms of the duties placed on them by 18USC2382 stop the harm immediately.

President Obama in the 2012 election was elected by 63,714,092 people, about twenty percent (20%) of the United States population. By taking his oath in January 2012 he swears he was eligible to be a 2012 Presidential candidate in terms of the United States Constitution (the Plaintiff averred that for failing to protect her fundamental rights when given notice thereof in court proceedings that he failed in his duties

and therefore violated the United States Constitution Amendment 13, Section 3) and that he is willing to adhere to the Constitution of the United States of America,serving not the 63,714,092 who elected him, but the 3,14,859,107.

By virtue of his Constitutional oath, Mr Obama's first and foremost obligation is to ensure all Americans have equal enjoyment of their Constitution of the United States of America. Mr Obama's only mandate is to serve ALL the people of the United States of America. That is also the duty of the Federal justices, except they have an additional burden, namely to make sure that all Constitutional officers, including the President remain inside the parameters of the Constitution. The greatest friends the people should therefore ever have are the Federal justices. Therefore, the justices criticized below for allowing the State of Florida through its conduct in 41-2009-Dr-10430 to deprive the Plaintiff of Constitutionally protected fundamental rights and for Merryday in 8:12-cv-2349-T23EAJ and the Pensacola Florida cases depriving the Plaintiff from the Judicial Panel for Multi District litigation to coordinate the evidence of the constitutional crimes, officially let the United States deprive the Plaintiff of equality before the law, must be seen in a very serious light. If they are prepared to give up their sacred oath in respect of the Plaintiff not "deserving" the law and Constitution to be applied,, then none of the other 3,14,859,107 are safe from potential imperialist unconstitutional harm.

The Constitution and its implementation is something all Americans regardless of political persuasion must stand together on and defend. 'We the people's ' watchdogs, the Federal judiciary, has through the conduct witnessed by the Plaintiff turned on 'we the people' and it must not be tolerated.

The United States Government has nearly 4million full time employees, a little over one percent (1%) of the United States population. They are paid handsomely, and although gratitude to good servants is a good thing, if civil servants serve the people poorly and break the law, as any 18USC2382 instructed official does when they do not restore the Plaintiff's fundamental rights, such unconstitutional conduct must be recognized and the official replaced, regardless of however tedious the process. That is what the Constitution even specifies of Federal judges. Justices and judges appointed under Article III of the Constitution (Supreme Court justices, appellate and district court judges, and Court of International Trade judges) serve "during good behavior." It is pointless that the Plaintiff file anything further in any court until her fundamental rights are restored, the government officials have ganged up against her to the extent that it is useless, until intervention has taken place to proceed in this or other matters.

A summary is filed in the form of the request to sue the United States.

NOTICE OF VIOLATION OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA AND REPORTING THEREOF IN TERMS OF 28USC2382

Available upon request:

28USC2382 Report submitted in terms of the Constitutional provisions of 18USC2382/3;

Special Procedures Request United Nations High Commission for Human Rights, Geneva;

Permission Request to sue the United States of America is attached

---

COMES NOW THE PLAINTIFF/PETITIONER and gives notice of a 28USC2382/3 Report having been submitted to those tasked by that section to deal with Constitutional violations, and in relation to the judicial officers of this court, they have a duty in terms of the said constitutional provision.

The filing of the Report halts this matter until such time as the Constitutional violations reported are dealt with and victims of fundamental rights abuses protected and their rights restored. As the violations of the Constitution are also reported below the judicial officers tasked to deal with this matter are under 18USC241 obligations to restore to the Constitution of the United States of America.

The underlying problem in these mattes is criminal conduct by a small town psychiatrist aided and abetted by her long term government Twelfth Judicial Circuit for Manatee County Court friends, Gilner, Ezell, Moreland, Smith, Shore and others, people the psychiatrist worked with in over 600 matters as "expert" (despite her license being fraudulent at the time and her by own written admission being mentally disabled at the time). Layer upon layer of corrupt government officials covered for one another at the expense of victims suffering extreme violations of fundamental rights and 18USC241 and 1983 Federal crimes. The court must note all these criminal offenses are crimes in terms of which the Statute of Limitations have not expired for many, many years, so the Plaintiff has every right to petition government and the time lines in the current matter is no excuse to hide behind. Any time lines which may have expired are in any event as a result of the Plaintiff's wrist having a large painful lump and her having no money to print or mail anything to any court as a direct result of government induced poverty due to Smith's void, illegal unconstitutional May 24, 2012 order.

The Plaintiff notifies this court that over and above prior reports of violation of the Constitution of the United States of America which placed obligations on the judicial officers of this court in terms of 18USC2382, that additional violations of the Constitution of the United States of America occurred.

Such conduct occurred despite the Plaintiff/Petitioner having invoked the Supremacy Clause of the United States. Details of existing and additional violations are provided below following details of the sections mentioned, which read

18 USC CHAPTER 115 - TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES

Sec. 2381. Treason

-STATUTE-

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States.

Sec. 2382. Misprision of treason

-STATUTE-

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

Sec. 2383. Rebellion or insurrection

-STATUTE-

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

1. In US Middle District Court for the Tampa Division case 8:12-cv-2349-T-23EAJ, the matter was for good reason moved to Federal Court in terms of 28USC1446(a), as in the State court matter the psychiatrist was the Plaintiff in a counterclaim where she blatantly used a government structure to through the help of a long term known friend, Moreland, commit a string of constitutional crimes which evidence in a jury trial would clearly and easily prove.
2. These incidences all stem from the situation where the Plaintiff/Petitioner's husband became violated and abducted by his psychiatrist who moved him into her home as her sex slave whilst the mental health patient, the Petitioner's husband, William Riethmiller, was on mind altering medication the psychiatrist prescribed. In retaliation for exposing the psychiatrist's criminal conduct the psychiatrist then over the last three years used her friends in the Twelfth Judicial Circuit for Manatee County Court Florida (where the psychiatrist was expert witness in over 600 mental health cases in the court over a ten year period whilst practicing with a fraudulent Florida medical license whilst by her own written admission she is mentally disabled) to harm the Plaintiff through government officials exceeding their government powers with the intent to deprive the Plaintiff of fundamental rights and property.
3. Despite warning State of Florida Higher Courts and the US Middle District Court for Florida Tampa Division of the Constitutional harm threatened or suffered from end 2009 to date, on May 24, 2012, a Twelfth Judicial Circuit for Manatee County Court judge, Gilbert Smith, in conjunction with Clerk of the Court, Chip Shore, deliberately ordered a final divorce in case 41-2009-DR-10430 in a contested divorce where no discovery has taken place. Smith quoted dissolving the marriage in terms of Simplified dissolution Rules, Florida Family Law Rule 12.105, which he and Shore knew can only be applied in cases where a written under oath agreement between the parties exist and where both parties must attend in court. Further, if a party is to have a simultaneous change of name with such dissolution, it has to be agreed to.
4. In matter 41-2009-DR-10430 the matter was contested when Smith deliberately, to "get rid" of the Plaintiff, granted the divorce when no agreement was signed between the parties. The Plaintiff was also not in court. The Plaintiff had never agreed to changing her name either. , Smith and Shore through the order of May 24, 2012 in 41-2009-DR-10430 committed 18USC241 and other crimes openly, deliberately on the public record.
5. Smith and Shore's arrogant disregard from the law stemmed from State Review Courts and Federal courts not holding officials accountable when the unconstitutional conduct of Ezell, Gilner, Morland and others, all long term friends of the psychiatrist, were reported in terms of Constitutional provisions.

6. The illegal and unconstitutional conduct of May 24, 2012 therefore built on prior unconstitutional conduct checked by higher authorities and allowed as "acceptable", despite having been clear violations of the Constitutions of the State of Florida and the United States.
7. Smith's order violated the Florida Constitution and laws, the United States Federal Constitution and laws and International Treaties and Laws.
8. Despite this the Florida Supreme Court deliberately relinquished jurisdiction to the Second District Court of Appeal which dismissed the appeal, giving no reasons and when appealed to the Florida Supreme Court, that court dismissed on October 11, 2012, stating it has no jurisdiction.
9. In this fashion the State of Florida condoned county officials to commit a State and Federal Crime and the State of Florida make itself guilty of extreme human rights and women's rights abuses, and in particular violated the Supremacy Clause of the Constitution of the United States.
10. A related matter, case 41-2011-CA-6495 was successfully moved to Federal Court under case number 8:12-cv-2349-T-23EAJ. It appeared finally the Petitioner would at least have access to a court and at least potentially equal protection of the law. In the Twelfth Judicial Circuit for Manatee County Florida matter (6495), the Plaintiff filed a notice to commence medical malpractice proceedings against the psychiatrist.
11. The Plaintiff first met the psychiatrist at an Anna Maria Island Chamber of Commerce event, where according to the President of the Chamber, Mary Anne Brockman, the psychiatrist gatecrashed the meeting by giving a talk about her practice when she was never invited to do so, as another doctor, Dr Howard Golmdan, allowed the psychiatrist, no longer in practice with him, to speak after he had a scheduled talk at the Chamber. The psychiatrist introduced a lady who was with her at the time to the Plaintiff, as her good and longstanding friend, Diana, who turned out to be a Twelfth Judicial Circuit for Manatee County judge, Diana Moreland.
12. Moreland was the judge in 41-2011-CA-6495 and against the rules of court which demands a judge be disqualified when substantial grounds are given, which were given in the form of an affidavit, refused to be disqualified and refused to move the matter to a different venue.
13. January 2011 Moreland, with no notification, took two matters 41-2010-CA-1695 and 41-2010-CA-8155 when the psychiatrist was no longer a party and therefore closed against her, and granted orders in favor of her friend the psychiatrist.
14. As at January 2012 in 41-2011-CA-6495, the matter was on appeal and the Twelfth Judicial Circuit did not have jurisdiction , and the court was notified of the Plaintiff's absence at the time with a motion to pend when Moreland heard a very strange counterclaim flied by the psychiatrist.
15. The psychiatrist had namely been practicing for years with a fraudulent Florida official license which made the allegation that she was American Board of Psychiatry and Neurology certified, when she was not. That she was not so certified was confirmed in writing by the American Board of Psychiatry and Neurology on October 6, 2011, forcing the psychiatrist to remove her fraudulent allegation from the Florida website on October 14, 2011. Out of spite and in retribution for the Plaintiff having dared to expose her fraud, the psychiatrist filed a malicious and untrue "counterclaim" against the Plaintiff, that the Plaintiff would have harassed the psychiatrist, which she most certainly did not.

16. There was no evidence for the allegations and a Twelfth Judicial Circuit for Manatee County Judge, Dubensky in 41-2011-DR-7468 dismissed the psychiatrist on 7 November 2011 when the psychiatrist filed exactly the same false allegations under that case number. At least in 7468 the right format for filing for such interdict was used. The psychiatrist never asked to re-hear 7468, nor did she appeal it. As the allegations made in 7468 were exactly the same as asked for in the interdict in 6495, on those allegations the matter was moot since November 7, 2011.
17. Despite the matter being on appeal and the Twelfth Judicial Circuit for Manatee County not having had jurisdiction, on January 3, 2012 Moreland in the absence of the Plaintiff whom she had notice was not available and who had raised in documents before Moreland that any allegations from the interdict were moot as a result of Dubensky's decision, allowed the psychiatrist without filing any fresh allegations, to proceed and Moreland granted an interdict. Moreland had control of the recording and turned it off after the psychiatrist had introduced herself. The Plaintiff accordingly have no idea whatsoever as to what allegations stand against her.
18. Moreland is prohibited from having presided by virtue of her oath to the Constitutions of the State of Florida and the United States of America. Moreland violated the Judicial Cannon by proceeding at all, knowing she is a good friend of the psychiatrist by own personal admission to the Plaintiff. Moreland further knew the court did not have jurisdiction and that the matter before her was moot and never filed according to court rules.
19. Because the Second District Court of Appeal displayed in the past it uses a method to not grant reasons, despite the Supremacy Clause raised and it being a fundamental rights issue, to dismiss without giving reasons causing the Florida Supreme Court to quote Stallworth v Moore (the Florida Supreme Court claiming it has no jurisdiction as no reasons were given, ie, a deliberately created catch 22, so that even victims of fundamental rights abuses such as the Plaintiff are "officially" deprived of fundamental rights).
20. After the Florida Supreme Court rubberstamped Smith's illegal and unconstitutional order of May 24, 2012 on 11 October 2012 by quoting Stallworth v Moore, the Plaintiff filed in the 6495 matter which was with the Second District Court of appeal the removal to Federal Court for good reason, namely that her fundamental rights are violated, the pattern of deliberately deprivation of fundamental rights by the Second District court of Appeal for Florida in conjunction with the Florida Supreme Court is clear on written record and the State of Florida is in violation of the Supremacy Clause of the United States by having deprived the Plaintiff, and individual of due process, property and fundamental and women's rights.
21. The Plaintiff asked for a trial before a jury pre-trail notices were forwarded to her which she forwarded to the psychiatrists attorneys with a request for a pre-trial meeting. The Plaintiff was about to forward requests for discovery and subpoenas for witnesses who could testify about the psychiatrist history of regularly wanting to commit suicide, her intimidation of witnesses, etc, when the court in 8:12-cv-2349-T-23EAJ dismissed on the ground that "A state court Plaintiff may not remove the Plaintiff's own action to federal court". In her petition before the matter was moved to federal court, the Plaintiff expalained that she is quoting herself as defendant as she is only bringing the matter to the federal court in her capacity as a defendant on the counterclaim of the psychiatrist.

22. Considering what the Plaintiff has already suffered in extreme human rights abuses, this was the last straw. It is very clear from all the cases before State and Federal Courts, that the United States at State and at Federal level has simply decided the Plaintiff is not allowed equal protection of the law.
23. The United States and the States are guided by the principle of the restrictive qualification of powers committed to them respectively by the Constitution.
24. The violations which the Plaintiff suffers form part of the Bill of Rights of the United States and are protected from State abuse by the Supremacy Clause of the United States of America.
25. As an individual all the cases, but most easily, Smith's unconstitutional order of May 24, 2012, is clear evidence of a deprivation of due process, property and individual and women's rights, all protected by the Constitution itself as well as treaties forming part of the Supreme Law of the United States.
26. The order of the Florida Supreme Court of October 11, 2012 is conclusive proof of the State of Florida deliberately and intentionally having endorsed Smith and Shore's constitutional crimes and the deprivation of the Plaintiff's fundamental rights: the State of Florida arrogantly and defiantly violated the Supremacy Clause of the United States through the orders of Smith and Shore dated May 24, 2012 and of Hall of October 11, 2012. Merryday's order of November 20, 2012.
27. In 8:12-cv-2349-T-23EAJ the United States was given yet another opportunity to restore to the Constitution and to hold Florida accountable for violating the Supremacy Clause causing extreme violations of fundamental rights by the order of Moreland who used a government platform to affect the integrity and person of the Plaintiff. Moreland violated the Plaintiff's right to equal protection of the law.
28. Eventhough the Plaintiff in that matter is the psychiatrist, to have allowed a jury trial with evidence led by witnesses, would uncover the 18USC241 crimes Moreland's order in 6495 was part of. Merryday's order of November 20, 2012, instead of addressing Moreland's depriving the Plaintiff (in that case the Defendant) of equal protection of the law, did exactly the opposite. By Merryday deliberately playing dumb and making as if he, a trained judge cannot understand that if a Defendant in the main case (the psychiatrist), file a counterclaim, that she is then the Plaintiff and as that is the order moved from State Court and before Merryday for Moreland having violated the Constitution through her conduct and order, that in that case the Plaintiff is the Defendant and had every right to move the matter for Constitutional review to the Federal Court.
29. Merryday's order depriving the Plaintiff of equal access to the law, now forces the Constitutional provision that those tasked with implementing the Constitution as envisaged in 18USC2382 first be notified and be given the necessary time (six months), to repair the harm of first Moreland, and not Merryday. Simultaneously the United Nations Commissioner for Human Rights can through their Special Procedures approach the United States to stop the treaty abuses which the Smith/Shore/Hall Florida orders and the Moreland/Merryday US Government orders represent.
30. South Africa was involved with approaching the United States through it's Secretary of State, Clinton at the time that Ezell and Gilner in 41-2009-DR-10430 and 41-2009-DR-10429

deliberately deprived the Plaintiff of any income leading directly to potentially life threatening illness. Smith's order now made "permanent" what Ezell and Gilner started, namely to deprive the Plaintiff of money and property she has a legal right to and which by depriving her from equal protection of the law, due process, the property and her fundamental rights of equality and justice, she remains disenfranchised of. As the Plaintiff's health is still suffering, South Africa is again approached to during this six months also approach the United States to bring an end to these extreme abuses of fundamental rights.

31. Those to whom this is reported must remember, the only things the Plaintiff was asking for is a legal platform which complies with the laws of Florida and the United States (Ezell hi-jacking a court July 14, 2012, Moreland, Gilner and now Merryday depriving the Plaintiff of equal protection of the law does not, nor does Smith depriving her of property, and of course all deprived her of due process), to implement the laws of the State of Florida and the United States in respect of the psychiatrist and to seek protection for her husband, who, if he is cleared as unharmed by a panel of psychiatrists, if he wishes to proceed a divorce can gladly do so, but then with the laws of Florida which dictate the marriage, namely equitable distribution of marital asset, Fresh Start Law Group LLC the Plaintiff helped her husband start, applying. All these are simple and easy demands.
32. However, the harm caused by government officials acting outside their legal mandate to protect the psychiatrist and harm the whistleblower wife of her mental health patient and victim, William Riethmiller, must be held accountable.
33. It is a crime to violate a patient and this court has access to the exact provisions of Florida law criminalizing conduct as displayed by the psychiatrist and summarized in a letter of November 17, 2011 to Mr Romanello chief legal officer for the Florida Department of Health who has not had the courtesy of a response a year later.
34. It is a crime of the psychiatrists known friends, Gilner, Ezell, Moreland and later Smith and Shore to hi-jack courts, grant orders they know are against the law such as in 41-2009-DR-10430 and related cases.
35. It is a crime for the Second District Court of appeal justices to deliberately dismiss in a Supremacy Clause invoked case, even when reasons were requested, without reasons, in a case such as Smith's order of May 24, 2012 in 41-2009-DR-10430, knowing the Florida Supreme court (which had relinquished its jurisdiction to the Second District Court of Appeal) was busy with a scam to further deprive the Plaintiff of her fundamental rights for which the Supremacy Clause was invoked, and would claim it has no jurisdiction when no reasons are given, quoting Stallworth and Moore cases, exactly what happened October 11, 2011.
36. It is a Federal Crime when those tasked with constitutional violations and crimes are made aware thereof and officials tasked with protecting victims of abuse and holding accountable violating officials, deliberately fail to do so.

IN the Criminal conduct highlighted the Statute of limitations for the criminals to be held accountable have not expired and will not expire for many years to come.

