

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL JOSEPH ROTONDO – PETITIONER

vs.

ANGELA C GASPARINI – RESPONDENT
ON PETITION FOR A WRIT OF CERTIORARI TO
THE NEW YORK STATE COURT OF APPEALS
PETITION FOR WRIT OF CERTIORARI

MICHAEL JOSEPH ROTONDO

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CAMILLUS, NY 13031

315-415-3084

Herein, the word Petitioner, refers to the Petitioner of this US Supreme court action and the Respondent of the underlying New York Sate Support action both. They are each and both the same Michael J Rotondo.

Herein, the word Respondent, refers to the Respondent of this US Supreme court action and Petitioner of the underlying New York State Support action both. They are each and both the same Angela C. Gasparini.

QUESTION PRESENTED

Does any State have the power to encroach upon the rights of a(any) person, through the exclusive means of the omission of due process from some or any legal proceedings?

LIST OF PARTIES

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

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APPENDIX A – A Decision/Order from the New York State court of Appeals, dismissing all of, the Petitioner’s motion for leave to appeal and, the Petitioner’s motion for poor person relief and, the Petitioner’s motion for a stay of the support order entered on June 16, 2017 in the State of New York in the county of Onondaga.

APPENDIX B – The Petitioner’s motion for leave to appeal and motion for stay both, of the support order entered on June 16, 2017 in the State of New York in the county of Onondaga; Filed with the New York State Court of Appeals.

APPENDIX C – An Order from The Supreme Court of the State of New York Appellate Division Fourth Department, denying the Petitioner’s motion to proceed as a poor person, on his appeal with this same court, of the support order entered on June 16, 2017 in the State of New York in the county of Onondaga.

APPENDIX D – The Petitioner’s motion to proceed as a poor person, on his appeal with The Supreme Court of the State of New York Appellate Division Fourth Department, of the support order entered on June 16, 2017 in the State of New York in the county of Onondaga.

APPENDIX E – An Order from Onondaga County Family Court Judge Julie A. Cecile, dismissing the Petitioner’s objections to the support order entered on June 16, 2017 in the State of New York in the county of Onondaga.

APPENDIX F – The Petitioner’s objections to the support order entered on June 16, 2017 in the State of New York in the county of Onondaga; Filed with the Onondaga County Family Court.

APPENDIX G – The support order entered on June 16, 2017 in the State of New York in the county of Onondaga.

APPENDIX H – The “Exhibit” that the Respondent used to substantiate an imputed income of \$400 a week onto the Petitioner, in the support proceedings commenced by the Respondent on February 22, 2017.

APPENDIX I – The findings of the State of New York, Unemployment Insurance Appeal Board, finding that the Petitioner would be allowed to collect unemployment for his termination from his job at Best Buy, that he was terminated from on December 4, 2015.

APPENDIX J – The Petitioner’s motion to dismiss the support proceeding commenced on February 22 2017, for what is effectively being claimed by the Petitioner as a failure for the Respondent to state cause of action.

APPENDIX K – The Petitioner’s financial disclosure affidavit, submitted for the support proceeding commenced on February 22 2017.

TABLE OF AUTHORITIES CITED

STATUTES AND RULES:

U.S. Constitution 14th Amendment section 1

OPINIONS BELOW

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is unpublished.

The opinion of the Onondaga County Family Court appears at Appendix E to the petition and is unpublished.

JURISDICTION

The date on which the highest state court decided my case was January 16, 2018. A copy of that decision appears at Appendix A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution 14th Amendment section 1

STATEMENT OF THE CASE

1. A support action was commenced on February 22, 2017 against the Petitioner, in the Family Court of the State of New York, in the County of Onondaga.
2. While appearing before Susan Hamlin Nasci, Support Magistrate, for that same support action, the Petitioner had stated that he was fired from his job at Best Buy, with that same firing occurred in December 4, 2015.
3. The Petitioner had included in his financial disclosure affidavit for that same support action, that he had collected unemployment during the year of 2016. This same unemployment collected, was from that same job at Best Buy of the Petitioner's, and was collected as a result of the Petitioner having been fired from that same job. This same financial disclosure affidavit is annexed hereto as "Appendix K".
5. The Petitioner was not working at the time that this same support action was commencing.
6. Susan Hamlin Nasci, Support Magistrate, had described to the Petitioner that this same support proceeding could yield the findings of an imputed income against the Petitioner.
7. The Petitioner had filed a motion to dismiss this same support proceeding, as his most recent job was seasonal (winter) and had ended, and that it was effectively impossible to consider that the Petitioner had purposefully

manipulated his income to avoid any child support obligation, which is the requirement to substantiate the findings of an imputed income. This same motion to dismiss is annexed hereto as "Appendix J".

8. During this same support proceeding, the Respondent had used that same job at Best Buy, to support the claim of an imputed income against the Petitioner. This was done through the evidence of, an image of the Petitioner's cellular phone calendar. The Respondent claimed that this same calendar image showed that the Petitioner had worked full time, the Petitioner had denied that he had worked full time while at Best Buy. This same cellular phone calendar is annexed hereto as "Appendix H".

9. The Support order made from this same support proceeding had imputed the Petitioner's income to \$400 a week and was entered on June 16, 2017. This same support order is annexed hereto as "Appendix G".

10. The Petitioner had filed objections to this same support order with the Family Court of Onondaga County. These same objections are annexed hereto as "Appendix F".

11. Onondaga County Family Court Judge Julie A. Cecile, ordered the dismissal of the Petitioner's objections to that same support order. This same order on the Petitioner's objections are annexed hereto as "Appendix E".

13. The Petitioner had appealed this same order on his objections, with the New York State Supreme Court Appellate Division Fourth Department.

12. The Petitioner had moved to proceed as a poor person for this same appeal with the New York State Supreme Court Appellate Division Fourth Department. A reproduction of this same motion to proceed as a poor person is annexed hereto as "Appendix D".

13. The New York State Supreme Court Appellate Division Fourth Department ordered the denial of the Petitioner his motion for leave to proceed as a poor person, based on the lack of merits of his contentions. This same order denying the Petitioner leave to proceed as a poor person is annexed hereto as "Appendix C".

14. The Petitioner had moved for leave to appeal, and for stay both, of this same support order, with the New York State Court of Appeals. This same motion for leave and stay both, is annexed hereto as "Appendix B".

15. The New York State Court of Appeals had ordered the dismissal of the Petitioner's motion for leave to appeal and for stay both. This same order is annexed hereto as "Appendix A".

16. The Petitioner does not now, nor has he ever since this same support action commenced against him on February 22 2017, had the means to comply with this same support order imputing an income of \$400 a week.

17. The State of New York has commenced a violation action against the Petitioner for his non-compliance with this same support order.

REASONS FOR GRANTING THE PETITION

By not granting this petition, the court would allow any state to make a criminal out of any innocent person, effectively granting the power of any state to become an oligarchy, with those whom construct the state courts are those whom are exclusively in power.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

ML RM

Date: April 9, 2018