

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CRYSTAL COX,
Petitioner

v.

OBSIDIAN FINANCE GROUP LLC;
Kevin D. Padrick,
Respondents

On Petition for Writ of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

Reverend Crystal L. Cox,
Pro Se
PO Box 2027
Port Townsend, WA, 98368
406-624-9510

INTRODUCTION

Petitioner requests this court to issue a ruling that requires the Ninth Circuit to redact criminal allegations of Petitioner in a Ninth Circuit civil court ruling dated January 17th, 2014, Obsidian v. Cox, Ninth Circuit Case Number; 12-35319; D.C. No. 3:11-cv-00057- HZ.

This issue is a matter that affects all members of the public.

Ninth Circuit Judges; Judge Arthur L. Alarcón, Judge Milan D. Smith, Jr., and Judge Andrew D. Hurwitz, stated:

“Cox apparently has a history of making similar allegations and seeking payoffs in exchange for retraction. See David Carr, *When Truth Survives Free Speech*, N.Y.

Times, Dec. 11, 2011, at B1. Padrick and Obsidian sent Cox a cease-and-desist letter, but she continued posting allegations. This defamation suit ensued.”

Defendant Crystal Cox has no history of posting anything online and seeking a retraction for a payment. This is not based in fact, and has NEVER happened, as the court record clearly shows.

Cox was never “determined” by any court to have posted allegation, then sought a retraction, then continued posting and was sued. This is factually incorrect. Cox alleges the Ninth Circuit violated her constitutional rights in alleging criminal activity and has stated in error, the events leading up to her defamation suit.

Cox asks this court to rule that criminal allegations be redacted from the Obsidian v. Cox Ninth Circuit ruling dated January 17th, 2014.

Petitioner Cox understands that it is at the sole judicial discretion of this court to hear this matter. Cox prays that this court will hear this matter as these judicial actions will potentially chill speech and violate the rights of other citizen journalists, whistleblowers and anti-corruption bloggers such as Cox.

QUESTIONS PRESENTED

Petitioner requests this court to decide the following questions:

Does Petitioner, Defendant, Litigants in a Civil Case have a Human Right, Constitutional Right, and right under U.S. Code to be Considered Innocent until Proven Guilty?

Do Ninth Circuit Judges have the legal authority to issue an opinion on criminal allegations in a civil case in which the criminal allegation is not a matter of record in the lower court, has not been adjudicated and is not a material factor of the case?

Does Petitioner, Litigants, in a Civil Case have a legal right to due process of law, in cases where Judges RULE that Litigants, such as petitioner have committed crimes of which Petitioner was not on trial for nor was a matter of record in the lower court ?

Do Ninth Circuit Judges have to find a Defendant Guilty of a Crime, Beyond a Reasonable Doubt, or to have been Adjudicated of that crime in a U.S Court, BEFORE they rule that a litigant such as petitioner is guilty of this criminal behavior or criminal activities?

Do litigants, such as petitioner, have a Fourteenth Amendment Rights, Bill of Rights and Due Process of Law Rights that have to be adjudicated for a crime before a Ninth Circuit Judicial Panel can issue an “opinion” in a highly publicized, higher court, esteemed ruling, regarding that alleged crime?

Do Ninth Circuit Judges have a lawful right to use a New York Times article as adjudicated fact and material evidence to issue a ruling that a litigant in a civil case is guilty of criminal activity?

Is it Lawful for Ninth Circuit Judges to use gossip, hearsay and the rantings of a New York Times Journalist as adjudicated fact, and use this as factual evidence in a Ninth Circuit Ruling?

Can the Court of Appeals Prejudice a Litigant with false and defamatory language in a ruling?

Does a litigant have a right to have the language in the ruling challenged or reviewed by an independent Court, (for example, the Supreme or another Appellate Court not involved in the decision with the defamatory and legally abusive language that prejudices the rights of the litigant in rehearing) ?

Does the court have the right to defame and slander litigants and deny due process?

Do judges have the right to convict litigants of crimes in judicial rulings based on New York Times articles?

Do Judges have a right to deny due process in lower courts by issuing a ruling that convicts litigants of crimes, thereby prejudicing them with a jury of their peers, as they return to have a new trial?