37. In all instances the Supremacy Clause was invoked for good reason. The below quotation warns the United States Federal court is busy using the Supremacy Clause as a tool to deprive citizens and States of rights. In the Plaintiff's matters the Supremacy Clause is invoked for good reason, namely to stop the harm by a State, Florida having violated the Supremacy Clause protected fundamental rights of an individual who can prove conclusively through the order of Smith dated May 24, 2012 in 41-2009-DR-10430 that her most sacred rights of due process, equal access to the law, property and women's rights even taking her last name illegally, were violated.
38. The paper trail of cases and the manner in which the Florida Supreme Court acted in concert with the Second District Court of Appeal for Florida to make its order of October 11, 2012 to conceal Smith's criminal and unconstitutional conduct of May 24, 2012, is clear evidence of a string of crimes. Judicial immunity does not stretch to criminal conduct, especially pre-meditated crimes which had the intent to deprive a citizen, the Plaintiff, of her fundamental rights, which Smith's order of May 24, 2012 in conjunction with the Supreme Court of Florida's order of October 11, 2012 has done.

Quote re Supremacy Clause being misused by Federal Government:

"Over the last quarter-century, clauses in the U.S. Constitution have been misused by the Federal Government to expand control over states' constitutional rights to retain police powers to control matters of public health and safety. One clause in particular, the Supremacy Clause, poses the greatest risk for the transfer of power from individuals and states to the U.S. Government and to other countries.

The Supremacy Clause, Article VI, Clause 2 of the United States Constitution reads: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

The Supremacy Clause originated from the Framers' fear that state court judges may infringe of constitutional rights without federal judicial supervision. The clause attempts to protect constitutional rights by delegating supreme power on constitutional legal matters to the federal courts, and ultimately the Supreme Court. State court decisions are required to uphold the Constitution as the highest law of the land.

Concern arises from the misinterpretation of the Supremacy Clause. In recent history, this misinterpretation has given federal courts supreme power over state judicial courts on laws pertaining to state's police powers for safety and health. Examples include: 1. Federal courts restricted Arizona and other states' enforcement of federal illegal immigration laws. 2. The Supreme Court upheld the federal government's supreme power to tax citizens (Taxation Clause) for healthcare, even though the law imposes on a state's police power to provide for the health of its citizens. Additional Affordable Care Act suits are pending Supreme Court review on the basis of states' rights.

The Supremacy Clause also conveys supreme power to the Federal Government and the Senate to make treaties. Treaties provide the U.S. Government greater law-making powers than Congress. Article II, Section 2 of the Constitution states that the president "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur." The U.S. House of Representatives has no legal authority to approve or disapprove a treaty. The Constitution states that a treaty has supremacy over "anything in the Constitution or Laws of any state to the contrary notwithstanding." This language makes the Supremacy Clause ripe for misinterpretation and federal abuse.

In the early 1900s the federal government empowered the State Department to enter into a treaty with the United Kingdom, which the Senate ratified, for the protection of Britain's migratory birds, even though affected states adamantly opposed the treaty. This led to the case of Missouri v. Holland (1920), in which the state of Missouri sued, claiming the federal government had no authority to negotiate this treaty. Justice Oliver Wendell Holmes, Jr., of the Supreme Court, held that the law was constitutional, citing the language of the Supremacy Clause (Article VI, clause 2), which makes treaties the "supreme law of the land," equal to the Constitution. This ruling set a precedent that states have virtually no judicial or legislative authority on federally-imposed treaties.

Legal scholars argued that this ruling had ominous abuse implications for the use of treaties as vehicles to amend the Constitution's individual and state rights. In response to these concerns the U.S. Senate in 1952 introduced Joint Resolution 130, the "Bricker Amendment" to the Constitution, which mandated that all US treaties not conflict with the existing powers granted to the US government, and that treaties required Congressional legislative approval. Unfortunately, the Bricker Amendment did not receive the two-thirds majority required to succeed. Therefore, today the Supremacy Clause language continues to pose a significant constitutional risk.

Does the Supremacy Clause really pose a risk for federal abuse? Consider this scenario: President Obama has just been re-elected for a second 4-year term, and the Democrats have a strong majority in the Senate for another two years. President Obama, with the consent of the Senate, ratifies a treaty with the U.N. to impose restrictions on individual gun ownership rights within states. Not possible? Unfortunately, an effort to erode our 2nd Amendment Right to Bear Arms is already underway. On November 7, 2012 the Reuters lead headline was, "After Obama win, U.S. backs new U.N. arms treaty talks."

States must immediately ban together to demand our U.S. Senate stop this treaty and make clear that we will hold accountable those Senators who take any action to ratify this treaty. We must immediately contact our Congressional members and demand the Bricker Amendment or similar legislation be introduced to protect individual and states' rights.

In this case a Constitutional Conservative's "Call to Action to Protect Arms" is required. Our battle cry over the next four years must be Vigilance, Knowledge, and Fortitude in order to protect this "perfect union" and our U.S. Constitution. We must remain steadfast and formidable. God be with us."

39. In the case of the Plaintiff the situation is just the opposite. Her requests to State and Federal Courts for the Supremacy Clause to be invoked and applied is exactly the kind of case the Framers anticipated, namely where a State abuse a citizen's fundamental rights, as Smith's order of May 24, 2012 does. Such order is clear and concrete evidence of fundamental rights abuses.
40. The order of May 24, 21012 is a clear recordal of due process, equality, property and women's rights abuses and all Federal judges have a legal duty to correct the fundamental rights abuses and protect the victims. It is a classical case of where the Federal Courts should have implemented the Supremacy Clause and should have ordered Florida to bring itself in line with the Constitution of the United States and void Smith's order of May 24, 2012 as unconstitutional.
41. The federal government claim to be Constitutionally sound and valid however, upon closer examination of what the Plaintiff has suffered, that claim is suspect.
42. In order to come to a proper conclusion about Constitutional construction, one must understand the concept of restrictive qualification, for our system of government, both federal and those of the States, are guided by the principle of the restrictive qualification of powers committed to them respectively by the Constitution. As such, not only the governments, but within those governments, the various branches are, or should, be guided by the same principle, which essentially delegates authority within very specified spheres of action.
43. Each may exercise the powers delegated to them, but neither can or should act upon the powers delegated to the other. The essential laws of delegation and representation denies the exertion of powers beyond the sphere of active delegation and representation, any attempts to cross those lines of delegated powers amounts to usurpation.
44. Each of the branches of government, as well as the governments of the States, was established to preserve what each represents and to operate within those spheres of delegated authority. Thus each portion of government from the States to the federal government is to provide aggressive checks and balances on all other respective portions of government.
45. This court is referred to the highlighted words on page 19 and reminded the federal courts are mere instruments in the hands of the people who demand of these federal servants to implement the Constitution and the Constitution demands even the Plaintiff was entitled to a legal platform which implements the Constitution and provide a platform which treats her with equality, allows her due process and applies the laws to her, namely that no one can arbitrarily remove her property rights or even her name from her, as the State of Florida has done and as the United States is allowing it to do.

"As such, the House of Representatives served the purpose of a direct reflection of the People themselves, while the Senate, on the other hand, represented the States as a reflection of the Free and Independent character of those States. While these two distinct bodies act within a federal sphere of operations, they are indeed not employed by nor beholden to the federal government, but are, in fact, deputized and authorized by the People directly and indirectly respectively. Thus, the establishment of this Constitutional union was conceived and established for the management of the general concerns of the People and the States they inhabit, and not for a supreme or nationalized federal government. The

federal government was not the focus of the formation of the union; it was the resulting agency to be utilized, not as other governments of the world in holding a place of supremacy, but to represent the People as they pursued Life, Liberty and Happiness.

The Executive Branch was also established within the sphere of the allocation of powers between the House of Representatives and the Senate, again a restrictive qualification of powers was imposed for the purpose of the execution of powers delegated, but not beyond. Likewise, the Judicial Branch, while given the name Supreme Court, only has the delegated authority to operate within the restrictive qualification of power. The entire system was never intended to be efficient, by definition, but rather, to be cumbersome in hope that there would be more difficulty in the consolidation of powers, particularly in the federal government. The intent was to create a balance of inequalities within the different spheres of operation without the annexation of exclusive or delegated powers.

Unfortunately, what has taken place is a transmutation of Sovereignty, from the People to the government, in particular the federal government, which, by the way, is no longer federal, but national in both character and administration. It is evident that many of the Constitutions of the States assert, and rightly so, that all Sovereignty resides within the People. The changes however came through the Judicial Branch and began rather early in our history as the Supreme Court decided cases that, instead of following the spirit and letter of the Constitution, veered from that course, allowing for the transference of the Sovereignty of the People from each of the Several States into the hands of government.

Article 6 of the Constitution states an interesting consideration, one that has been taken to construct the word Sovereignty in a very broad sense, yet does it? It has generally been interpreted by the Court, that this clause confers all supremacy on Congress over the States, and thus, all the Sovereignties within those States, i.e. The People. Yet, if logical construction were followed, then there would be no power left to the States to either alter or, in the most extreme necessity revoke the Constitutional Compact. If that is indeed the case, and it appears to be, then the fact that the Constitution, the laws and the treaties are all declared to be the supreme law of the land does not, in any way, bestow any supremacy on the federal government itself, but on the Constitution and the laws pursuant to the Constitution. The federal government is nothing more than the deputized agency utilized to implement Constitutional law. There is no supremacy bestowed on the federal government any more than there is any supremacy bestowed on the State governments, each operate within very specific spheres of operation and reflect, in their character, the supremacy of the People. The Sovereignty of the People is expressed within their governments. The ability to establish government is the single highest expression of the Sovereignty of a People, the character of Sovereignty is also expressed in the ability of the People to alter or destroy their government in order to institute one better suited for their benefit.

It must be completely understood that under Article 6, the so-called supremacy clause, there is absolutely no additional powers conferred by that Article to the federal government in any respect than that which is already respectively enumerated. The declaration of supremacy did nothing more than confirm all the enumerated limitations on the powers delegated; it was not a license to extend any powers beyond that which was already enumerated. In other words, while some attempt to construct an almost unlimited degree of power to the federal government under the so-called supremacy clause,

the fact is the clause only confirms the restrictive enumerated powers that were delegated to the government. The supremacy is not in the government formed by the enactment of the Constitution, but in the Constitution itself.

Today, it is difficult to grasp the concept that the United States government has absolutely no authority but that, which is specifically provided to it by the Constitutional Compact. In order for any law to be the supreme law of the land it must, by definition, be in complete confirmation of the specific powers delegated within the Constitutional Compact, there can be no question of supremacy without a law meeting such confirmation. If any law does not meet with such qualifications then that law is void and null.

While there has been a tendency for the Supreme Court to operate as though it was indeed the sovereign determinant factor in all matters, the fact is that the Court is little more than a curator of the supremacy within the restrictive spheres of action and is bestowed no powers beyond any other governmental branch. It is however, evident that the Supreme Court has the ability to either impair or enforce the Constitution, but the proper role of the Court is far from that which it now assumes over this land. Thus **the supremacy clause is nothing more than the affirmation of the Sovereignty of the People as it is characterized within the Constitutional Compact.** Our system of governments, both State and federal, are completely embraced by the Constitutional powers that are delegated and reserved, the supremacy is bestowed coextensively and as such, that supremacy protects the powers delegated to the federal government equally as it protects those powers reserved by the States, otherwise there is no independent supremacy of either the federal or the State governments.

Each is co-dependent upon the other for the supremacy of operation within the very specific and limited spheres of action provided by the Constitution to those entities. There is no independent supremacy granted to any branch of government, otherwise there would have been no need for a Constitutional Compact delineating such powers. If the federal government, or any branch of the federal government had such supreme powers then the efficacy of a Constitutional Compact would have been instantly voided and would contain no practical effect on governing. Thus i**t is the supremacy of the Constitution,** not a political branch of government that imposes limitations on each branch of government to very specific orbits of functionality, with one holding no more supremacy than any other branch within our system of governments. If such supremacy existed within one branch of government, or was extended to one branch then the entire concept of checks and balances would be an exercise in futility.

It is therefore, upon this foundation that the Supreme Court has asserted its power, but it must be remembered, that like every other branch of our system of governments, it too is limited and restricted to its sphere of action. It is not the judgments of the Supreme Court that are the supreme law of the land, but the Constitution and it is the responsibility of the Supreme Court to simply determine if laws passed by Congress meet the standards of restrictive qualification within the Constitution. The Supreme Court is equally related to all other portions within government in respect to the limited powers delegated to the federal government and reserved to the States. **The Supreme Court cannot be above the very law that created it,** but must operate within the qualified limitations imposed upon it by the Constitutional Compact. (note to court; in SC11-5659 an official deliberately broke the rules to not allow

as the rules demand that a motion to a single judge proceed and then the same official refused to hand in a legitimate follow up motion pointing out the error, again depriving due process rights even that court does not have the power to deny).

Every branch of our system of governments must act within the boundaries enumerated within the Constitution and there is no place within the Constitution that provides for any branch of government to have supremacy over any other branch of government. Neither the federal nor the State governments derive any supremacy over the other, but must act within their specific Constitutional sphere providing a balance within the system that would simply not be possible if such supremacy existed in one or the other parts of government within the system. Each section of our government is supreme within its limited sphere of action, but not beyond that sphere for each branch, and each government, whether federal or State, is bound by the powers delegated or reserved to it.

Thus, the Supreme Court has supremacy limited to its sphere of operation, in other words it can only justify its actions if, while function within the judicial sphere, it annuls an un-Constitutional law legislated by Congress. It is evident therefore, that neither the federal nor the States can place an impediment on the other unless one of those governments overstep their own sphere of operations and intrude upon the delegated authority of the other. Each section of government operates within its own sphere without hindrance from the others unless there is the usurpation of the powers prescribed to the other section of government, and then a hindrance is not only valid, but also absolutely necessary to void the trespass and usurpation. A section within our government cannot exempt itself from the limitations prescribed to it by the Constitution; limited powers cannot become unlimited.

The federal government cannot modify any powers vested in the States, nor can it nullify powers reserved to the States, but each must operate with respect to the powers and responsibilities committed to them by the Constitution. The federal government can claim no supremacy except within the narrow powers prescribed to it, nor are the States subordinate to the federal government in any respect except for those powers the States delegated as the scope of federal power.

The People of the Several States exercised their Right to alter or abolish both the governments of their respective States, as well as the federal government. If such power no longer rests within the People of the Several States, but in the federal government, then such construction must be considered completely erroneous not only with regard to the language of the Constitution, but to the very existence of the Constitution. If such were the case then there would be no need for the Constitution to exist at all. There is no branch within the federal government, which can, by its own volition, modify the terms of the Constitution, which governs its operation, and the sphere of its delegated power. There would have been no need to reserve any powers to the States if the States were to be subordinate to the supremacy federal government. It is the powers reserved to the States that provide a mediated check upon the powers exercised by the federal government, otherwise the whole system would have been subversive to the enumeration found within the Constitution.

The common consensus from the Declaration of Independence through the ratification of the Constitution was that the States, by concurrent consent of the People of the Several States, might

modify or dissolve the union by the Right of Self-Government. The People have never relinquished that right and in that Right they retrain absolute and complete Sovereignty. The States, by virtue of the Consent and Will of the People, in Constitutional Compact, retained all power to influence the operations of the federal government in order to maintain the security of their Liberty.

The power reserved to the States and the People respectively demonstrates a particular supremacy over the federal government in that Congress can be compelled, by the States, to call a Constitutional Convention that can, based upon the Will and Consent of the People, ratify changes to the federal government without the consent of any branch of the federal government. In terms of strict Constitutional order, the federal government cannot change itself, nor can it change the governments of the States. While the Constitution enumerates those powers reserved to the States to affect the means and manner of operation of the federal government, it does not enumerate such powers to the federal government over the States. It is evident that while powers of the State Constitutions are limited, that limitation is not placed upon them by the federal Constitution, but by the People of the individual States themselves. Article III, Section 2 of the Constitution clearly states the extent of judicial power within these United States: "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; --to all cases affecting ambassadors, other public ministers and consuls; --to all cases of admiralty and maritime jurisdiction; --to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed."

It should be concluded that the Supreme Court derives no supremacy from the above article of the Constitution; in fact, Article III limits and defines the powers and jurisdiction of the Supreme Court. It should also be evident that, based upon sound construction, the term "supreme" in reference to the court is in relationship to the "inferior courts" and that no actual supremacy rests within the Supreme Court itself except in that relationship. There is no reference within the Constitution as to the supremacy of the Supreme Court over State Courts or State jurisdiction.

There was no intention that the word "supreme" as being indicative of a power that extended beyond the prescribed limitations placed upon the court by the Constitution, if that were the case then it would be possible for the court to extend its power to any degree it deemed proper and necessary; that would be a dangerous proposition and would allow for the concentration of power within the federal

government without regard to the consequences of that concentration. Had the Constitution enumerated that the court had supreme jurisdiction then it would have not be necessary to enumerate or define certain limitations on the jurisdiction of the court as found within Article III. Indeed, had that been the case then there would be no limitation at all and the supremacy of the High Court would instantly abolish the coordinate Right of Constitutional Construction. There is therefore, no power innate within any branch of government to define its own limitations or lack thereof, those are defined within the Constitutional Compact as agreed upon by the States as parties to that Compact. The federal government is not a party to the Compact, but is the resulting agency of that Compact, deputized and authorized to operate within a defined and limited capacity.

Since it is obvious that the Constitution does not invest inferior courts with jurisdiction over State courts, then it must be equally clear that the Supreme Court can hold no such jurisdiction either. Likewise, the Constitution did not declare the Legislative Branch was superior over the State Legislatures, both were considered independent of each other, thus the same construction must be applied to the Judicial Branch of the federal government regarding the State Judicial Systems. If the State Judicial were subordinate to the federal Judicial, then it would have been enumerated and the interactions, as well as the limitations would have been clearly defined, but that is not the case. In fact, if it were the intention of the Framers of the Constitution to place actual supremacy within the federal Court system then it would not have been necessary to define the various operations, limitations and jurisdictions of the Supreme Court.

Federal Judicial power must therefore, be limited in relationship to the State Judicial in the same fashion as the Legislative Branch is limited in regards to State Legislatures, in both instances they are independent of each other and operate within differing spheres of action and different spheres of delegated power. Since it is obvious that Congress cannot repeal a State Law, it would follow that the federal courts cannot constitutionally abrogate or enjoin judgments of State courts. Indeed, if the three branches of our federal government are separate, but co-equal then every principle concerning the manner and means by which authority is delegated to the federal government must be equally applied. (Note to court; It is important to note that Smith's order is in a divorce, a family matter generally not allowed in federal court because of the Feldman doctrine. The Plaintiff is not bringing the matter to the Federal courts on the basis of the family matter itself, but on the basis of the conduct of Smith who knew it is a contested matter and devised a scheme to deprive the Plaintiff of her fundamental rights, namely to specifically not apply the law and to commit an 18USC241 crime in conjunction with the constitutional officer of the court, Shore who aided and abetted Smith, because Shore knew from the record it was a contested matter and had a legal duty to report Smith's crime, but instead filed the order, knowing such filing was a federal crime. The additional federal question is then when the State of Florida through its Supreme court which did have jurisdiction then relinquishes its jurisdiction to the Second District Court of appeal which dismissed giving no reasons, causing the Florida Supreme court to then say it has not jurisdiction, quoting Stallworth and Moore, ie, at the highest level the State of Florida schemed to deprive the Plaintiff of her fundamental rights to have had equal treatment before the law, due process, ie, she was not in court and the law demanded she be in court and there was no agreement signed as the law demands, she was deprived of property to which she had a clear rights in

terms of Florida law, marital asset, Fresh Start Law Group LLC, and she had the right to choose her last name of which she was arbitrarily deprived, an extremely serious woman's rights abuse.)

