

ORIGINAL

In the Supreme court of Ohio

Pauletta N.Higgins

Vs

Hamilton County dept Cps

FILED
JAN 08 2015
CLERK OF COURT
SUPREME COURT OF OHIO

Case No:2014-2117

Motion to vacate respondent motion to dismiss base on errors

1.) Now comes Pauletta Higgins and states as follows: respondent states In MEMORANDUM case No: F06249 is set for ongoing trail Jan 12th 2015 therefore I request for dismissal of respondent motion do to her unconstitutional act and the typo of my case number

2.) Respondents state that agency filed for custody of my child June 28th 2013 based on these proceeding child was place with relative maternal aunt. This is very unclear because my child wasn't place with aunt until Feb 2014 (agaist my will)

3.) Respondent state I have filed numerous complain over the year in the half when my filing did not begin until Nov 2013 which is exactly 13 months and not a year in a half

4.) respondent idenfied case no F06249 multiply times which is a misrepresentation of my case within the Hamilton County Juvenile Court and Ohio supreme court

I request that this court strike respondent motion to dismiss base on facts of deprivation of rights, perjury grant me custody of my child back and much more to be explain

DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

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Summary:

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

TITLE 18, U.S.C., SECTION 242

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, ... 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 kidnaping 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.

Perjury, also known as **forswearing**, is the intentional act of swearing a false oath or of falsifying an affirmation to tell the truth, whether spoken or in writing, concerning matters material to an official proceeding.^{[1][A]} Contrary to popular misconception, no crime has occurred when a false statement is (intentionally or unintentionally) made while under oath or subject to penalty—instead, criminal culpability only attaches at the instant the declarant falsely asserts the truth of statements (made or to be made) which are material to the outcome of the proceeding. For example, it is not perjury to lie about one's age except where age is a fact material to influencing the legal result, such as eligibility for old age retirement benefits or whether a person was of an age to have legal capacity.

Perjury is considered a serious offence as it can be used to usurp the power of the courts, resulting in miscarriages of justice. In the United States, for example, the general perjury statute under Federal law classifies perjury as a felony and provides for a prison sentence of up to five years.^[2] The California Penal Code allows for perjury to be a capital offense in cases

causing wrongful execution. However prosecutions for perjury are rare.^[2] In some countries such as France and Italy, suspects cannot be heard under oath or affirmation and thus cannot commit perjury, regardless of what they say during their trial.

The rules for perjury also apply when a person has made a statement *under penalty of perjury*, even if the person has not been sworn or affirmed as a witness before an appropriate official. An example of this is the United States' income tax return, which, by law, must be signed as true and correct under penalty of perjury (see 26 U.S.C. § 6065). Federal tax law provides criminal penalties of up to three years in prison for violation of the tax return perjury statute. See: 26 U.S.C. § 7206(1)

Statements which entail an *interpretation* of fact are not perjury because people often draw inaccurate conclusions unwittingly, or make honest mistakes without the intent to deceive. Individuals may have honest but mistaken beliefs about certain facts, or their recollection may be inaccurate, or may have a different perception of what is the accurate way to state the truth. Like most other crimes in the common law system, to be convicted of perjury one must have had the *intention* (*mens rea*) to commit the act, and to have *actually committed* the act (*actus reus*). Further, statements that *are facts* cannot be considered perjury, even if they might arguably constitute an omission, and it is not perjury to lie about matters immaterial to the legal proceeding.

Subornation of perjury, attempting to induce another person to commit perjury, is itself a crime.

Certificate Of service

I certify that on this 31st day of Dec 2014 I served Hamilton County Dept cps U.S. reg mail

At 222 E. Central Parkway Cincinnati oh 45202 5139463100


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