Do judges involved in a slanderous, possibly criminally defamatory statement have a legal and constitutional right to rule on whether they rehear this issue of them acting inappropriately and unlawful in that very ruling?

Is it lawful and within the constitutional rights of a Defendant such as Petitioner, for a panel of judges to use a New York Times article to convict a litigant in a civil trial of a crime of which they have not been adjudicated of?

PARTIES

The Petitioner is an Activist Litigant making a stand for the rights of all Citizen Journalists, Anti-Corruption Bloggers. Petitioner is an Anti-Corruption Blogger, and a resident of Washington State.

The Respondent is Obsidian Finance Group, a Portland Oregon Financial Company and Kevin D. Padrick, Bankruptcy Trustee and Oregon Attorney.

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Federal Circuit.

OPINIONS BELOW

Petitioner Crystal L. Cox, et al., respectfully pray that this Court grant a writ of certiorari to review the judgment and opinion of the Ninth Circuit United States Court of Appeals entered on January 17th, 2014, (9th Cir. 2014), (Appendix A) and denial of motion to rehear said ruling, (Appendix B)

The opinion of the United States district court appears at Appendix C to this petition is reported at Dckt Entry 123, "OPINION & ORDER: Defendant's motion for new trial 105 is denied. Signed on 3/27/2012 by Judge Marco A. Hernandez. See 34-page opinion & order attached. (mr) (Entered: 03/28/2012)"

On January 31, 2014, Case: 12-35238 01/31/2014; ID: 8961401 DktEntry: 48, (Appendix E) Cox filed a Petition for Rehearing asking the Ninth Circuit Judges to withhold the sentence that says;

"Cox apparently has a history of making similar allegations and seeking payoffs in exchange for retraction.

See David Carr, When Truth Survives Free Speech , N.Y. Times, Dec. 11, 2011, at B1." - See Case; 12-35238, Ninth Circuit Appeals Court, ID; 8961401, DktEntry 48."

On March 5th 2014, (Appendix B) Filed order (ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ) The panel unanimously voted to deny Crystal Cox's petition for panel rehearing. Fed. R. App. P. 35. The petition for panel rehearing and the petition for rehearing en banc are DENIED. [9003449] [12-35238, 12-35319] (BJB)

The opinion of the United States district court appears at Appendix D to the petition is reported at Dkt Entry 95, Obsidian v. Cox, DC; "OPINION: Based on the evidence presented at the time of trial, I conclude that plaintiffs are not public figures, defendant is not "media," and the statements at issue were not made on an issue of public concern. Thus, there are no First Amendment implications. Defendant's other defenses of absolute privilege, Oregon's Shield Law, Oregon's Anti-SLAPP statute, and Oregon's retraction statutes, are not applicable. See 13-page opinion

attached. Signed on 11/30/2011 by Judge Marco A. Hernandez. Copy of opinion mailed and emailed to defendant. (mr) (Entered: 11/30/2011)”

TABLE OF CONTENTS

Questions Presented	Page 2
Parties	Page 3
PETITION FOR A WRIT OF CERTIORARI	Page 4
Opinions Below	Page 4
Jurisdiction	Page 12
Statutory Provisions and Regulations Involved	Page 7
Statement of the Case	Page 7
Conclusion	Page 13

APPENDIX

A - January 17th, (9th Cir. 2014) Ninth Circuit Ruling Stating Extortionate Language; Obsidian v. Cox, Ninth Circuit Case Number; 12-35319; D.C. No. 3:11-cv-00057- HZ.

B - Denial of Motion to Rehear; On March 5th 2014, DENIED. [9003449] [12-35238, 12-35319] (BJB)

C - Denial of New Trial, Dckt Entry 123, “OPINION & ORDER: Defendant's motion for new trial 105 is denied; Also included Extortion, Criminal allegations by District Court Judge.

D - Lower Court Ruling; Dkt Entry 95, Obsidian v. Cox, DC; “OPINION

E - Motion to Rehear, Eugene Volokh Attorney, January 31, 2014; Ninth Circuit: 12-35238; ID: 8961401 DktEntry: 48

TABLE OF AUTHORITIES

Due Process of Law

Cassel, Douglass W., Jr. 2003. "Detention Without Due Process." *Chicago Daily Law Bulletin* 149 (March 13).