These principles derive their force from The Declaration of Independence as demonstrated in M'Ilvaine v. Coxe's Lessee, 8 U.S. (4 Cranch) 209, 212 (1808), where the Court held: "This opinion is predicated upon a principle which is believed to be undeniable, that the several states which composed this Union, so far at least as regarded their municipal regulations, became entitled, from the time when they declared themselves independent, to all the rights and powers of sovereign states, and that they did not derive them from concessions made by the British king. The treaty of peace contains recognition of their independence, not a grant of it. From hence it results, that the laws of the several state governments were the laws of sovereign states, and as such were obligatory upon the people of such state, from the time they were enacted." Again, in Harcourt v. Gaillard, 25 U.S. (12 Wheat.) 523, 526, 527 (1827), where the Court stated:

"There was no territory within the United States that was claimed in any other right than that of some one of the confederated states; therefore, there could be no acquisition of territory made by the United States distinct from, or independent of some one of the states. Each declared itself sovereign and independent, according to the limits of its territory". "The soil and sovereignty within their acknowledged limits were as much theirs at the declaration of independence as at this hour." New York v. Miln, 36 U.S. (11 Pet.) 139 (1837), the Court held:"They are these: that a State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits, as any foreign nation, where that jurisdiction is not surrendered or restrained by the Constitution of the United States. That, by virtue of this, it is not only the right, but the bounden and solemn duty of a State, to advance the safety, happiness and prosperity of its people, and to provide for its general welfare, by any and every act of legislation which it may deem to be conducive to these ends; where the power over the particular subject, or the manner of its exercise is not surrendered or restrained, in the manner just stated. That all those powers which relate to merely municipal legislation, or what may, perhaps, more properly be called internal police, are not thus surrendered or restrained; and that, consequently, in relation to these, the authority of a State is complete, unqualified and exclusive," (Note to court: Florida violated the Supremacy Clause deliberately when it granted a simplified dissolution in a contested matter, knowing it is depriving the Plaintiff of fundamental rights, its own constitutions allows the Federal constitution's supremacy clause to be supreme over.)Pollard v. Hagan, 44 U.S. (3 How.) 212-223 (1845) the Court clearly delineates the strength of the State's independence: "We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory, of which Alabama or any of the new States were formed,"

Because, the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted, Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law". (NOTE to court: the Florida constitution does make Florida subject to the Supremacy Clause of the US Constitution and the Plaintiff is entitled to demand her US and Florida Bill or Rights, rights which line up with the International Declaration on

Human Rights, are implemented. Again: the laws are all in line with the Constitutions the deviation is by those tasked to implement the law who deliberately and constitutionally criminally deprived and continues to deprive the Plaintiff of her most fundamental rights.)

Caha v. United States, 152 U.S., at 215: "The laws of Congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government." Additionally, in consideration of proper understanding and construction the Court appeared to be in concurrence with The Federalist Papers:"The jurisdiction of the general government, is limited to certain enumerated objects, which concern all the members of the Republic, but which are not to be attained by the separate provisions of any." If we take such expounders of our Constitutional construction then it should follow that if the jurisdiction of the general [federal] government is limited in both its scope and reach into the matters of the Free and Independent States, then the Supreme Court, being simply a branch of that general government is also restrained by the Constitution to follow the same limitations of power as the federal government as a whole. Since the federal government is limited to certain enumerated objects, then it would behoove us to understand what those enumerated objects consist of and just how they are prescribed for administration.

Also found within The Federalist 82.3, federal power is clearly defined: "the principle that the States will retain ALL PRE-EXISTING AUTHORITIES not exclusively delegated to the federal government." Within the Kentucky Resolution of 1798, it appears that Jefferson is in concurrence:"Resolved, that the Several States COMPOSING the United States of America ARE NOT UNITED ON THE PRINCIPLE OF UNLIMITED SUBMISSION TO THEIR GENERAL GOVERNMENT, but that by COMPACT under the style and title of the Constitution FOR the United States and of amendments thereto, THEY CONSTITUTED a general government for special purposes, delegated to that government certain definite powers, RESERVING TO EACH STATE TO ITSELF THE RESIDUARY MASS OF RIGHT TO THEIR OWN SELF-GOVERNMENT; AND THAT WHENSOEVER THE GENERAL GOVERNMENT ASSUMES UNDELEGATED POWERS, ITS ACTS ARE UNAUTHORITATIVE, VOID AND OF NO FORCE: That to this compact each state acceded as a state, and is an integral party, its co-states forming, as to itself, the other party; that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the constitution, the measure of its powers; but, that as in " all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the measure of redress."

There can be no doubt that while there is a complex relationship of co-organization between the Several States and the federal government, that they are indeed independent of each other and both the Several States and the federal government have the mutual right of construing the Constitution. It is both recognized and also asserted, as co-dependencies of government, the governments of the Several States and the federal government, along with the principle of those distinct governments, in principle, operate within distinct jurisdictions, and for a very good reason, so as not to allow the concentration of power to be formed by any government, whether it be those of the Several States or, in particular, the federal government. Thus, logical construction should follow that if the entirety of the federal government possesses no supremacy over, nor can require subordination of the entirety of the State

governments, then neither can any part of the federal government have supremacy over any corresponding part of the State governments or, for that matter, the Several States themselves or their citizens except in a very limited delegated manner prescribed by the Constitution.

That being said, it would then appear that there is no obligation of subordination of the legislatures of the Several States to the federal legislature; likewise, there is no supremacy of the federal judiciary over the judiciary powers of the Several States, except as explicitly expressed within the delegated and enumerated powers found within the Constitution. Since there has been, within the Constitutional Compact, a reservation of the residual mass of rights to the States it then follows that all the powers, limited in scope and operation, delegated to the legislature and judiciary of the federal government were deliberately prohibitive. Claims to the contrary defy the co-extensive restrictions on the enlargement of power or the assumption of power that would, by any Constitutional definition, be a trespass against the functional spheres of operation of the States.

There is, without doubt, no assertion of power more inconsistent with the principles of republican government than a claim by any portion of the federal government over the laws and Constitutions of the Several States. The annulment, by the federal government or any portion of the federal government, of the laws of the Several States is an abridgement of the oath that every elected federal official took to uphold and defend the Constitution for the United States of America.

There is, without doubt, an obligation on the part of the governments of the States, as it is on the federal government, to comply with the Constitutional Compact; after all, it is a Compact between the Several States, not with the federal government and the Several States. The primary obligatory focus however, is on the federal government as the resulting agency of the Compact between the Several States, thus the delegation of powers to the federal government from the position the States take as creator of the Compact.

Thus, it is sufficient to say that the Supreme Court can most definitely declare un-Constitutional laws as void and ineffectual however, that does not mean that the Supreme Court may, based upon the authority delegated to it, be the sole authority of Constitutional construction. The final check on the federal government is not the Supreme Court, but the Several States themselves since the Supreme Court's authority only extends to the limits of the powers delegated to it by the States and no more. It cannot legislate from the federal Bench, it can only determine the Constitutional value of a particular law as passed by Congress or, in the case of Appellate jurisdiction, the opinions of the inferior federal courts. The Supreme Court, as well as the Legislative and Executive Branches of the federal government are not constituent parts of the governments of the Several States, as such, there is no legitimate cause for any portion of the federal government to intrude into the measures taken within the Several States unless those State governments seek to abrogate their Constitutional obligations under the Compact. Likewise, the governments of the Several States cannot legitimately intrude into federal measures unless those measures are determined, by the Several States, to be a violation or usurpation of the Constitutional Compact which created, through ratification, the federal government.

During the ratification process, it is evident that the People of the Several States did not confide the federal government with every possible power, nor did they imbue the federal government the power to determine its own limitations. In the case of the federal Judiciary, the People of the Several States confided the Courts with the power to declare a federal law void and un-Constitutional, but the People, in their own Sovereign character through the agency of their Free and Independent States, provided that the spheres of action between the federal and State Judiciaries, were to be separate and distinct. So much so, that the relationship between the Judiciary of the States and that of the federal government could be compared with that of the court systems of two different States, separate jurisdictions and powers with no power to intrude in each other's spheres of action or declare a law of a different State void. `

How can there be a reconciliation between the principles found within the Constitutional Compact and the idea that, as the Supreme Court appears to contend, that is has the ultimate and final word on law? If, as the Supreme Court contends, it has the Constitutional authority to effect, with a certain finality, the laws of the Several States, even to abrogate those laws then would that not be a complete surrender of all control over the governments of the Several States, and thus, over the People of the Several States?

If the Supreme Court or the federal courts can abrogate any State law and control the States based upon any construction that it so pleases, then can there be any real retention of the mass of rights which, according to the Constitution, were reserved to the States themselves? Would therefore, the States have any security at all in retaining any of their rights if the federal Judiciary claims such supremacy? The guarantee of the right of republican governments to the States, a guarantee stemming from the Constitutional Compact not the federal government, could possibly be safe under the supremacy of such a federal court system?

The doctrine of federal judicial supremacy is contrary to the principles of internal self-government by the People of the Several States and essentially transfers all authority over every aspect of our political, social and economic life to the Supreme Court. Certainly that could not have been the intent of the Framers of the Constitution, nor of the Conventions of the Several States as they ratified the Constitution. The Framers were careful enough to divide powers between the Several States and the federal government, indeed they went as far as dividing the federal government in order to protect against centralized supremacy; it makes no sense therefore, that after such care in construction they would place such an unlimited power within the Supreme Court. Indeed, they would not have placed a power within such a court that would essentially allow it to be the judge of its own limitations and the powers that were delegated to it as enumerated.

The very same principle that allows for the Judicial Branch to restrain the Legislature from extending its power beyond the prescribed enumerated Constitutional powers is also found within the Several States and is an added measure of protection against the usurpation and abuse of power. The States are no less powerful, no less respectable than the Supreme Court itself or any other Branch within our system of governments. Despite the current present condition of the State governments, subjugated to the federal government and pressed beyond measure to a servile state under the now centralized federal

government, the States nevertheless, has the same power upon which the Supreme Court depends and they too are equally entrusted to discharge their Duty as Parties to the Constitutional Compact to be loyal to those principles upon which that Compact was founded.

We must, if we are to survive and restore the Republic, remember that **the strength of the government lies within the People themselves.** While it appears that this Grand Republic of Republics have been reduced to a shell of its former self, there is enormous power residing within the People themselves and there is nothing this deformed centralized government fears more than the power that is reserved to the People. **The People are the origin of all power (note to court: the Plaintiff does not believe that a single American shall be found who is satisfied that a court, such as Smith has done will enter a simple divorce in a contested matter and arbitrarily deprive someone of property and even her last name, so why is the federal judge in this court allowing it?)** that is delegated to the governments; they are the protectors and the source of all deputized authority. The Framers of Our Constitution never intended any given sphere of government to acquire enough power to control all others, the final determining factor is the People themselves acting through their deputized agents called the governments of the Several States, which can, if necessary, act forcibly against the federal government through interposition, and as a final threat of authority, the abolition of the Compact of Union.

It is evident that the States, prior to the Compact of Union found within both the Articles of Confederation and the Constitution, were Free and Independent States; these attributes were not relinquished by the Compact of Union, in fact it demonstrates the full character of the States as Free and Independent entities in the ability to form such a Compact of Union.

All Un-Constitutional laws, as well as Un-Constitutional Judgments of the Supreme Court itself are null and void. The Supreme Court is no less bound by its Oath to the Constitution than is the Legislature, the Executive or the States themselves. The States, like the other Branches of government, not only have a right, but also a duty to resist, by absolutely every means within their power, all Un-Constitutional laws or judgments. The Supreme Court has never had the exclusive right to determine its own jurisdiction, for to have such a right would essentially empower it with a jurisdiction without limits and without the ability to be redressed for its abuses.

Since it is the People who are Sovereign, the government, including our State governments cannot be sovereign; **the State governments are equally limited in their scope of power (note to the court: Florida had no power from the people to grant a simple divorce in a contested matter – the conduct of Smith in his order of May 24, 2012 is AGAINST the laws and criminal**)as is the federal government. Our system of governments was intentionally subjected to limitations and restrictions, within none of them being exclusively empowered with the ability to enforce those limitations and restrictions, thus a system of checks and balances. NOTE TO COURT : the 18USC2382 Report to those visualized by the Constitution as people who can be trusted (which these matters show thus far was false trust), is a last effort to give Florida and the United States to come to their senses and repair to the Constitution.

Derived power can never be greater than the power from which it is derived. (**NB NOTE TO THE COURT: THE ONLY POWER SMITH HAD WAS TO ORDER INSIDE THE PARAMETERS OF FLORIDA LAW, IE, IF IT**

WAS A SIMPLIFIED DIVORCE, TO ENSURE THERE IS AN UNDER OATH AGREEMENT BY BOTH PARTIES WHO HAD TO BOTH BE IN COURT, WHICH THERE NEVER WAS. NOT ONLY WAS THIS A CONTESTED DIVORCE AND SMITH HAD NO RIGHT TO USE THE SIMPLIFIED PROCEDURE, BUT THE PLAINTIFF ALSO NEVER AGREED TO CHANGE HER NAME, SO SMITH DELIBERAELY COMMITTED THE MOST HENOUSE OF CONSTITUTIONAL CRIMES) Since all power is derived from the People themselves, no State or majority of States can exercise supremacy over any other State; equally as potent is the fact supremacy was not conferred to Congress, to the Executive or the Supreme Court because derived power can never be greater than the power from which it is derived. It is very apparent since the federal legislature cannot possess absolute unlimited power or supremacy, then the Executive nor the Supreme Court cannot posses it either. The principle of separate, but equal Branches of government would indeed be a contraction if one of those Branches had any supremacy over the others, likewise, the concept of a Republic of Republics, Free and Independent would equally be contradictory if the federal government had exclusive supremacy over the States.

In consideration of the fact that Un-Constitutional laws and judgments are null and void, such judgments and laws cannot be enforced since they are not indeed law, but mere fabrications of legislative deviancy. Herein is the power of the States, as deputized agents of the People, demonstrated in the nullification of such judgments and laws. The States, as deputized agents of the People, share the mutual Right of Constitutional construction as does the various Branches of the federal government, this is evident by the oath found within the Constitution that requires: "the Senators and Representatives in Congress, and the members of the Several State Legislatures, and all Executive and Judicial officers, both of the United States and the Several States, shall be bound, by oath of affirmation, to support the Constitution."

This common duty to uphold the Constitution also implies an equal responsibility as to the determination of the actual nature of laws passed by the federal Legislature, executed by the federal Executive and if necessary, subsequently adjudicated by the Supreme Court. The truth is that our government is far more than just a single entity with single authority; it is multilayered with very defined spheres of limited power and with good reason, to protect the Liberty of the People and to provide the least amount of government intrusion into their lives. It must be understood that the constructive supremacy of one single political power over all others within our government invalidates the entire system upon which this country was founded.

Equally as important is the understanding of the type of construction that was used to impart these divisions of power within our system of governments. There was an intentional degree of internal conflict imbedded into our Constitutional Republic. Since it appears that the federal government possesses the greater sphere of influence in terms of governing, due to the nature of the federal government, there is, as we have seen over the decades, a tendency for the Supreme Court to base its decisions on the justification of the federal government's positions. Such judicial actions can, of course, create distortions within our republican form of government. Over the years, expressed supremacy has been erroneously merged with implied supremacy within the federal government, as such; the government has assumed authority far beyond that which was enumerated. It should therefore, be obvious that by merging that which is actually expressed and enumerated with that which is merely

implied there is a great possibility, as is the case presently with our federal government that instead of the government functioning within the defined limitations and restrictions found within the Constitution, the powers it has assumed have been amplified from implied powers to what now amounts to expressed powers without limitations. Due to these distortions of Constitutional construction, the Court now appears to insist that Congress, the Executive and the Court itself extends to supremacy over the powers reserved to the States themselves. The Constitution was carefully constructed to preserve the powers reserved to the States, as well as those delegated from the Several States to the federal government and no where within the Constitution does it give exclusive right to one section of our system of governments over another.

The federal government cannot be the judge of its own limitations for it will always determine that such limitations are no limitations at all. A judge cannot judge his own case any more than our government can determine the extent of its own limitations, there must be external checks and balances which forcefully demand those limitations be obeyed. **(NB note to court: Moody knew in what became SC11-5659 he was covering up Ezell hi-jacking the court on July 14,. 2010 in 41-2009-DR-10430. When Moody was held accountable for the harm he caused, and he was Defendant 18, he himself dismissed the matter!!!!!!)** Likewise, if the Supreme Court, for instance, is limited by its own will then its conception of power will always gravitate toward that power being unlimited. No power can ever be checked by itself for it will always assume the greatest degree of latitude in the exercise of that power. In such cases there is left little means of resistance except extreme resistance.

Does not a union of States denote the supremacy and equality of the parties forming the union and not the union itself? The act of union did not imply the reduction of the supremacy of the States nor the Sovereignty of the People, it was a mere contractual act between the States to provide a greater degree of flexibility and protection to the People of the Several States than they would have been provided without union. John Locke correctly stated, "that no man has a right to that, which another has the right to take from him." This is exactly the state of affairs that the People of this country are now subjected to by the federal government; the Court is more likely to judge the limitations of our Rights instead of the limitations of the government's exercise of power over our Rights.

When Congress passes Constitutional laws, then the States have the obligation to abide by those laws, but when Congress passes laws that are blatantly Un-Constitutional then it is the duty of the State government to resist with the utmost force possible and deny the exercise of those Un-Constitutional laws on the Citizens of the Several States. The supremacy of the Constitution not only embraces the powers delegated to the federal government, but it also embraces those powers reserved to the Several States as they perform a valuable function within our system of governments. There is, inherent in the reservation of powers and rights to the States a declaration that the States are in the position of supremacy over those rights and powers reserved to them rather than the federal government, which has no jurisdiction in those areas; in a similar fashion the States have no supremacy over those rights and powers they delegated to the federal government, yet the States do provide a check upon an extension of those powers beyond the measure prescribed within the Constitution.

There must be a concerted effort on the part of the Citizens of the Several States to not only disavow, but to resist and nullify all laws that are contrary to the lawful adherence and exercise of the Constitution (Note to the court: that also goes to the constitutionally criminal conduct of Smith and Shore). The States have this power for direct and indirect opposition to laws passed by Congress that do not meet with the measure laid out by the Constitution. For if Congress can continue to take from the States and their Citizens through various legal fabrications and the use of coercion to enforce those fabrications then it can take everything away.

It is apparent that the federal government has, with the assistance of Judicial novelties, effectively abrogated the right of the States to a republican form of government; for now the federal government intrudes into every internal matter within the States and their Citizens, employing various legal measures and maneuvers to accomplish its treason against the Constitution. The abutment of the States reserved powers has been effectively eroded by these measures to the point that the federal government, by implication, can remove any person from the jurisdiction of the States or confiscate any property. We have become a plundered People without redress to the plunderers. It is time for this People, through their Rightful State governments, deputized for their protection against usurpation, to stand in forceful resistance against the wiles of a federal government that has illegally imposed itself as sovereign over this People and their State Republics."

46. From the above it appears that the Federal courts have not only deliberately abused the Supremacy clause but in the Plaintiff's matters where it should apply it, is not, knowing full well they are failing in their duty. The Plaintiff has a right to equality and until that right is restored all matters must halt. She is not asking for this, it is her right to demand it.

"THE SUPREMACY CLAUSE

The Supremacy Clause is a clause in the United States Constitution, article VI, paragraph 2. The clause establishes the Constitution, Federal Statutes, and U.S. treaties as "the supreme law of the land". The text establishes these as the highest form of law in the American legal system, mandating that state judges uphold them, even if state laws or constitutions conflict.

Article. VI. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The constitutional guarantee that no person or class of persons shall be denied the same protection of the laws that is enjoyed by other persons or other classes in like circumstances in their lives, liberty, property, and pursuit of happiness. The Declaration of Independence states:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. The concept of equal protection and equality in the United States is as old as the country itself. In 1776, Thomas Jefferson and the American colonists boldly announced the "self-evident" truth

of human equality. Yet the meaning of equality was neither obvious nor clearly defined. The "peculiar institution" of Slavery was intricately woven into U.S. economic, social, and political fabric. Many Americans owned slaves, and most, including Jefferson himself, believed in the inferiority of the black race. James Madison and the other Founding Fathers drafted a national constitution that protected the slave trade and recognized the rights of slave owners. Article I, Section 2, of the Constitution counted a slave as only three-fifths of a person for the purposes of representation in Congress.

Slave codes permitted slave masters to buy, sell, and lease blacks like Personal Property. Slaves owed their masters an unqualified duty of obedience. Slave owners, on the other hand, were free to do as they pleased, short of murdering their slaves. Only community mores, common sense, and individual conscience restrained slave owners. Very few laws protected slaves from abusive or maniacal masters, and those that did were seldom enforced. In 1857, the U.S. Supreme Court placed its stamp of approval on the institution of slavery, holding that slaves were not "citizens" within the meaning of the Constitution, but only "property" lacking any constitutional protection whatsoever (dred scott v. sandford, 60 U.S., 15 L. Ed. 691 [19 How.] 393).

From the inception of the United States, then, a gulf has separated the Jeffersonian ideal of human equality from the reality of racial inequality under the law. The tension separating the aspirations of the Declaration of Independence from the barbarism of slavery ultimately erupted in the U.S. Civil War. The victory won by the North in the War between the States ended the institution of slavery in the United States and commenced the struggle for Civil Rights that was to continue into the twenty-first century. This struggle began with the ratification of the Thirteenth (1865), Fourteenth (1868), and Fifteenth (1870) Amendments during the Reconstruction period following the Civil War.

The Thirteenth Amendment abolished slavery and Involuntary Servitude, except when imposed as punishment for a crime. The Fifteenth Amendment did not expressly grant black citizens the right to vote, but it prohibited state and federal governments from denying this right based on "race, color, or previous condition of servitude." Each amendment gave Congress the power to enforce its provisions with "appropriate legislation."

Although both of these amendments were important, the Fourteenth Amendment has had the greatest influence on the development of civil rights in the United States. Section 1 of the Fourteenth Amendment provides that: 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.' The first clause emasculated the Dred Scott decision by bestowing national citizenship upon all blacks born or naturalized in the United States, making them eligible for federal protection of their civil rights. The privileges and immunities clause, once believed a potential source for civil rights, was narrowly interpreted by the Supreme Court in 1873 and has since remained dormant (Slaughter-House Cases, 83 U.S., 21 L. Ed. 394 [16 Wall.] 36). The equal protection clause was also narrowly interpreted by the Supreme Court in the nineteenth century, but it still became the centerpiece of the Civil Rights Movement after World War II (1939–45). It

spawned desegregation, Integration, and Affirmative Action and it promoted equal treatment and concern for the races under state law. It also provided the country with a starting point for a meaningful dialogue regarding the problems of inequality and discrimination. This dialogue has manifested itself in U.S. constitutional, statutory, and Common Law.

Constitutional Law

Inequalities during Reconstruction The ratification of the Fourteenth Amendment occurred during a period in U.S. history known as the Reconstruction. In this era, the South was placed under military occupation by the North, and African Americans realized some short-term benefits. Ku Klux Klan violence was temporarily curbed. Black Codes, passed by southern states after the Civil War to replace slavery with a segregated system based on social caste, were dismantled. Blacks were elected to state and federal office. Some achieved prominent status in legal circles, including one African American who obtained a seat on the South Carolina Supreme Court.

But Reconstruction was not a substitute for civil rights, and the improvements realized by African Americans proved evanescent. By 1880 the North's passion for equality had atrophied, as had its interest in the fate of African Americans. In the vacuum left by federal withdrawal, southern racism flourished and Klan Terrorism burgeoned. Labor codes were passed relegating blacks to virtual serfdom. These codes made it illegal for anyone to lure blacks away from their job for any reason, including better working conditions and wages. Some codes provided criminal penalties for African Americans who quit their job, even when no debt was owed to their employer.

Advancements made during Reconstruction were further eroded when the Supreme Court invalidated the civil rights act of 1875 (Civil Rights cases, 109 U.S. 3, 3 S. Ct. 18, 27 L. Ed. 835 [1883]). This act proclaimed "the equality of all men before the law" and promised to "mete out equal and exact justice" to persons of every "race, color, or persuasion" in public or private accommodations alike. In striking down the law, the Supreme Court said that when a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be a special favorite of the law. The Court was not persuaded that this act was the type of "appropriate legislation" contemplated by the Fourteenth Amendment.

The Rise and Fall of Separate but Equal The Supreme Court's laissez-faire attitude toward racial inequality was also reflected in the area of Segregation. As Reconstruction collapsed, southern states gradually passed statutes formally segregating the races in every facet of society. Public schools, restaurants, restrooms, railroads, real property, prisons, and voting facilities were all segregated by race. The Supreme Court placed its imprimatur on these forms of racial apartheid in the landmark decision plessy v. ferguson, 163 U.S. 537, 16 S. Ct. 1138, 41 L. Ed. 256 (1896).

Homer Plessy, who was seven-eighths Caucasian and one-eighth African, was prohibited from traveling on a railway coach for whites, under a Louisiana statute requiring "equal but separate accommodations" for black and white passengers. The Supreme Court, in an 8 to 1 decision, said this statute did not violate the Equal Protection Clause of the Fourteenth Amendment: "The object of the Amendment was

undoubtedly to enforce the absolute equality of the two races before the law, but ...it could not have been intended to abolish distinctions based upon color, or to enforce ...a commingling of the two races upon terms unsatisfactory to either." The Fourteenth Amendment, the Court concluded, was "powerless to eradicate racial instincts or to abolish distinctions based on physical differences."

Following Plessy, the "separate-but-equal" doctrine remained the lodestar of Fourteenth Amendment Jurisprudence for over half a century. Legally prescribed segregation was upheld by the Court in a litany of public places, including public schools. As Adolf Hitler rose to power in Germany during the 1930s, however, many U.S. citizens began to reconsider their notions of equality. Nazi policies of Aryan superiority, racial purity, ethnic cleansing, and extermination made many U.S. citizens view segregation in a more negative light. The juxtaposition of the Allied powers fighting totalitarianism in World War II and the citizenry practicing racial discrimination in the United States seemed hypocritical to many, especially when segregated African American troops were sacrificing their lives on the battlefield. A series of Supreme Court decisions began to limit the scope of the separate-but-equal doctrine. The first hint of the Court's changing perspective came in the footnote to an otherwise forgettable case, United States v. Carolene Products, 304 U.S. 144, 58 S. Ct. 778, 82 L. Ed. 1234 (1938). In Carolene Products, the Court upheld a federal statute regulating commerce, applying a presumption of constitutionality to legislation in this area. However, in Footnote 4, the Court cautioned that this presumption may not apply to legislation "directed at national ... or racial minorities ... [where] prejudice against discrete and insular minorities may be a special condition, which tends to seriously curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial scrutiny."

The Court employed a "more searching judicial scrutiny" in Missouri ex rel. Gaines v. Canada, 305 U.S. 337, 59 S. Ct. 232, 83 L. Ed. 208 (1938). This case involved a black applicant who was denied admission to the University of Missouri Law School solely because of his color. The state of Missouri, which had no law school for blacks, attempted to fulfill its separate-but-equal obligations by offering to pay for the black applicant's tuition at a comparable out-of-state law school. The Supreme Court held that this arrangement violated the applicant's Fourteenth Amendment rights. The Court ruled that Missouri was required to provide African American law students with equal educational opportunities within its own borders, and could not shirk this responsibility by relying on educational opportunities offered in neighboring states.

When states did offer black students a separate Legal Education, the Supreme Court closely examined the quality of the educational opportunities afforded to each race in the segregated schools. In Sweatt v. Painter, 339 U.S. 629, 70 S. Ct. 848, 94 L. Ed. 1114 (1950), the Court ruled that the segregated facilities offered to black and white law students in Texas were not substantially equal. The Court determined that the faculty, library, and courses offered at the African American law school were patently inferior and denied the black students equal protection of the laws.

On the same day Sweatt was decided, the Court invalidated Oklahoma's attempt to segregate graduate students of different races within a single educational facility (McLaurin v. Oklahoma State Regents, 339 U.S. 637, 70 S. Ct. 851, 94 L. Ed. 1149 [1950]). Black law students at the University of Oklahoma were

required to attend class in an anteroom designated for "coloreds only," study on the mezzanine of the library, and eat in the cafeteria at a different time than white students. The Court struck down these arrangements, determining that segregation impaired the students' "ability to study, engage in discussions, exchange views ... and in general, learn [the] profession." According to the Court, the Fourteenth Amendment required the integration of black and white graduate students.

Brown v. Board of Education Plessy, Carolene Products, and so forth, foreshadowed the watershed equal protection decision handed down by the U.S. Supreme Court in 1954, brown v. board of education, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873. Brown reviewed four consolidated cases in which local governments segregated public schools by race. In each case, black students were denied admission on an integrated basis. The question before the Court was not whether the segregated educational facilities were of a similar quality. Instead, the question was whether, under any circumstances, segregated educational opportunities could ever be equal, or substantially equal, in nature. In a resounding, unanimous opinion, the Court said that separate-but-equal education is "inherently unequal" and "has no place" in the field of public education.

Citing Sweatt and McLaurin, the Court reiterated that students' ability to learn is stunted without exposure to the viewpoints of different races. The Court also underscored the sociological and psychological harm segregation inflicts on minority children, finding that segregation "is usually interpreted as denoting the inferiority of the Negro group." The Court added, "Segregation with the sanction of law ... has a tendency to [retard] the educational and mental development of Negro children and deprive them of some of the benefits they would receive in a racial[ly] integrated school system." When the Brown decision was announced, observers realized that the rationale applied by the Court had far-reaching consequences. If segregation in public schools denoted the inferiority of African Americans, so did segregation elsewhere in society. If integration enhanced educational opportunities for U.S. citizens of every race, then perhaps integration could spur economic growth and social development. Observers also realized that if segregation in public schools violated the Equal Protection Clause, then all forms of government-imposed segregation were vulnerable to constitutional attack.

Modern Equal Protection Jurisprudence Over the next forty years, the Supreme Court demonstrated that the principles enunciated in Brown were not limited to racial segregation and discrimination. In addition to striking down most legislative classifications based on race, the Court closely examined classifications based on length of state residency, U.S. citizenship, and gender. The Court looked carefully at legislation denying benefits to children born out of wedlock. Government classifications denying any group a fundamental right were also reviewed with judicial skepticism.

The Supreme Court has recognized that nearly all legislation classifies on the basis of some criteria, bestowing benefits or imposing burdens on one group and denying them to another. For example, the government offers veterans, indigent people, and elderly people free or low-cost medical services that are not available to the rest of society. Progressive tax rates impose higher rates of taxation on the wealthy. Few such classifications are perfectly drawn by the legislature. Most classifications are either overinclusive or underinclusive. An overinclusive classification contains all persons who are similarly situated and also persons who should not be included. Legislation that is intended to protect poor and

fragile elderly people but actually extends to all Senior Citizens is overinclusive. An underinclusive classification excludes some similarly situated persons from the intended legislative benefit or detriment. Legislation that is designed to eliminate Fraud in government but actually excludes Executive Branch employees from its regulatory grasp is underinclusive. Some classifications can be both underinclusive and overinclusive.

Although most plaintiffs contend they are members of a historically vulnerable group to which the Supreme Court has given special protection, this is not always the case. In Village of Willowbrook v. Olech, 528 U.S. 562, 120 S. Ct. 1073, 145 L. Ed. 2d 1060 (2000), the Supreme Court ruled that anyone who claims to have been singled out for adverse, irrational government action may bring a lawsuit based on the violation of the Equal Protection Clause. In effect, a person can become a "class of one." The Supreme Court has developed a three-tiered approach to examine all such legislative classifications. Under the first tier of scrutiny, known as Strict Scrutiny, the Court will strike down any legislative classification that is not necessary to fulfill a compelling or overriding government objective. Strict scrutiny is applied to legislation involving suspect classifications and fundamental rights. A Suspect Classification is directed at the type of "discrete and insular minorities" referred to in the Carolene Products footnote. A fundamental right is a right that is expressly or implicitly enumerated in the U.S. Constitution, such as Freedom of Speech or assembly. Most legislation reviewed by the Supreme Court under the strict scrutiny standard has been invalidated, because very few classifications are necessary to support a compelling government objective.

The second tier of scrutiny used by the Court to review legislative classifications is known as heightened, or intermediate, scrutiny. Legislation will not survive heightened scrutiny unless the government can demonstrate that the classification is substantially related to an important societal interest. Gender classifications are examined under this middle level of review, as are classifications that burden extramarital children. The third tier of scrutiny involves the least amount of judicial scrutiny and is known as the rational relationship test. The Supreme Court will approve legislation under this standard so long as the classification is reasonably related to a legitimate government interest. The rational relationship test permits the legislature to employ any classification that is conceivably or arguably related to a government interest that does not infringe upon a specific constitutional right. An overwhelming majority of social and economic laws are reviewed and upheld by courts using this minimal level of scrutiny.

Classifications Based on Race Applying strict scrutiny, the Supreme Court has consistently struck down legislative classifications based on race. Relying on the Brown decision, the Court struck down a series of state laws segregating parks, playgrounds, golf courses, bathhouses, beaches, and public transportation. Because the Fourteenth Amendment protects against only government discrimination, discrimination by private individuals or businesses is not proscribed under the Equal Protection Clause unless the government is significantly involved in the private activity. Although the Equal Protection Clause does not offer protection against discriminatory laws promulgated by the president, Congress, or federal administrative agencies, the Supreme Court has interpreted the due process clause of the Fifth Amendment to provide such protection (Bolling v. Sharpe, 347 U.S. 497, 74 S. Ct. 693, 98 L. Ed. 884 [1954]).

The equal protection guarantee extends not only to laws that obviously discriminate on their face as did the laws that intentionally segregated races in public schools, but also to government action having a discriminatory purpose, effect, or application. Governmental activity with a discriminatory purpose, also known as purposeful discrimination, may occur when a prosecutor exercises a Peremptory Challenge (the right to exclude a juror without assigning a reason or legal cause) to exclude a member of a minority race from a jury (Batson v. Kentucky, 476 U.S. 79, 106 S. Ct. 1712, 90 L. Ed. 2d 69 [1986]). If the prosecutor is unable to articulate a reason for striking the juror that is unrelated to race, the peremptory challenge will be nullified by the court.

The discriminatory impact of a race-neutral classification may also doom legislation under the Fourteenth Amendment. For example, following the demise of Reconstruction, many former Confederate states enacted legislation requiring residents to pass literacy tests before they could register to vote, but exempted persons who had been qualified to vote at an earlier time when blacks were disenfranchised slaves (i.e., Caucasians). This "grandfather clause" exemption was struck down by the Supreme Court because of its discriminatory impact on African Americans. The Court also struck down other voting restrictions, including "white primaries," which excluded African Americans from participating in a state's electoral process for selecting delegates to a political party convention.

A law can be neutral on its face or in purpose, but still be applied in a discriminatory manner. In yick wo v. hopkins, 118 U.S. 356, 6 S. Ct. 1064, 30 L. Ed. 220 (1886), the Supreme Court struck down a San Francisco ordinance banning the operation of hand laundries in wooden buildings, because local officials were closing down only laundries owned by persons of Asian descent. White owners of such institutions were permitted to keep their businesses open. (NOTE TO COURT re below: in respect of Smith's order discrimination is easy to prove: even with the bad track record of that court, the Plaintiff believes she is the first where in a contested divorce a simplified order was granted when there was not even compliance with the simplified procedure: the Plaintiff was targeted because Smtih was helping the psychiatrist. Proof of discriminatory purpose, effect, or application can be difficult. Courts will search the Legislative History of a particular classification for discriminatory origins. Courts also consider specific discriminatory actions taken by state officials in the past. Statistical evidence is relevant as well, but insufficient to establish discrimination by itself (McCleskey v. Kemp, 481 U.S. 279, 107 S. Ct. 1756, 95 L. Ed. 2d 262 [1987]). McCleskey involved a black man who was convicted and sentenced to death for killing a white police officer. On appeal, attorneys for the defendant relied on a sophisticated statistical analysis indicating that blacks were significantly more likely to receive the death penalty for killing a white person than were whites convicted of killing a black person. In a 5 to 4 decision, the Supreme Court said this evidence was not enough to demonstrate that the defendant had been denied equal protection. The majority held that the defendant could have prevailed under the Fourteenth Amendment only if he had shown a discriminatory purpose on the part of the Georgia legislature when it enacted the death penalty legislation, or on the part of the jurors in his trial when they imposed the death sentence.

Racial Classifications Surviving Judicial Scrutiny Classifications based on race usually sound the death knell for the legislation containing them, with two notable exceptions. The first involves the internment

of Americans with Japanese ancestry during World War II, and the second comes in the area of affirmative action.