Israel, Jerold H. 2001. "Free-Standing Due Process and Criminal Procedure: the Supreme Court's Search for Interpretive Guidelines." *Saint Louis University Law Journal* 45 (spring).

Pennock, J. Roland, and John W. Chapman. 1977. *Due Process*. New York: New York University Press.

Allgeyer v. Louisiana, 165 U.S. 578, 17 S. Ct. 427, 41 L. Ed. 832

In *Gitlow v. New York*, 268 U.S. 652, 45 S. Ct. 625, 69 L. Ed. 1138 (1925), the Court ruled that the liberty guarantee of the Fourteenth Amendment's Due Process Clause protects First Amendment free speech from State Action. In *Near v. Minnesota*, 283 U.S. 697, 51 S. Ct. 625, 75 L. Ed. 1357 (1931), the Court found that Freedom of the Press was also protected from state action by the Due Process Clause, and it ruled the same with regard to freedom of religion in *Cantwell v. Connecticut*, 310 U.S. 296, 60 S. Ct. 900, 84 L. Ed. 1213 (1940).

Sacramento v. Lewis, 523 U.S. 833, 118 S. Ct. 1708, 140 L. Ed. 2d 1043 (1998)

GIDEON V. WAINWRIGHT, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963)

In 2002, the Court found that arbitrary actions by a trial judge in a murder case violated the due process rights of the defendant (*Lee v. Kemna*, 534 U.S. 362, 122 S. Ct. 877, 151 L. Ed. 820 [2002]).

Criminal Procedure

Arkin, Marc M. 1992. "Rethinking the Constitutional Right to a Criminal Appeal." *University of California at Los Angeles Law Review* 39.

Israel, Jerold H., Yale Kamisar, and Wayne R. LaFare. 1993. *Criminal Procedure and the Constitution: Leading Supreme Court Cases and Introductory Text*. St. Paul, Minn.: West.

PMBR. 1993. "Criminal Procedure." *Multistate Workbook*. vol. 2. *Multistate Legal Studies*.

Sonneborn, Liz. 2004. *Miranda v. Arizona: The Rights of the Accused*. New York: Rosen.

Tomkovicz, James J. 2002. *The Right to the Assistance of Counsel: A Reference Guide to the United States Constitution*. Westport, Conn.: Greenwood Press.

Constitutional and Statutory Provisions Involved

22 U.S. Code, Human Rights

28 U.S. Code, Human Rights

42 U.S. Code

42 U.S.C. 1983

42 U.S.C.A. § 1983

Due Process Clause of the Fourteenth Amendment.

38 U.S.C.

First Amendment of U.S Constitution

REASONS WHY THIS WRIT SHOULD ISSUE

To establish firm guidelines for all district court, judges and appellate courts that it is not constitutional, ethical nor lawful to render rulings that accuse litigants of criminal activity of which they have not had due process of law in regard to.

To guarantee the rights, liberty, equality, freedom, due process rights, and free speech rights under the U.S. Constitution for all citizens, pro se litigants, anti-corruption bloggers, citizen journalists and whistleblowers alike.

To guarantee the First and Fourteenth Amendment rights of all.

To guarantee the rights of due process and the Bill of Rights to all.

To end extreme prejudice by local, state, and federal judges whom use their power and position to silence, intimidate, suppress speech, bully, paint in false light, slander and defame litigants who expose corruption in the judicial system and of whom they have extreme prejudice in regard to.

STATEMENT OF THE CASE

This case involves wrongful, non-adjudicated allegations of criminal conduct made by Ninth Circuit Judges ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ against Petitioner, Defendant Cox and clearly violating her constitutional rights, human rights, and rights to due process, as a matter of law.

ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ Stated that Petitioner Cox;

" has a history of making similar allegations and seeking payoffs in exchange for retraction."

Which thereby leads the public at large, media and the lower court in her pending \$10 Million dollar Civil Case, to believe that Cox has been under investigation by authorities and found guilty of the crime of extortion or blackmail. As it is ILLEGAL to make allegations and seek a payoff to retract those allegations.

Cox prays this Court orders the Ninth Circuit to redact the above statement.