Japanese American Internment Pursuant to concurrent presidential, congressional, and military action, over one hundred thousand Japanese Americans were confined to "relocation camps" throughout the United States during World War II. Despite Justice Hugo L. Black's assertion that all race-based legal classifications are "immediately suspect" and subject to the "most rigid scrutiny," the Supreme Court ruled in United States v. Korematsu, 323 U.S. 214, 65 S. Ct. 193, 89 L. Ed. 194 (1944), that the internment did not violate the Equal Protection Clause. Deferring to the combined war powers of the president and Congress, the Court said relocation of these U.S. citizens was a "military urgency" in the war against Japan, justified by concern over domestic Espionage, sabotage, and subversion. Justices owen j. roberts, frank murphy, and robert h. jackson dissented, arguing that no evidence of disloyalty had been produced against any of the interned Japanese Americans. Korematsu stands as the only case in which the Supreme Court has upheld a racial classification under the strict scrutiny standard.

Affirmative Action Affirmative action, sometimes called benign discrimination because it is considered less harmful than other forms of discrimination, is represented by government programs created to remedy past discrimination against blacks, women, and members of other protected groups. These programs include special considerations given to minorities competing against the rest of society for jobs, promotions, and admission to Colleges and Universities. Opponents of affirmative action characterize it as reverse discrimination because it often excludes individuals with ostensibly superior credentials, solely on account of their race or gender.

The Supreme Court has vacillated on what level of scrutiny applies to affirmative action programs. In regents of university of california v. bakke, 438 U.S. 265, 98 S. Ct. 2733, 57 L. Ed. 2d 750 (1978), in which there was no majority opinion, four justices applied heightened scrutiny in holding that a university may consider racial criteria as part of a competitive admission process, so long as it does not use fixed quotas. But in Richmond v. J. A. Croson Co., 488 U.S. 469 109 S. Ct. 706, 102 L. Ed. 2d 854 (1989), five justices applied strict scrutiny to invalidate an affirmative action program intended to increase the number of minority-owned businesses awarded city construction contracts.

As of 2003, it appears that a majority of justices favor application of strict scrutiny to cases involving benign discrimination (not obvious or intentional). When the more stringent level of scrutiny has been applied in these cases, the Court has held that a general legislative desire to correct past injustices was not sufficiently compelling to warrant a racial preference for minorities. Instead, the Court has ruled, benign racial preferences will be tolerated under the Fourteenth Amendment only when the government can demonstrate that they are narrowly tailored to correct specific discriminatory practices by the government itself or by some private sector entity within its jurisdiction.

Lower federal courts and state courts have struggled with the proper analysis of affirmative action programs in light of the line of Supreme Court decisions. Some of the more high profile cases have focused upon affirmative actions in state universities. In Hopwood v. Texas, 78 F.3d 932 (5th Cir. 1996), the Fifth Circuit Court of Appeals found that a program at the University of Texas School of Law that

provided "substantial" racial preferences to African and Mexican Americans in its admissions policies violated the Fourteenth Amendment. The school based its admission of prospective students on the students' undergraduate grade point averages and scores on the Law School Admission Test (LSAT). Requirements for entry for minority candidates were lower than those for other "non-preferred" candidates, including Caucasians.

The Fifth Circuit held that the university's program failed to serve a compelling state interest and, even if it had, it was not narrowly tailored to serve any compelling State Interest. The case garnered national attention and was heavily criticized by minority groups. The Supreme Court denied certiorari in the case, allowing the ruling to stand. Thus, schools in Texas, Mississippi, and Louisiana are forbidden from using race as a consideration in admissions policies. Litigation in the case continued for several years following the decision.

Other circuits have reached opposite results, often explicitly rejecting the Hopwood analysis. The Ninth Circuit, in Smith v. University of Washington, Law School, 233 F.3d 1188 (9th Cir. 2000), found that a properly designed and operated race-conscious admissions program would not violate the Fourteenth Amendment. The law school at the University of Washington employed an affirmative action program when it considered the admission of law students. Although the Ninth Circuit eventually held that the case was moot because the law school had voluntarily stopped using race as a criteria, the court noted that Bakke continued to have vitality, thus allowing race to be used as a criterion so long as schools did not establish quotas.

Classifications Based on Gender The Supreme Court has established that gender classifications are subject to intermediate scrutiny. The seminal case in this area is Craig v. Boren, 429 U.S. 190, 97 S. Ct. 451, 50 L. Ed. 2d 397 (1976), which involved an Oklahoma law permitting females between the ages of eighteen and twenty to purchase 3.2 percent beer, but restricting males from purchasing such beer until they reached age twenty-one. The state defended the statute by introducing traffic statistics that suggested that men were more likely than women to be arrested for drunk driving before age twenty-one. The Court agreed that enhanced traffic safety was an "important" government interest but disagreed that the gender line drawn by the state would "substantially" serve this interest.

Although many cases regarding classifications based on gender have involved discriminatory actions against women, some men have successfully brought cases alleging Sex Discrimination in violation of the Equal Protection Clause. For example, in Hill v. Ross, 183 F.3d 586 (7th Cir. 1999), the Seventh Circuit determined that a school's decision not to hire a male university professor solely on the grounds of his gender could be a violation of the Equal Protection Clause and federal statutory law. In Hill, a university department refused to hire either of two male candidates because it wished to maintain a certain proportion of women on its faculty. The court reversed a Summary Judgment granted by the district court because an issue of material fact existed as to whether prior instances of discrimination based on sex necessitated the university's policy.

Alienage, State Residency, and Legitimacy Classifications The Supreme Court has held that legislation discriminating against Aliens who are properly within the United States is considered suspect and will be

upheld only if the classification is necessary to serve a compelling government interest. In at least one alienage case, however, the Court has applied only heightened scrutiny to invalidate a state law preventing undocumented children from enrolling in the Texas public school system (Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382, 72 L. Ed. 2d 786 [1982]). The Court continues to call classifications based on alienage suspect but may not always apply the most rigorous scrutiny to such legislation.

State laws that condition government benefits on length of state residency have also been deemed suspect by the Supreme Court. In Shapiro v. Thompson, 394 U.S. 618, 89 S. Ct. 1322, 22 L. Ed. 2d 600 (1969), the Court ruled that legislation denying government benefits to persons residing in a state for less than a year violated the Equal Protection Clause. Although states may restrict Welfare, educational, and other government benefits to bona fide residents, the Court wrote, they may not restrict the dispensation of government benefits in a way that would unduly burden the right to interstate travel or deprive interstate travelers of the right to be treated as equal to other state residents. Since Shapiro, the Supreme Court has occasionally applied more moderate scrutiny to legislation burdening interstate travelers, prompting critics to assail the Court for its inconsistent application of the three-tiered analysis.

State laws that discriminate against children born out of wedlock are subject to heightened scrutiny. State legislation has been struck down for denying illegitimate children inheritance rights, welfare benefits, and Child Support when such rights were offered to legitimate children. Although Illegitimacy is not a suspect classification subject to strict scrutiny, courts do provide meaningful review of such statutes. The Supreme Court is sensitive to penalizing children for their extramarital status when the children themselves are not responsible for that status. Classifications Involving Sexual Preference In romer v. evans, 517 U.S. 620, 116 S. Ct. 1620, L. Ed. 2d (1996), the U.S. Supreme Court reviewed a Colorado state constitutional amendment that prohibited any branch of the state or local governments from taking action designed to protect the status of persons based on their "homosexual, lesbian or bisexual orientation." The immediate effect of the amendment, known popularly as "Amendment 2," was to repeal all existing statutes, regulations, ordinances, and governmental policies that barred discrimination based on sexual preference. Under Amendment 2, state officials and private entities would have been permitted to discriminate against gays and lesbians in a number of areas, including insurance, employment, housing, and welfare services.The state of Colorado defended Amendment 2 by arguing that it did nothing more than place homosexuals on a level playing field with all other state residents. The amendment, Colorado submitted, simply denied gays and lesbians any "special rights." The Supreme Court disagreed, holding that Amendment 2 violated the Equal Protection Clause because it "identifies persons by a single trait and then denies them protection across the board," which is something "unprecedented in our Jurisprudence."

Writing for a six-person majority, Justice anthony kennedy explained that "Equal Protection of the laws is not achieved through indiscriminate imposition of inequalities." The associate justice said that "[r]espect for this principle" demonstrates "why laws singling out a certain class of citizens for disfavored legal status or general hardships are rare." Amendment 2 is unconstitutional, Kennedy concluded, because any law that generally makes it "more difficult for one group of citizens than all others to seek aid from the government is itself a denial of equal protection of the laws in the most literal sense."

Classifications Involving Fundamental Rights A fundamental right is a right expressly or implicitly enumerated by the U.S. Constitution. In Palko v. Connecticut, 302 U.S. 319, 58 S. Ct. 149, 82 L. Ed. 288 (1937), Justice benjamin n. cardozo wrote that these freedoms represent "the very essence of a scheme of ordered liberty ... principles so rooted in the traditions and conscience of our people as to be ranked as fundamental." During the nation's first century, freedom of contract and various property rights were deemed fundamental. In the twentieth century, more personal liberties have been recognized as such. These freedoms include most of those explicitly contained in the Bill of Rights, such as freedom of speech, freedom of religion, freedom of assembly, Right to Counsel, right against unreasonable Search and Seizure, right against Self-Incrimination, right against Double Jeopardy, right to a jury trial, and right to be free from Cruel and Unusual Punishment. They also include freedoms specifically mentioned elsewhere in the Constitution, such as the right to vote. In the late twentieth century, the Supreme Court began to find that fundamental rights embodied freedoms that were not expressly enumerated by the Constitution but that may be fairly inferred by one of its provisions, such as the rights to personal autonomy and privacy.

Relying on the doctrine of incorporation, the Supreme Court has made these fundamental constitutional principles applicable to the states through the Due Process and Equal Protection Clauses of the Fourteenth Amendment. The Court has concluded, in a series of decisions, that these freedoms are so important to the preservation of liberty that they must be equally conferred upon the citizens of every state. No state may provide its residents with less protection of these fundamental rights than is offered under the federal Constitution. The Fourteenth Amendment thus guarantees state citizens equal protection under the laws, by creating a minimum federal threshold of essential freedoms each state must recognize.

In Gideon v. Wainright, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963), Clarence Earl Gideon was charged with entering a poolroom with the intent to commit a misdemeanor. Before trial, Gideon, an indigent, asked the judge to appoint an attorney to represent him because he could not afford one. The court denied Gideon's request, and a jury later convicted him. Gideon's request for a court-appointed counsel in a misdemeanor case would have been denied in many states at that time. The Supreme Court held that all states must thereafter provide court-appointed counsel at every critical stage of a criminal proceeding, whether the proceeding concerned a misdemeanor, felony, or capital offense. The right to counsel is too fundamental for any state to ignore.

The year after Gideon was decided, the Supreme Court handed down another ground-breaking decision in the area of fundamental rights. reynolds v. sims, 377 U.S. 533, 84 S. Ct. 1362, 12 L. Ed. 2d 506 (1964), involved the dilution of voting rights through legislative Apportionment in Alabama. Legislative apportionment refers to the manner in which a state, county, or municipality is divided for purposes of determining legislative representation. Some states are divided into voting precincts, whereas others are divided into wards or districts.

In Reynolds, the voting subdivisions were so unevenly apportioned that a distinct minority of Alabama voters were electing a majority of the state legislators. As a result, voters in less populated electoral subdivisions had more voting power than did voters in more populated electoral subdivisions. The

Supreme Court struck down this arrangement under the Fourteenth Amendment, holding that every voter has a fundamental right to cast a ballot of equal weight. The Court had earlier applied this one-person, one-vote principle to federal congressional districts, requiring that all such districts be as nearly equal in population as practicable (Wesberry v. Sanders, 376 U.S. 1, 84 S. Ct. 526, 11 L. Ed. 2d 481 [1964]).

In addition to the Fourteenth Amendment of the U.S. Constitution, most state constitutions provide equal protection guarantees and enumerate certain fundamental rights. In many of the states with these constitutions, courts also employ a three-tiered analysis similar to that developed by the U.S. Supreme Court. State courts can interpret their own constitution to provide more, but not less, protection than that offered under the federal Equal Protection Clause.

Legislation

The Fourteenth Amendment authorizes Congress to enact "appropriate legislation" to enforce the Equal Protection Clause. The Commerce Clause provides Congress with the authority to enact legislation that affects interstate commerce, an even broader power. Pursuant to these clauses, Congress has enacted major pieces of legislation that have extended protection against discrimination beyond that contained in the Constitution. The Civil Rights Act of 1871 (42 U.S.C.A. § 1983 et seq.) was an early piece of such legislation. Section 1983 of the act, passed when Ku Klux Klan violence was widespread, created a federal remedy, namely money damages, for individuals whose constitutional rights had been violated by state officials. Although this statute has been influential and frequently litigated, no relief will be granted under it unless "state action" can be demonstrated.

The term, "state action," refers to a discriminatory act committed by a government official or agent. Such action may be taken by a legislative, executive, judicial, or administrative body, or some other person or entity acting under "color of law." Section 1983 does not apply to wholly private or nongovernmental conduct. If action is taken by a private individual cloaked with some measure of state authority, courts will find State Action if one of four tests is satisfied: (1) public function test—state action is found where the government has delegated its traditional responsibilities, such as police protection, to a private party or agency; (2) nexus test—state action is found where there is a sufficiently close connection between the government and a private actor, such as where the state owns or leases property on which private discrimination occurs; (3) state compulsion test—state action is found where the government coerces or significantly encourages private conduct, such as where federal regulations require private railways to conduct urinalysis after accidents; (4) joint action test—state action is found where the government is a willful participant in discrimination by a private actor.

Other congressional legislation prohibits discrimination in the private sector. Title VII of the 1964 Civil Rights Act prohibits employers from hiring or firing employees on the basis of race, color, sex, or national origin (42 U.S.C.A. § 2000e-2 et seq.). Federal courts have interpreted Title VII to prohibit hostile work environments involving Sexual Harassment, even when the perpetrator and victim are the same gender. The Age Discrimination in Employment Act (29 U.S.C.A. § 623 et seq.) extends Title VII protections to employment decisions based on age and is applicable to persons between the ages of

forty and seventy. Under both statutes, employers may defend their actions by demonstrating nondiscriminatory reasons for a particular decision, such as the dishonesty or Incompetency of a discharged employee.

The Americans with Disabilities Act (ADA) (42 U.S.C.A. § 1211 et seq.) prohibits discrimination against "qualified individuals" based on a "physical or mental impairment that substantially limits one or more" of an individual's "major life activities." Title I of the ADA applies to employers and requires them to make "reasonable accommodations" for disabled employees who are otherwise qualified to perform a job, unless such accommodations would cause undue hardship to the business. Such accommodations can include making existing facilities more accessible, permitting part-time or modified work schedules, and reassigning jobs.

Title II applies to public entities, including any department, agency, or other instrumentality of a state or local government. The ADA does not apply to the federal government, but other legislation does protect disabled federal employees. Title III of the ADA governs public accommodations such as restaurants, theaters, museums, stores, daycare centers, and hospitals. The word disability includes terminal illnesses and prevents health care facilities from failing to treat patients diagnosed with AIDS or HIV.

Many state statutes also promote equal protection by prohibiting discrimination. Legislation from several states combines many of the federal protections under a single category of Human Rights law. Depending on the particular jurisdiction and issue at stake, state human rights legislation, and the court decisions interpreting it, may provide broader protection than that offered under similar federal laws.

The Common Law

The notion of equal protection or equal treatment is rooted in the Anglo-Saxon common law. When henry ii ascended the throne in 1154, England was divided into political subdivisions consisting of villages, hundreds, shires, and towns. The king, feudal lords, and local assemblies all wielded power to some extent. But there were no effective national executive, legislative, or judicial institutions that could administer laws in a uniform and organized manner. Henry II changed this condition by creating a royal common law, which his officials disseminated throughout the kingdom. Thus, the king's law was made "common" to citizens of the entire realm.

The idea of equality under the law is also rooted in the Rule of Law and in the principle that no one is above the law, including the king and the members of Parliament. This principle found expression in Bonham's case, 8 Co. 107a, 77 Eng. Rep. 638 (K.B. 1608), in which eminent English jurist Sir Edward Coke wrote that "the common law will ... controul Acts of Parliament, and sometimes adjudge them to be utterly void: for when an Act of Parliament is against common right and reason, or repugnant, or impossible to be performed, the common law will controul it, and adjudge such Act to be void."

In 1761, James Otis, an American colonist, relied on Coke in the writs of assistance case, in which he stated that any act of Parliament "against the constitution is void" and that it was the duty of the courts to "pass such acts into disuse" because they contravened "the reason of the common law." In a recent application of this principle, President richard m. nixon lost his battle with the rule of law when the

Supreme Court forced him to surrender the infamous Watergate tapes against his assertion of Executive Privilege (united states v. nixon, 418 U.S. 683, 94 S. Ct. 3090, 41 L. Ed. 2d 1039 [1974]).

Courts have also relied on the concept of equal treatment in explaining the common doctrine of Stare Decisis. When a court has laid down a principle of law in one case, stare decisis requires the court to apply that principle to future cases involving a similar set of facts. Some commentators have suggested that stare decisis serves two policy considerations: continuity and predictability in the law. But this doctrine also promotes equal treatment, federal courts have reasoned, by permitting all similarly situated litigants to obtain the same results under the law.

The American Revolution was sparked by the idea of equality. In 1776, the colonists declared themselves independent of the British Empire, in which the government often acted as if it were above the law. Jefferson and the other revolutionaries announced their steadfast adherence to the rule of law and the idea of human equality. But the idea of equality has always been ambiguous and controversial. U.S. citizens still disagree about whether the Equal Protection Clause of the Fourteenth Amendment guarantees equality of condition, equality of result, or equality of treatment and concern under the law. This disagreement manifests itself in state and federal courthouses and the halls of Congress.

Further readings: Bailyn, Bernard. 1967. The Ideological Origins of the American Revolution. Cambridge, Mass.: Belknap Press/ Barron, Jerome A., and C. Thomas Dienes. 1999. Constitutional Law in a Nutshell. 4th ed. St. Paul, Minn.: West; Berman, Harold J. 1983. Law and Revolution. Cambridge, Mass.: Harvard Univ. Press. Friedman, Lawrence M. 1985. A History of American Law. 2d ed. New York: Simon & Schuster. Renstrom, Peter G. 1999. Constitutional Rights Sourcebook. Santa Barbara, Calif.: ABC-CLIO.

Rotunda, Ronald D., et al. 1986. Treatise on Constitutional Law: Substance and Procedure. Volume 3. St. Paul, Minn.: West. Wills, Garry. 1978. Inventing America: Jefferson's Declaration of Independence. New York: Doubleday.

Introduction

The preemption doctrine derives from the Supremacy Clause of the Constitution which states that the "Constitution and the laws of the United States...shall be the supreme law of the land...anything in the constitutions or laws of any State to the contrary notwithstanding." This means of course, that any federal law--even a regulation of a federal agency--trumps any conflicting state law.

Preemption can be either express or implied. When Congress chooses to expressly preempt state law, the only question for courts becomes determining whether the challenged state law is one that the federal law is intended to preempt. Implied preemption presents more difficult issues, at least when the state law in question does not directly conflict with federal law. The Court then looks beyond the express language of federal statutes to determine whether Congress has "occupied the field" in which the state is attempting to regulate, or whether a state law directly conflicts with federal law, or whether enforcement of the state law might frustrate federal purposes.

Federal "occupation of the field" occurs, according to the Court in Pennsylvania v Nelson (1956), when there is "no room" left for state regulation. Courts are to look to the pervasiveness of the federal scheme of regulation, the federal interest at stake, and the danger of frustration of federal goals in making the determination as to whether a challenged state law can stand. The Equal Protection Clause, part of the Fourteenth Amendment to the United States Constitution, provides that "no state shall ... deny to any person within its jurisdiction the equal protection of the laws."[1] The Fourteenth Amendment Equal Protection Clause applies only to state governments, but the requirement of equal protection has been read to apply to the federal government as a component of Fifth Amendment due process.

More concretely, the Equal Protection Clause, along with the rest of the Fourteenth Amendment, marked a great shift in American constitutionalism. Before the enactment of the Fourteenth Amendment, the Bill of Rights protected individual rights only from invasion by the federal government. After the Fourteenth Amendment was enacted, the Constitution also protected rights from abridgment by state leaders and governments, even including some rights that arguably were not protected from abridgment by the federal government. In the wake of the Fourteenth Amendment, the states could not, among other things, deprive people of the equal protection of the laws. What exactly such a requirement means has been the subject of much debate, and the story of the Equal Protection Clause is the gradual explication of its meaning.

Modern equal protection jurisprudence stems from footnote four of United States v. Carolene Products Co. (1938), a Commerce Clause and substantive due process case. In 1937, the Court (in what was called the "switch in time that saved nine") had loosened its rules for deciding whether Congress could regulate certain commercial activities. In discussing the new presumption of constitutionality that the Court would apply to economic legislation, Justice Harlan Stone wrote:

[P]rejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry.[19]

Thus were born the "more searching" levels of scrutiny—"strict" and "intermediate"—with which the Court would examine legislation directed at racial minorities and women respectively. Although the Court first articulated a "strict scrutiny" standard for laws based on race-based distinctions in Hirabayashi v. United States (1943) and Korematsu v. United States (1944), the Court did not apply strict scrutiny, by that name, until the 1967 case of Loving v. Virginia. Intermediate scrutiny did not command the approbation of a majority of the Court until the 1976 case of Craig v. Boren.

The Supreme Court has defined these levels of scrutiny in the following way: Strict scrutiny (if the law categorizes on the basis of race or national origin or infringes a fundamental right): the law is unconstitutional unless it is "narrowly tailored" to serve a "compelling" government interest. In addition, there cannot be a "less restrictive" alternative available to achieve that compelling interest.

Intermediate scrutiny (if the law categorizes on the basis of sex): the law is unconstitutional unless it is "substantially related" to an "important" government interest.[20] Rational-basis test (if the law

categorizes on some other basis): the law is constitutional so long as it is "reasonably related" to a "legitimate" government interest. Although in 1985 the court in City of Cleburne v. Cleburne Living Center, Inc. held that the treatment of developmentally disabled persons were deemed to be subject to a "rational basis" test, in invalidating seemingly rational zoning laws and land use restrictions, many assert that the court introduced an "enhanced" rational basis test that required the state to show more than a facially valid law and instead to balance the community's needs against the needs of the disabled.[21]

There is, arguably, a fourth level of scrutiny for equal protection cases. In United States v. Virginia Justice Ruth Bader Ginsburg, writing for the Court, eschewed the traditional language of intermediate scrutiny for sex-based discrimination and instead borrowed from Justice Sandra Day O'Connor's opinion for the Court in Mississippi University for Women v. Hogan in demanding that litigants articulate an "exceedingly persuasive" argument to justify this kind of discrimination. Whether this was simply a restatement of the doctrine of intermediate scrutiny or whether it created a new level of scrutiny between the intermediate and strict standards is unclear. The Supreme Court ruled in Griggs v. Duke Power Co. (1971) that (1) if an employer's policy has disparate racial consequences, and (2) if the employer cannot give a reasonable justification for such a policy on grounds of "business necessity," then the employer's policy violates Title VII. In the years since Griggs, courts have defined "business necessity" as requiring the employer to prove that whatever is causing the racial disparity—be it a test, an educational requirement, or another hiring practice—has a demonstrable factual relationship to making the company more profitable.[22]

In situations involving only the equal protection clause, however, the focus of the court is on discriminatory intent. Such intent was manifested in the seminal case of Arlington Heights v. Metropolitan Housing Corp. (1977). In that case, the plaintiff, a housing developer, sued a city in the suburb of Chicago that had refused to re-zone a plot of land on which the plaintiff intended to build low-income, racially integrated housing. On the face, there was no clear evidence of racially discriminatory intent on the part of Arlington Heights's planning commission. The result was racially disparate, however, since the refusal supposedly prevented mostly African-Americans and Hispanics from moving in. Justice Lewis Powell, writing for the Court, stated, "Proof of racially discriminatory intent or purpose is required to show a violation of the Equal Protection Clause." Disparate impact merely has an evidentiary value; absent a "stark" pattern, "impact is not determinative." (See also Washington v. Davis (1976).) Defenders of the rule in Arlington Heights and Washington v. Davis argue that the equal protection clause was not designed to guarantee equal outcomes, but rather equal opportunities and that therefore one should not be concerned with trying to fix every racially disparate effect. One should worry only about intentional discrimination. Others point out that the courts are merely enforcing the equal protection clause, and that if the legislature wants to correct racially disparate effects, it may do so through further legislation.[23]

Critics[who?] contend, on the other hand, that the rule would excuse many instances of racial discrimination, since it is possible for a discriminating party to hide its true intention. To uncover the motives of the parties, the court should also consider whether the measure at issue would have disparate impact, critics argue.[24] This debate, though, is currently entirely academic, since the

Supreme Court has not changed its basic approach as outlined in Arlington Heights. For a prime example of how this rule limits the Court's powers under the Equal Protection Clause see McClesky v. Kemp. In that case a black man was convicted of murdering a white police officer and sentenced to death in the state of Georgia. A study found that killers of whites were more likely to be sentenced to death than were killers of blacks.[25] The Court found that the defense had failed to prove that such data demonstrated the requisite discriminatory intent by the Georgia legislature and executive branch. The study showed that white defendants were much less likely to receive the death penalty than blacks, all other factors being equal, and white victims more often resulted in higher death penalties than black victims.

A recent use of equal protection doctrine came in Bush v. Gore (2000). At issue was the controversial recount in Florida in the aftermath of the 2000 presidential election. There, the Supreme Court decided that the different standards of counting ballots across Florida violated the equal protection clause. It was not this decision that proved especially controversial among commentators, and indeed, the proposition gained seven out of nine votes; Justices Souter and Breyer joined the majority of five—but only, it should be emphasized, for the finding that there was an Equal Protection violation. What was controversial was, first, the remedy upon which the majority agreed—that even though there was an equal protection violation, there was not enough time for a recount—and second, the suggestion that the equal protection violation was true only on the facts of Bush v. Gore; commentators suggested that this meant that the Court did not wish its decision to have any precedential effect, and that this was evidence of its unprincipled decision-making.

The dispute involved the division of authority between federal and state governments, Justice O'Connor wrote for the Court, one could inquire whether Congress acted under a delegated power or one could ask whether Congress had invaded a state province protected by the Tenth Amendment. But, said the Justice, "the two inquiries are mirror images of each other. If a power is delegated to Congress in the Constitution, the Tenth Amendment expressly disclaims any reservation of that power to the States; if a power is an attribute of state sovereignty reserved by the Tenth Amendment, it is necessarily a power the Constitution has not conferred on Congress."69

Powers delegated to the Nation, therefore, are subject to limitations that reserve power to the States. This limitation is not found in the text of the Tenth Amendment, which is, the Court stated, "but a truism," (United States v. Darby, 312 U.S. 100, 124 (1941)) but is a direct constraint on Article I powers when an incident of state sovereignty is invaded.71 The "take title" provision was such an invasion. Both the Federal Government and the States owe political accountability to the people. When Congress encourages States to adopt and administer a federally-prescribed program, both governments maintain their accountability for their decisions. When Congress compels the States to act, state officials will bear the brunt of accountability that properly belongs at the national level." (NOTE TO COURT: THE PROBLEM IN THE PLAINTIFF'S CASES IS NOT THAT THERE WERE NOT LAWS TO DEAL WITH THE CRIMINAL CONDUCT OF HER HUSBAND'S PSYCHIATRIST OR EVEN WITH HER LONG TERMS SMALL TOWN COURT FRIENDS OF THE 12TH JUDICIAL CIRCUIT LIKE GILNER, EZELL, MORELAND AND SMITH ACTING OUTSIDE THE LAW AND ABUSING THEIR GOVERNMENT POWERS, BUT THOSE WHO SHOULD HAVE HELD THEM ACCOUNTABLE FAILED INSIDE THE STATE OF FLORIDA AND WHEN FLORIDA FAILED IN ITS DUTIES TO

PROTECT THE PLAINTIFF'S FUNDAMENTAL RIGHTS, THE UNITED STATES FAILED AS WELL: THE MAIN PROBLEM IN THIS MATTER IS ACCOUNTABLITY AND THE VICTIM BECAME VILINIZED AND VICTIMIZED BY THOSE THE CONSTITUTION ENTRUSTED WOULD BE HER PROTECTORS.

Another quotation reads:

"The best explanation of Ex Parte Young and its progeny is that the Supremacy Clause creates an implied right of action for injunctive relief against state officers who are threatening to violate the federal Constitution or laws." Burgio and Campofelice v. NYS Dep't of Labor, 107 F.3d 1000, 1006 (2d Cir.1997) (quoting Wright, Miller, and Cooper, Federal Practice and Procedure: Jurisdiction 2d " 3566 (1984)); see also Fallon, Meltzer, & Shapiro, Hart & Wechsler's The Federal Courts & The Federal System 903 (5th ed. 2003) ("[T]he rule that there is an implied right of action to enjoin state or local regulation that is preempted by a federal statutory or constitutional provision ... is well-established.").

Because plaintiffs' claim is that defendant's actions in his official duties violate a federal law which has preemptive effect, the Supremacy Clause provides the cause of action and federal jurisdiction. The court also found that "'in suits against state officials for declaratory and injunctive relief, a plaintiff may invoke the jurisdiction of the federal courts by asserting a claim of preemption, even absent an explicit statutory cause of action.'" League of Women Voters, 2004 WL 2359988 at *4 (quoting Local Union No. 12004 v. Mass., 377 F.3d 64 (1st Cir. 2004)). In addition, the court in Bay County Democratic Party, supra, proceeded to the merits of the preemption/Supremacy Clause claim without discussing the existence of the cause of action, and the court in ACLU, supra, upheld jurisdiction over the Supremacy Clause claim in a single sentence with no discussion.

These Supremacy Clause/preemption holdings clearly establish that preemption is a viable alternative means of enforcing federal statutes even if there is no "right" enforceable under § 1983. However, so far courts have generally enforced preemption claims only where a state or local law, regulation or policy of general application is being challenged, not when a discrete action by governmental officials is alleged to violate federal law. Preemption claims also are not available to seek damages or attorneys' fees.

NOTE TO COURT: Smith's order is a clear right to a Section 1983 claim.

47. The above means in summary the Federal Government cannot shirk its responsibility when a State, Florida in the present case, abuse someone (the Plaintiff's) most fundamental constitutionally protected rights, even if it means holding a large number of government officials accountable. The usual immunity for judicial officers does not apply because of the criminal nature of the violations.
48. What went wrong that such a large group of United States government officials all fail to uphold individual rights, the most fundamental principle of the United States constitution?
49. The Founders believed that the government created by the Constitution was unfit for anything but a virtuous people, and therefore Americans must uphold certain values in their private lives. John Adams said, "Public virtue cannot exist in a nation without private, and public virtue is the only foundation of republics." Richard Henry Lee claimed, "A popular government cannot flourish without virtue in the people." Elizabeth Cady Stanton said, "Nothing strengthens the

judgment and quickens the conscience like individual responsibility." Thus the citizen's primary responsibilities are to take care of oneself and family, and to show consideration for the rights of others. These responsibilities are facilitated through the practice of private civic values—including courage, initiative, industry, justice, integrity, moderation, perseverance, respect.

50. The Plaintiff believes she reflects those values. Anyone who reads the cases will know from the outset her concern was for her husband with a long history of mental illness. The Plaintiff begged the Second District Court before it made any decisions to apply the law expeditiously to protect not only her family from having to talk about her husband's problems, but to also protect the psychiatrist. In November 2010 the Plaintiff filed a motion in that court stating she has no choice but to protect her family and until government recognize the crimes they became exposed to she has no option but to petition government, so the sooner government provided a platform which conforms with the law, the sooner all parties, including the psychiatrist, could continue their lives.
51. The government officials from State and Federal courts have shown no respect or concern for individual rights at all. They have discriminated in a brazen fashion and have not cared about the harm to the Plaintiff or her family at all. They have made a mockery of the crimes the family suffer from and have done all they could to create an unequal and unjust situation.
52. Any Federal judge who applies him or herself can confirm this to be the case and could have made simple orders which could have corrected the situation. Instead, this endless petitioning to get equlity, justice and due process underway, is continuing.
53. At this point the only correct way to proceed is to let those the Constitution of the United States trusted in 18USC2382 have six months to correct the situation whilst simultaneously the Special Provisions procedures of the United Nations proceed and the United States can during this time also grant permission to be sued.
54. The United States did not sign the treaties which allow individuals to hold it internationally accountable for human rights violations. Again: if the United States would implement its own constitution, then no person in the United States will ever need to hold it accountable for human rights violations, because the Constitution through checks and balances, have people whom it entrusts to make sure all citizens are always protected in their fundamental rights.
55. This case shows such fundamental rights are not only not protected, but that Federal government actively participates in violating fundamental rights, showing an extreme lack of integrity by the officials whom 'we the people' pay and trust.
56. The experience the Plaintiff had is that the United States is no longer implementing its Constitution and has become a lawless place devoid of principle and integrity. Her oath to the Constitution cannot allow such disobedience to the Constitution and those who have erred, must be corrected through the courts. The correct court for the current case is the International Court of Justice. Note therefore in the attached "Request for Permission to sue the United States of America", that the Plaintiff is seeking permission to sue it outside the United States, like other nations are held accountable, for instance at the European Court for Human Rights in Strassbourg, or the Human Rights courts for the Americas. It is all a matter of accountability. Whilst the integrity of American judges was such that they put the Constitution first and

implemented provisions which would have protected the Plaintiff's rights, it was possible to avoid international accountability.

57. The cases the Plaintiff suffer fundamental rights abuses in perpetrated by the very people tasked to implement not destroy fundamental individual rights, show clearly, that United States State and Federal judges have no concern or interest in the United States constitution and individual rights or what the people want, but will deliberately harm victims of extreme rights abuses such as the Plaintiff. How long it will take to hold them accountable for the abuse of their oaths and their honor is uncertain. As stated before, it is useless for the Plaintiff to file anything further in United States Federal or any other courts, their abuse of her most fundamental rights is complete and debilitating and must now simply be recorded as such. Unless any judge wishes to comply with the Constitution, which remains at all times the duty of the official in whose court this is filed. Simple orders can reverse the situation. If this court does not have access to the record of 41-2009-DR-10430 in the Twelfth Judicial Circuit for Manatee County, 1115 Manatee Ave, Bradenton, Florida 34205, then it should issue an order asking that court to forward the record to it. From that record it is clear the matter was contested and Smith acted deliberately and on the record to issue the order of May 24, 2012, which order is clear and convincing evidence of depriving the Plaintiff of her most fundamental due process, property, equality and women's rights. Once the court has established this extreme human rights abuse, it can follow the correct procedures the Plaintiff took to have Smith's order declared void and unconstitutional and can see how the Florida Supreme Court on October 11, 2012 dismissed the appeal against Smith's illegal order, causing Florida to deliberately violate the Supremacy Clause of the United States of America. As the loss of fundamental rights is clear, Florida should be interdicted to not violate the Supremacy Clause and to apply its own laws and constitution to case 41-2009-DR-10430 which shall lead to recognition that the matter is contested and considering the incredible abuses of fundamental rights suffered at the Twelfth Judicial circuit for Manatee county, that the matter be moved to a new venue. Separately counsel should be appointed to assist the Plaintiff and other victims of fundamental rights abuses identified during her ordeal, details of which are clear from the record of 41-2009-DR-10430.

58. Of concern for this court should be the integrity of its own justices. Below follows a quotation arguing that the United States Supremacy Clause endangers the sovereignty of we the people as outside treaties can be made laws bypassing the House of Representatives. Whilst that is true, it must be remembered, it was the United States and its Constitution which formed the blue print for the United Nations. **The notion that God created all people equal and that they have a fundamental right to be treated equally and justly forms the basis of the United States legal system**. The government should never be more than an administrator of the people's wishes. The United States should not compromise on its principle of equality and justice and it should be a leader in that respect in the world. The current cases show that it's Federal justices have become puppets who forget their duty is first and foremost to the people. The people demand justice and equality, the very opposite of what the Plaintiff experienced. The quotation in question, reads as follows: "Here are pulled together some facts and thoughts on 10 clauses in the U.S. constitution that have been ignored, misunderstood or misapplied. Some of the authors merely want the correct meaning to be restored by educating the judiciary, others wish to

amend the constitution so as to correct the way the constitution is applied (to repeal or correct the problem clauses), and yet others would like an entirely new constitution. The focus here will be on one of the 10 troubling constitutional clauses: The commerce clause; The contracts clause; The due process clause (amend 5 and 14); The privileges or immunities clause; The equal protection of the laws clause; The general welfare clause; The necessary and proper clause; The supremacy clause; The takings and tax clauses; The enumeration of rights clause (amend 9); We have now come to the eighth of these clauses, The Supremacy Clause.

The Supremacy Clause

That is the common name given to Article VI, Clause 2 of the United States Constitution, which reads:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

As it says, state judges are bound by the US constitution and US laws and treaties. You could almost read the same principle in article III.

According to this article on Neofederalism, the supremacy clause as it is backed up by article III is a check on state courts, and focuses supreme power in federal courts, ultimately in the supreme court..

"The history of the supremacy clause demonstrates the Framers' fear that unsupervised judicial review by state court judges would be insufficient to protect constitutional liberty."

"The supremacy clause, as finally worded, addressed only state court judges, but the mandatory jurisdiction created by Article III assured the Convention that the final word on constitutional questions would lie in federal courts. The Framers clearly understood the connection between Article III and the supremacy clause; indeed, the Convention specifically modified the "arising under" language of the Article to render it "conformabl[e] to a preceding amendment" changing the language of the supremacy clause. The supremacy clause would oblige state judges to follow the supreme law of the Constitution at the trial level; appellate review by Article III judges would assure faithful and accurate discharge of this obligation."

The issue of treaties

To most people it goes without saying that a nation needs a main government, regardless of having lower level state, county and city/township governments. However, the exact relationship of the various levels is not a trivial matter. That the federal or highest level government have full power over the others in some areas is given. But in which areas it is to be supreme is open to argument.

In theory the US has a federalist system in which the states retain police powers, which gives them full control of public health and safety. All other powers seem to have been granted to the higher level or federal government. However, it's more complicated. The federal government was granted a list of enumerated powers, and some limits were placed on the states by the constitution and its amendments.

The Supremacy Clause establishes the Constitution, Federal Statutes, and U.S. treaties as "the supreme law of the land." The Constitution is the highest form of law in the American legal system. State judges are required to uphold it, even if state laws or constitutions conflict with it. Treaties must comply with the Constitution. However, the treaty-making power of the U.S. Government is broader than the law making power of Congress. The Supreme Court ruled in Missouri v. Holland (1920) that pursuant to a treaty with Britain, the United States could regulate the hunting of migratory birds, even though Congress had no independent authority to pass such legislation.

When treaties conflict with the constitution

There has been some debate (and fear) as to whether or not some of the basic principles of the United States Constitution, such as the country's system of government or Bill of Rights could be affected by an ambitious treaty. Since the constitution states that a treaty has supremacy over "any thing in the Constitution or Laws of any state to the contrary notwithstanding," it has been argued that the potential for abuse is present. In the 1950s a constitutional amendment known as the Bricker Amendment was proposed in response to such fears; it would have mandated that all US treaties not conflict with the existing powers granted to the US government. Introduced into the Senate in February, 1952, as Senate Joint Resolution 130, the "Bricker Amendment" to the Constitution read as follows:

Section 1. A provision of a treaty which conflicts with this Constitution shall not be of any force or effect.

Section 2. A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of treaty.

Section 3. Congress shall have power to regulate all executive and other agreements with any foreign power or international organization. All such agreements shall be subject to the limitations imposed on treaties by this article.

Section 4. The congress shall have power to enforce this article by appropriate legislation.

Subsequent legal precedents, notably, Seery v. United States, 127 F. Supp. 601 (Court of Claims, 1955) and Reid v. Covert, 354 U.S. 1 (1957), ultimately established some of the limitations sought by the Bricker Amendment.

Pacific Gas & Electric Co. v. State Energy Resources Conservation and Development Commission (1983) is a Supreme Court case that lays out a variety of tests that may be used to determine if state statutes are superseded or preempted by federal legislation.

In any legal system it is important to have an end-point defined, a point of final appeal. The supremacy clause, along with article III, clearly serves as such a definition.

The supremacy clause is troubling because it gives an extremely high rank to treaties, which by themselves, do not require the full approval of congress, but only the senate. However, the pattern is set that subsequent laws are always needed to implement the requirement of treaties. And these laws do require the approval also of the house of representatives, and must withstand supreme court review.

More troubling is the centralism issue. A method of ordering society is necessary, but the question is whether it had to be a monolithic monopoly government."

59. The Plaintiff's rights which are violated are not violated by laws which conflict with treaties. The Florida Bill of Rights line up with the United States Bill of Rights which is not in conflict with the Declaration on Human Rights. All the Plaintiff is asking for is implementation of those fundamental laws into her situation and this court stopping the abuse of her fundamental rights as is its duty.
60. The United States Constitution forms the basis of the United Nations Charter and the Declaration on Human Rights. In the current case there is not conflict between the Florida, United States or International Treaties binding the United States and the requests of the Plaintiff. It was exactly Ezell, Gilner, Moreland and finally Smith violating the Florida and US Constitutions which led to the extreme fundamental rights abuses the Plaintiff suffers. This case before this judge is a simple one of extreme government abuse of fundamental rights of an individual to the extent of even depriving her of her name. The Plaintiff believes that if any Federal judge would apply him or herself to the matter, they will find it not only a matter of constitutional crimes, but also of hate crime. When Smith ordered a simplified divorce in a contested matter not even at all applying the rules for even simplified divorce, ie that there must be an under oath signed agreement between the parties, which there was not, that the Plaintiff had to be in court, which she was not, and that she had to agree to changing her name in writing, which she did not, his conduct reflected extreme hatred towards the Plaintiff as an individual, using his government obtained power to try and harm her to the core of her being. The United States Constitution when making treaties a supreme law did not know it would lead to the foundation of the United Nations and motivating countries with extreme abuses of human rights to come in line through the Declaration on Human Rights in line with the belief that all humans are created equal and have the right to be treated equally, justly and fairly. The Supremacy Clause must not be used by Federal government to abuse we the people. Its first and foremost application must be to protect we the people from abuse. The Plaintiff has suffered extreme harm, but she remains hopeful, that at least one man or woman will have the courage to apply the laws of the United States and its Constitution to the unconstitutional conduct of Smith and others and hold them accountable for destroying the United States. Even for those who wish to argue that the Plaintiff is foreign born and not deserving of the wonderful laws of the United States, they must be reminded of the Florida Supreme Court conduct in hiding and covering up Smith's illegal conduct under the Stallworth v Moore cases, clearly presidents used to abuse many more people than the Plaintiff, so who knows how many more people have been deprived of their fundamental rights in this fashion? Any Federal Judge have a duty to stop a State abusing its people and using cases like the Stallworth case to cover up government and fundamental rights abuses.
61. This notice is filed in Federal and State courts in which the Plaintiff is a party, as well as in 8:12-cv-2349-T-23EAJ where she is the Defendant. In that case Merryday deliberately fraudulently alleges she is Plaintiff, for the single intent to deprive her of due process and equality and the jury trial she is asking for to prove Moreland's part in the 18USC241 crimes Smith's conduct form part of. The cases prove beyond any doubt that the United States judicial system is failing because of extreme corruption by its people. A person such as Smith who will without flinching order a simplified divorce in a contested divorce just to please a self admitted mentally disabled

psychiatrist friend who abducted her mental health patient and practiced for years with a fraudulent license, depriving the psychiatric crime victim's wife of all her fundamental rights and even her last name, is a danger to any country and most definitely to the United States Constitution. He must be charged with treason and held accountable, because if not people like him will destroy the United States of America and the Constitution for which it stands.

62. Regardless of what this court orders, the Plaintiff shall not have anything to do with any United States court until her fundamental rights are restored. She is filing her 18USC2382 Report exactly as the United States Constitution demands and those trusted by the Constitution must act in terms thereof or be counted amongst those who are traitors to the United States Constitution. Simultaneously the United Nations where this is filed must start its special procedures. The Plaintiff shall till then advocate to the American people the thoughts of George Washington in respect of the Constitution: "Let us set a standard to which the wise and honest can repair."
63. The fundamental rights abuses the Plaintiff suffer violate the Supremacy Clause of the United States and her equality must be restored before she can proceed. Any further filings in any court is pointless until she is recognized as a victim of extreme individual rights abuses and until she can litigate on an equal footing before a tribunal who views and treats her equally and apply the laws of the State of Florida and the United States equally. Till then she is harming herself and it is part of her duty to mitigate the harm. Her health has suffered greatly because of this ordeal and it is even in the interest of Smith and others that she survives, because a day will come when their treason to the Constitution of the United States is recognized and if the Plaintiff does succumb due to the effects of the harm of Gilner, Ezell, Moreland, Smith and others, they depriving her of her fundamental rights which lead to death, they must be executed, but the Plaintiff shall try to survive and save them that fate.

This done and said December 7, 2012, at Bradenton, Florida, United States of America

---

Annamarie, last name uncertain.

All future correspondence must be forwarded to US Victims Witness Program Manager, Chris Griffiths (813)274-6079, Joyce Fisher - Victim/Witness Specialist
400 N. Tampa Street, Suite 3200, Tampa, Florida 33602 Phone: (813) 274-6091
Fax: (813) 274-6178 Cell (813) 299-5943 Toll Free (866) 482-9913

"Request for Permission to sue the United States of America"

From Annamarie, last name uncertain since illegal unconstitutional order of Smith and Shore in 41-2009-DR-10430, dated May 24, 2012, aided and abetted in their international crime by the Florida Supreme Court order of October 11, 2012, and perpetuated by about 40 United States Federal Court justices who are all aware of the unconstitutional and criminal order of Smith, and who have failed in their duty to protect her fundamental rights. Previously Riethmiller.

1. No woman in the world should ever have to be abused as Annamarie, last name uncertain, has been abused in 41-2009-DR-10430 and related cases which deprived her of her fundamental inalienable God given

Rights protected by the United States Constitution which she demands be implemented into her circumstance before she proceeds with any further litigation.

2. Full details of the abuse of her due process, equality, property and women's rights can be gleaned from the record of the case 41-2009-DR-10430 which the United States is requested to order be sent to it from the Twelfth Judicial Circuit for Manatee County, Florida, as well as the record of related cases.
3. Despite every effort to stop the State of Florida from violating the Supremacy Clause of the Constitution, it brazenly continued with such Constitutional violations by the order of the Florida Supreme Court dated October 11, 2012. To restore Annamarie's equality, the United States must interdict Florida from acting on that unconstitutional order immediately.
4. The United States have been warned since August 2010 that Annamarie, then still Riethmiller, is suffering violations of her most fundamental rights through conduct of government officials such as Ezell and Gilner. Later conduct, well recorded and filed with the United States, proved that.
5. When State and Federal government officials paid by the people to implement the Constitution failed to do so, Annamarie correctly reported their unconstitutional conduct to higher officials such as Gov Scott and President Obama.
6. When President Obama failed to give effect to his duty to intervene when learning about fundamental rights abuses he was held accountable as the United States Constitution Amendment 14, Section 3 demands of Candidates who violated their oaths whilst in office. It was correctly argued that the President of the United States of America is elected by about 20% of the people but by virtue of his oath to the Constitution has a duty to all three hundred and 14 million Americans who must know the President WILL only move inside the parameters of the Constitution of the United States of America.
7. The only reason why the nexus of corrupt officials such as Ezell who hi-jacked a court on July 14, 2010 in 41-2009-DR-10430 and Mr Obama was raised, was because Ezell, acting criminally illegally and committing an 18USC241 constitutional crime, quoted Obama as his mentor. The questions of Mr Obama complying with the requirements for a candidate as President was only raised on the basis that if he lacks integrity, that not only the 314 000 000 Americans would be in trouble, but all the people of the planet. Mr Obama was elected by less than one percent of the world's population, but has at his disposal military power that can destroy the whole world. The world cannot rely on the Constitutional provisions and integrity of the United States Constitution, if Mr Obama himself does not honor the United States Constitution. Annamarie suffers human rights abuses under his regime which he has the power to correct in terms of the Constitution. Simultaneously with filing this request to sue the United States is filed an 18USC2382 Report to Mr Obama in the hope that he corrects the constitutional violations she suffers and the United Nations has simultaneously been requested to approach the United States.

Signed at Bradenton, Florida, December 7, 2012

.....Annamarie, last name uncertain needs counsel appointed to assist her and is suffering extreme deprivation and medical need as a result of the violations by United States officials. Please help by urgently having such counsel appointed. Please correspond via: US Victims Witness Program Manager, Chris Griffiths (813)274-6079, Joyce Fisher - Victim/Witness Specialist
400 N. Tampa Street, Suite 3200, Tampa, Florida 33602 Phone: (813) 274-6091
Fax: (813) 274-6178 Cell (813) 299-5943 Toll Free (866) 482-9913

UNITED STATES DISTRICT COURT DISTRICT OF see copy from front page of last filing attached

Case No: See copy of case attached

Annamarie, last name uncertain, et al

Plaintiffs/Petitioners

Vs

For details see attached front page of last filing by the court herein

Defendant/Respondent

MOTION REQUESTING APPOINTMENT OF COUNSEL

I, on behalf of the above named Plaintiffs/Petitioners, do hereby swear that I am unable to pay the costs of said proceedings or give security therefore, that I believe I am entitled to redress, and that I am unable to litigate this case on my own behalf because I am too emotionally traumatized by the extreme discrimination, victimization and deprivation of fundamental and women's rights I have suffered at the hands of the State of Florida and at the hands of the United States of America under the Obama regime. Proof of such abuse is the fact that on May 24, 2012 Judge Gilbert Smith in case 41-2009-DR-10430 in the Twelfth Judicial Circuit for Manatee County, Florida, United States of America, granted a simplified divorce regulated by Florida Statute 12.105 which reads:

"RULE 12.105. SIMPLIFIED DISSOLUTION PROCEDURE

(a) Requirements for Use. The parties to the dissolution may file a petition for

simplified dissolution if they certify under oath that

(1) the parties do not have any minor or dependent children together, the

wife does not have any minor or dependent children who were born during the marriage, and

the wife is not now pregnant;

(2) the parties have made a satisfactory division of their property and have

agreed as to payment of their joint obligations; and

(3) the other facts set forth in Florida Family Law Rules of Procedure

Form 12.901(a) (Petition for Simplified Dissolution of Marriage) are true.

(b) Consideration by Court. The clerk shall submit the petition to the court. The

court shall consider the cause expeditiously. The parties shall appear before the court in

every case and, if the court so directs, testify. The court, after examination of the petition and

personal appearance of the parties, shall enter a judgment granting the dissolution (Florida Family Law Rules of Procedure Form 12.990(a)) if the requirements of this rule have been established and there has been compliance with the waiting period required by statute.

(c) Final Judgment. Upon the entry of the judgment, the clerk shall furnish to each party a certified copy of the final judgment of dissolution, which shall be in substantially the form provided in Florida Family Law Rules of Procedure Form 12.990(a).

(d) Forms. The clerk or family law intake personnel shall provide forms for the parties whose circumstances meet the requirements of this rule and shall assist in the preparation of the petition for dissolution and other papers to be filed in the action."

The record for case 41-2009-DR-10430 clearly shows that on February 18, 2010 I filed a counter Petition and a counter claim which I followed up with subpoena's in respect of relevant issues such as requesting full details of marital asset Fresh Start Law Group LLC, an asset I helped my husband start by selling my assets in South Africa and which in terms of Florida law which regulates our marriage entitles me to equitable distribution of the marital asset. When my husband failed to provide details after serving a notice to compel details, I submitted a written request to the clerk of the court, Chip Shore, in August2010 for a date to compel discovery. As Ezell in conjunction with Gilner hi-jacked the court July 14, 2010 and August 9, 2010, I was since those dates entitled to the Supremacy Clause of the United States of America being implemented into the situation to restore my equality and due process rights in terms of the Constitutions of the State of Florida and the United States of America.

When Smith granted his order on May 24, 2012 the Supremacy Clause of the United States of America was invoked in the matter. Smith knew full well there was never a signed agreement as the Florida Statute 12.105 require, and Smith knew I was not in court and that therefore he deprived me of due process. By granting the order Smith knew he is depriving me of my fundamental right to property, namely my legitimate legal interest in marital asset, Fresh Start Law Group LLC. Further Smith knew I never agreed to change my name, and that therefore when he arbitrarily changed my name whilst presiding illegally (the Florida Supreme Court had jurisdiction in the matter at the time), openly violating his oaths to the Constitution of the State of Florida and the United States of America and committing fraud and other crimes (for instance 18USC241 constitutional crime), that he became a trespasser of the law and was intentionally and deliberately depriving me of fundamental rights.

Smith's illegal conduct was not the first or last abuse of my fundamental rights I suffered. The reasons this matter is before this court, is that President Barak Obama was first served full details of the matter end August 2010. President Obama is further a party with the United States of America in case number 12-5283 in the United States Court of Appeals for the District of Columbia Circuit and in his capacity as chief law enforcement officer in the United States of America in Case Number 12-14735-B in the US Court of Appeals for the Eleventh Circuit, Atlanta. President Obama was warned through the filling of various Motions on him and the court BEFORE Smith illegally deprived me of my fundamental rights.

Obama swore an oath to the Constitution of the United States of America. The Constitution of the United States of America demands in respect of my rights and the rights of the other Petitioners:"...No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."Smith acted with intent when he issued his order of May 24, 2012. The Florida Supreme Court acted with intent when it gave up its jurisdiction in the matter at the end of August to the Second District Court of Appeal which immediately dismissed the matter giving no

reasons whereafter when appealed to the Florida Supreme Court, the Florida Supreme Court alleged it had no jurisdiction, quoting case law such as Stallworth v Moore, the Constitutionality of which I already attacked in SC11-5659 and SC11-10350 a year before. Despite Florida knowing exactly that it was depriving me of my fundamental rights in terms of the Constitution of the United States of America, it did so anyway, and with the knowledge and consent of Obama. At the heart of this conduct against me lies discrimination, most likely as I am foreign born. Federal legislation (passed under the 14th amendment) prohibiting the occurrence of discrimination can prohibit unequal effect without showing of intent to discriminate. *Washington, 755*

Smith's order however clearly showed the intent to leave me with an unequal effect in respect of my marriage (where I was fully entitled to demand certainty that my husband is fine, he being a long term mental health and addiction sufferer after being a Florida Statute 491.0111 and 491.0112 felony victim by his psychiatrist who also abducted him and moved him into her home and made our family pets Buddy and Princess disappear.

Smith's order had the intent to deprive me of my legitimate claim to property (Fresh Start Law Group LLC and Buddy and Princess which I paid for) Smith's order had the intent to deprive me of my last name as I never agreed to give up my last name. In this respect Smith's order reduces me to a chattel and completely destroys my women's rights and other internationally protected fundamental rights. "Actions having foreseeable and anticipated disparate impact are relevant evidence to prove the ultimate fact." *Columbus & Dayton, 777*

- Smith's order and his intent also qualifies as follows: Other methods to show intent: Unexplainable pattern, historical background, suspicious sequence of events, and departures from normal legislative or administrative procedure, legislative history. *Arlington Heights, 759*

Smith's conduct is part of a long line of constitutional abuses which transpired at the hands of government officials Gilner, Ezell, Moreland, and others as a direct result of me being the whistleblower that my husband's psychiatrist with whom they all worked closely for ten years in over 600 matters at the 12th Judicial Circuit Court abducted him and our dogs after having been my husband's psychiatrist although the psychiatrists license was fraudulent at the time and she was at the time by her own written admission disabled by mental illness.

- As to the question if I was denied equal protection of my right to due process, where the State of Florida provided a court, I had the right to be treated equally, to be there in terms of Florida Statute 12.105, to not have a simplified divorce order granted in the absence of me having singed an under oath agreement with my husband, which Smith knew full well I did not, as he knew full well I did not agree to give up my rights for equitable distribution of marital asset, Fresh Start Law Group LLC or for the right to have my last name illegally removed from me.
- Although I have every right to recourse and have pursued without ceasing every possible avenue for redress, I have consistently and continually been discriminated against because I am not versed in American law. However, that is not the main problem: the American Judiciary State and Federal have ganged up against me and have decided to not let me have access to the Constitutional protections to which I am entitled. The only way this illegal and unconstitutional conduct can be broken is by being held accountable by their own, brave Americans who understand the Constitution of the United States of America is there for all citizens, even for me. Equitable remedy involves extraordinary judicial supervision, remedies judged by their effectiveness. *Swann, 775*

To correct the constitutional violations judicial determination of unconstitutional conduct is required, something thus far, all Federal and State judges were too scared to admit because they fear the retribution of their "group" more than the ache of their knowledge that they are traitors to the Constitution of the United States of America and their own oath to the Constitution.

Remediation of past practice of discrimination may be a compelling interest, if past discrimination is adequately documented. Case 41-2009-DR-10430 is conclusive proof of the extreme discrimination and other constitutional violations I have suffered and the attorneys appointed herein will be able to meaningfully help restore my and the other 649 Petitioner/Plaintiff's rights.

(Note these petitioners had their fundamental rights violated and in some instances property removed from them by the same collaboration between the mentally ill fraudulent psychiatrist and her friends in court such as Gilner and Ezell.

Women are entitled to choose their last name. By the State of Florida and the United States of America taking my last name away from me without my consent they have removed me from the group called "women" and reduced my status to that of a slave or an animal, that I have no right to choose at all. The Obama regime has therefore with the full knowledge and consent of Obama deprived me of my every women's right. All I was asking for all along is due process an undetached tribunal to hear my complaints fairly and justly in terms of the Laws of the State of Florida and the United States of America. For daring to have asked for that the retributioin against me is that I shall be reduced to a chattel, a nothing by the Obama regime which is clearly falsely claiming to support fundamental and women's rights: the facts of my circumstance prove without a doubt Obama is not who he is saying he is: he has no respect for individual rights and the fact that I no longer have certainty as to my last name is proof of that. I was clearly chosen for abuse because of my perceived powerlessness and lack of access to legal counsel, alls situations stemming from the government induced poverty I suffer.

Gilner and Ezell deprived me temporarily of income, Smith permanently and the Obama regime is counting thereon that I shall have no legal counsel to defend my fundamental constitutional rights.

There are just over 900 Federal justices for the over 300 million Americans, of which I am one.

It is my right to demand that Obama violated his oath to the Constitution in respect of me and has in terms of Amendment 14, Section 3 of the Constitution of the United States of America rendered himself ineligible to be a candidate in the 2012 or other elections. It was Obama's own choice. We the people gave him the power to act inside the parameters of the Constitution. As soon as Obama knew about Florida violating the Supremacy Clause and the United States refusing to hold Florida accountable, leaving me as an extreme victims of fundamental and women's rights abuses, he had a duty under the Separation of Power to exercise Checks and Balances, for instance appointing someone to do a due diligence of 41-2009-DR-10430 and related cases.

The burden of proof lies with the plaintiff to show that the government is not rational. Smith's order proves that conclusively. Although his conduct is part of a much wider 18USC241 constitutional and other crimes, his order of May 24, 2012 is clear and convincing evidence of extreme fundamental and women's rights abuses and every Federal judge has the duty to act in terms of the Constitution to remedy these violations.

The fact that the judges of this court have not done so, means they are either biased or with intent join the 18USC241 constitutional crimes against me perpetrated by Smith and others. I desperately need attorneys versed in the law to be appointed to assist me to bring a halt to the abuse and help the United States of America and the State of Florida to repair to their constitutions.

The law is on my side: the Constitutional provisions and other laws which prohibited Smith from acting as he has done are clear: I have rights, there are courts, the only thing lacking are judicial officers who honor the Constitution more than their friendship with those who deprived me and the other 600 of our fundamental rights.

- The Rights I have which are protected by my due process rights are life, liberty and property. These are "Fundamental principles of liberty and justice … basic to our system of jurisprudence" Bill of Rights guarantees are fundamental to US system of jurisprudence. *Duncan, 442*

Strict scrutiny, 'there is a realm of personal liberty into which the government may not enter.' *Casey, 557* Therefore the State of Florida and the United States did not have the permission to take my last name away from me without my consent.

I have the right to live. Ezell, Gilner, Moreland and Smith all took away my fundamental rights and my right to income which I need to be able to get proper medical care, the failure of which is denying me my right to live and more than one doctor has warned me that unless I get better medical care I may die prematurely. Because I am foreign born and without income and a support structure, Gilner, Ezell, Moreland and Smith think they can deprive me of income and they shall get off scott free. But I invoked the Constitutional principles which shall sooner or later hold them accountable and if I should perish as a result of not having obtained proper medical care because they deprived me of income and fundamental rights, then the sanctions of the constitution for such conduct must apply, namely "18 USC § 242 - Deprivation of rights under color of law

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death." When Smith issued his order, he knew that there was a legitimate and reasonable fear since January 2012 that I suffer from life threatening disease, so when he deliberately deprived me of equitable distribution of Fresh Start Law Group which was started with my support and my having sold my assets in South Africa to enable my husband to be in a position to start Fresh Start Law Group LLC, Smith knew he is also signing away my life and he must be charged in terms of 18USC242.

Smith's conduct was also with intent to deprive me of my fundamental rights and violated

18 USC § 241 and is a conspiracy against rights:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same....They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

This Court has no right to shrug its shoulders at my deprivation of constitutional rights. 18USC2382 demand

"Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both."

I have sworn an oath to the Constitution of the United States of America and I am a "whomever", so I have a right and a duty to have reported what I know to this court and can demand that over and above the relief sought to have Obama declared as having disqualified himself as a candidate in terms of Amendment 14, Section 3 of the Constitution of the United States of America, that this court take all necessary actions to immediately halt the extreme fundamental and women's rights abuses which I suffer from:

18 USC § 3231 - District courts

The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.

Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

The U.S. has a specific statute dealing with conspiracies to deprive a citizen of rights justified by the Constitution.

Conspiracy is a separate offense, by which someone conspires or agrees with someone else to do something which, if actually carried out, would amount to another federal crime or offense. It is an agreement or a kind of partnership for criminal purposes in which each member becomes the agent or partner of every other member. It is not necessary to prove that the criminal plan actually was accomplished or that the conspirator was involved in all stages of the planning or knew all of the details involved. The main elements that need to be proven are a voluntary agreement to participate and some overt act by one of the conspirators in furtherance of the criminal plan. If a person has an understanding of the unlawful nature of a plan and knowingly and willfully joins in that plan on one occasion, that is sufficient to convict him for conspiracy even though he had not participated before and even though he played only a minor part. A conspiracy may exist when the parties use legal means to accomplish an illegal result, or to use illegal means to achieve something that in itself is lawful.

Wheel and chain conspiracies are two types of conspiracies described in prosecuting offenders. A chain conspiracy involves parties linked together in a linear fashion. Typical drug or firearm smuggling organizations are chain conspiracies. It may consist of a series of drug deals, from manufacturer to the street dealer. In a wheel conspiracy, the ringleader is the "hub" and subsidiary parties are the "spokes". It is generally easier for prosecution to prove that a "chain" constituted a single conspiracy than it is to prove that a "wheel" was a single organization. I obtained the above from the internet, but it is complicated litigation for which appointed counsel is necessary to take the facts of the situation and apply the law. The rights are clear and I shall have success, but I need this court to appoint counsel to assist me in my quest to defend my fundamental rights and to defend the Constituiton of the United States of America.

42 U.S.C. § 1983, commonly referred to as "section 1983" provides:

"Every person who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, Suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

The Act was intended to provide a private remedy for such violations of federal law, and has subsequently been interpreted to create a species of tort liability.[2]

The Supreme Court decided Monroe v. Pape.[3] In Monroe, the Supreme Court held that a police officer was acting "under color of state law" even though his actions *violated* state law.[4] This was the first case in which the Supreme Court allowed liability to attach where a government official acted outside the scope of the authority granted to him by state law. Since Monroe v. Pape was decided, an extensive body of law has developed to govern section 1983 claims. I do not know those cases nor do I have access to them. I need counsel who can meaningfully apply the principles.

II. ELEMENTS OF A SECTION 1983 CLAIM

(i) "Every person . . ."

Only "persons" under the statute are subject to liability.[5] A state is not a person subject to suit under section 1983,[6] but a state officer can be sued in his official capacity for prospective or injunctive relief[7] despite the fact that an suit against a government official in his official capacity represents nothing more than a suit against the government entity itself![8] Despite this logical inconsistency, the current state of the law is that a state may not be sued for damages, but may be sued for declaratory or injunctive relief. Municipalities and local governments are persons subject to suit for damages *and* prospective relief,[9] but the United States Government is not.[10] Individual employees of federal,[11] state[12] and local[13] government may be sued in their individual capacities[14] for damages, declaratory or injunctive relief.

While the determination of who is a "person" is a matter of federal statutory interpretation, the matter of who has the capacity to be sued is determined by the law of the forum state.[15] Likewise, the law of the forum is to be applied in actions under section 1983 where the law of section 1983 provides no guidance.[16]

(ii) ". . . who under color of [state law][17] . . ."

The traditional definition of acting under the color of state law requires that the defendant have exercised power "possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law,"[18] and such actions may result in liability even if the defendant abuses the position given to him by the state.[19] A private actor may also act under color of state law under certain circumstances.[20] For example, it has been held that a physician who contracts with the state to provide medical care to inmates acts under the color of state law.[21] For all practical purposes, the "color of state law" requirement is identical to the "state action" prerequisite to constitutional liability.[22]

(iii) ". . . subjects or causes to be subjected . . ."

Section 1983 does not impose a state of mind requirement independent of the underlying basis for liability,[23] but there must be a causal connection between the defendant's actions and the harm that results.[24] In order to hold a local government liable under section 1983, the Supreme Court has interpreted this causation element to require that the harm be the result of action on the part of the government entity that implemented or executed a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers, or the result of the entity's custom.[25] Further, the entity's policy or custom must have been the "moving force" behind the alleged deprivation.[26] This "custom or policy" requirement is a dramatic departure from the rule of respondeat superior that prevails in many common law actions.[27]

A local government is said to have an unconstitutional policy when it fails to train its employees, and the failure to train amounts to deliberate indifference to an obvious need for such training, and the failure train will likely result in the employee making a wrong decision.[28] An unconstitutional policy may also exist if an isolated action of a government employee is dictated by a "final policymaker,"[29] or if the authorized policymaker approves a subordinate's decision and the basis for it.[30] However, a supervisor can only be liable in his individual capacity if he directly participates in causing the harm--relying upon respondeat superior is insufficient.[31] The Supreme Court has rejected the notion that a plaintiff must meet a heightened pleading standard to state a claim against a municipality for an unconstitutional custom or policy.[32]

(iv) ". . . [any person to] the deprivation of rights . . ."

Section 1983 is *not* itself a source of substantive rights, it merely provides a method for the vindication of rights elsewhere conferred in the United States Constitution and Laws.[33] Therefore, a plaintiff may prevail only if he can demonstrate that he was deprived of rights secured by the United States Constitution or federal statutes. It is beyond the scope of this article to discuss all of the rights available under the United States Constitution, nevertheless, this article will provide an overview of perhaps the most utilized of all constitutional provisions--the Fourteenth Amendment Due Process Clause [hereinafter "the Due Process Clause"].[34]

The Supreme Court has held that the Due Process Clause was not intended to supplant tort law, or to become "a font of tort law to be superimposed upon whatever systems may already be administered by the states."[35] Against this backdrop, to state a claim for a deprivation of Due Process, a plaintiff must show: (1) that he possessed a constitutionally protected property interest; and (2) that he was deprived of that interest without due process of law.[36] Due process property interests are created by "existing rules or understandings that stem from an independent source such as state law--rules or understanding that secure certain benefits and that support claims of entitlement to those benefits."[37] To have a property interest protected by the Due Process Clause, "a person must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it."[38] While the existence of a protected property interest is decided by reference to state law, the determination of whether due process was accorded is decided by reference to the Constitution.[39] Due process requires that "a deprivation of life, liberty, or property 'be preceded by notice and opportunity for hearing appropriate to the nature of the case,'"[40] but the state does not have to provide the same remedies available under section 1983 in order to satisfy due process.[41]

In construing the Due Process Clause, the United States Supreme Court has held that negligent acts by state actors do not effect a "deprivation" for the purposes of the Due Process Clause,[42] and the random and unauthorized conduct of a government actor, even if intentional, does not implicate the Due Process Clause if the state provides a meaningful post-deprivation remedy, such as, for example, a tort remedy in its own courts.[43] However, where the state can feasibly provide a pre-deprivation hearing, it must do so regardless of the post-deprivation remedies available,[44] and in the absence of a special relationship created or assumed by the state, a state's failure to protect an individual from violence or injury caused by private actors cannot state a violation of the Due Process Clause.[45]

In addition to protection against deprivations of *procedural* due process, the Due Process Clause has two *substantive* components--the substantive due process simpliciter, and incorporated substantive due process. In order to state a claim for a violation of the substantive due process simpliciter, the plaintiff must demonstrate that the defendant engaged in conduct that was "arbitrary, or conscience shocking, in a constitutional sense."[46] This form of due process has very limited application,[47] but, in contrast to certain procedural due process claims,[48] the existence of adequate post-deprivation remedies does not bar a substantive due process claim.[49] With respect to incorporated substantive due process, the plaintiff may state a claim by proving a violation of one of the Bill of Rights. The Supreme Court has held that one of the substantive elements of the Due Process Clause protects those rights that are fundamental--rights that are implicit in the concept of ordered liberty, and has, over time, held that virtually all of the Bill of Rights protect such fundamental rights and has likewise held that they apply to the states through the "liberty" interest of the Due Process Clause.[50] However, the Court has held that when a specific provision within the Bill of Rights already provides protection, the more generalized notion of due process should not be used to define constitutional rights.[51]

In addition to providing a remedy for deprivations of constitutional rights, section 1983 also makes actionable violations of federal "Laws."[52] A violation of a federal statute is cognizable only when the violation trammels a right secured by federal law.[53] However, a statute is said to create a federal right only when "the provision in question is intended to benefit the putative plaintiff,"[54] unless it reflects merely a congressional preference for a certain kind of conduct rather than a binding obligation on the government unit,[55] or unless the putative plaintiff's interest is too vague and amorphous such that it is beyond the competence of the judiciary to enforce.[56]

(v) " . . . shall be liable . . . in an action at law, Suit in equity, or other proper proceeding for redress . . . "

There is no requirement that the plaintiff sue in federal court because state courts have concurrent jurisdiction,[57] and the usual rule is exhaustion of administrative and judicial state remedies is not a prerequisite to a section 1983 action.[58] Also, the existence of concurrent state remedies is not a bar to a section 1983 action.[59] With respect to the extent of damages available, the Supreme Court has noted that the basic purpose of a section 1983 damages award is to compensate the victims of official misconduct, and therefore held that there is no limit on actual damages if they can be proven.[60] But where they are not proved, only nominal damages of $1.00 may be awarded.[61] Punitive damages may also be awarded, but not against a municipality.[62] Injunctive relief is also permitted.[63]

From the above quotations it is clear the Plaintiff has a case. Smith is barred from law to have issued a simplified divorce in a contested divorce case with the intent to deprive the Plaintiff of fundamental rights and property she has a constitutional right to.

Therefore I respectfully request the appointment of counsel.

In support of the Motion Plaintiff/Petitioner states that I have made a diligent effort to employ counsel and contacted the following attorneys:

Mitch Feldman, Mrs Gonzales, Adam Levine and a number of others, the names of which I have mislaid. The biggest problem is that as soon as one could prove that Gilbert and Ezell and later Moreland and now Smith, State of Florida government officials were breaking the law and worked in conjunction with a mentally ill psychiatrist with a fraudulent license deliberately protected by the Florida Department of Health, they became fearful and did not want to be involved, and moreover, I in any event at no point since this ordeal had enough money to pay for their services. Up until Ezell hi-jacked the court (he was a magistrate who heard matters the rules specifically prohibit magistrates to hear and he was never appointed or assigned in terms of the rules), I paid for my own counterclaim against my

husband's filing as well as for other related costs, including the initial Federal filings in the Tampa Federal court to try and stop Ezell from hi-jacking the court. I did not know about things like the Rooker Felman principle where family matters are not allowed in Federal court.

However, once Ezell hi-jacked the court and acknowledged he was doing so in conjunction with the psychiatrists friend Gilner, it was clear the matter was one for Federal Court, not because it was a family matter, but because it was a constitutional matter. In any event some of the cases now asked to be brought as a unit of cases before the United States Judicial Panel on Multi District Litigation are civil cases and not family cases. Smith and those before him, removed 41-2009-DR-10430 from the family ambit when their desire to commit 18USC241 crimes in the matter became more important to them than applying family law, ie, this and related case merely became a vehicle of abuse for government actors which they used as tools of retribution for the Plaintiff daring to hold their psychiatrist friend accountable for her illegal conduct.

It is of the utmost importance that counsel be appointed as soon as possible to assist that the case meaningfully forms part of the Multi District Litigation, see attached Motion.

It is also of the utmost importance and in the public interest that the matter proceeds till the Constitution of the United States of America is implemented. The just over 900 Federal Justices are those who allow the Constitution of the United States to live and they have all sworn an oath to the Constitution. They therefore have a duty to implement the Constitution without fear or favor. Thus far none such person have been found, which means the Constitution of the United States of America is in danger of destruction from the inside by the very people who are paid by we the people to implement and protect it.

The greater conspiracy of the Federal judges not applying the law to the circumstance is against we the people who trust their Federal judges and should know if such trust is unfounded. Attorneys must be appointed who shall assist the judges to implement the Constitution and not allow judges to get away with unconstitutional conduct. Further in support of my motion Plaintiff/Petitioner states that I made a diligent effort to obtain the assistance of counsel by contacting the following legal aid organizations, lawyer referral services or pro bono attorneys:

Morgan and Morgan, The Christian Law Association (Ezell said the United States is not a Christian Country and he is following the lead of his President, Obama in that regard – ie this was discrimination against my religious beliefs as I was lured to the United States by my husband alleging he is a Christian and that we would live Christian lives – it was whilst stating this that Ezell who was defiantly hi-jacking the court at the time, July 14, 2010 in case 41-2009-DR-10430 stating on the record he did not care about my human rights and I can go to the Hague and go the the United Nations, he does not care, that Ezell quoted Obama, ie, minimizing my faith and my marriage.) The International Criminal Court, the International Court of justice, the United Nations Office of the High Commissioner for Human Rights, etc. I am financially unable to hire an attorney because Gilner, Ezell and Smith deliberately deprived me of income and interest in property to which I was constitutionally entitled. I had sold my assets in South Africa to assist my husband. Through these horrible circumstances I have suffered I am left penniless. What was not Further I have sworn an oath to the Constitution of the United States of America. It has become increasingly clear that the Constitution of the United States of America suffers from harm by enemies within who are paid to implement and protect it, but who instead add to the harm of State actors such as Smith, leaving constitutionally disenfranchised individuals such as myself and the over 600 others. I understand that making this application does not excuse me from litigating my case, and that it is still my responsibility to move forward in this proceeding. However, as I suffer extreme fundamental rights abuses protected by the Supremacy Clause of the Constitution it is my right to demand restoration of my rights before I proceed I need desperate help to have my rights restored so that the matters can proceed.

I declare that my answers to the foregoing are true and correct. I cannot adhere to time lines as I have no money to print or mail and am using money to pay the mortgage to print and mail this. I need help to defend my fundamental rights.

12/12/12 ----------

Date

---------- Signature of Plaintiff/Petitioner

1207 43Rd St. W.
Bradenton, FL 34209

US D
Suite
401
Phoen
AZ 8