Petitioner Cox alleges that it is not fair, ethical, equitable in rights, constitutional, nor appropriate as a matter of law and rules of procedure for Ninth Circuit judges or District Court Judges to state unrelated allegations, rumor and speculation in an esteemed higher court ruling, that is published to the world and affects the life of Petitioner forever, as well as affects all whistleblowers, citizen journalists and anti-corruption bloggers like her.

Petitioner Cox alleges that it is an abuse of power and process, and an extreme violation of her human and civil rights, for Judges to use hearsay and rumors as adjudicated fact in an esteemed, higher court process, and to seek revenge, retaliate, and use extreme prejudice against Petitioner and litigants like her by using a prestigious court ruling to paint Petitioner in false light, slander and defame Petitioner and cause her a lifetime of irreparable harm.

Petitioner alleges that it is the duty of Ninth Circuit judges to report anyone they deem a danger to the public. If ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ believe Cox to have a history of extortionate or blackmailing conduct, then it is their duty as public servants to order a criminal investigation by the proper authorities and it is NOT their duty, nor legal right to simply, flat out state, that Cox has a history of these criminal actions and thereby defame and slander Cox and put her under extreme prejudice as she heads back to the lower court Pro Se to face a \$10 Million dollar civil court proceeding. Petitioner and bloggers, whistleblowers, citizen journalists like her, face extreme prejudice in the courts, as they are oftentimes exposing judges, attorneys and people in powerful positions such as CEO's and Politicians.

This court ruling, essentially gives the rights to all Judges at every level of our court system, and essentially all institutional press “traditional journalists” to simply accuse litigants of crimes, activities, or unethical behavior, based on gossip and hearsay of an institutional press journalists such as Kashmir Hill of Forbes or David Carr of the New York Times, and have that be stated in a Ninth Circuit ruling as adjudicated fact.

Petitioner alleges that it violates her constitutional rights and the rights of those who engage in the same online activity as her, for Judges to essentially take “pot shots”, add in gossip and hearsay into a ruling and thereby slander, defame and ruin the life of the litigant. Especially in cases such as the petitioner where she faces a retrial in a \$10 million dollar civil case where she is indigent and cannot afford an attorney and this criminal accusation prejudices her lower court ruling before the trial even begins.

Petitioner alleges that allowing Ninth Circuit judges to state arbitrary allegations and accusations in authoritative higher court opinions, will potentially chill the online speech of all bloggers, whistleblowers, citizen journalists. As they will fear the same thing happening to them.

This is a critical first amendment issue. And a critical issue of due process laws, the fourteenth amendment, civil rights and human rights.

Petitioner alleges that she has a constitutional right to due process in the criminal justice system and that it violates her constitutional rights for higher court, esteemed judges to rule on matters of her alleged criminal activity BEFORE she has been adjudicated or under investigation by the proper courts and legal procedure in the criminal justice system.

These accusations by Ninth Circuit judges prejudice the litigants such as petitioner in the re-trial at the D.C. level and put them under extreme prejudice in all matters of their life, even things as simple as renting a home or getting a job. Those researching litigants such as petitioner find a higher court ruling, issued by esteemed judges in a powerful position of which the public at large deems to be of the utmost authority, in which accuses the litigant of criminal activities, of extortionate behavior. This is a violation of Petitioners rights of due process and constitutional rights, as she now faces extreme prejudice, hate, inequality and duress in all aspects of her life. She is deemed a criminal, when she has not had due process in the criminal justice system. This precedence now makes it so that judges everywhere can do this same thing to essentially punish, retaliate against whistleblowers, citizen journalists and anti-corruption bloggers.

Does Petitioner, Defendant, Litigants in a Civil Case have a Human Right, Constitutional Right, and right under U.S. Code to be Considered Innocent until Proven Guilty? Petitioner alleges that she has a constitutional right for it to be proven, as a matter of law, "beyond a reasonable doubt" that she is guilty of a crime, before Judges are allowed, by law, to state those allegations in a court ruling, a court opinion.

Beyond a reasonable doubt is the highest standard of proof that must be met in any trial. In civil litigation, the standard of proof is either proof by a preponderance of the evidence or proof by clear and convincing evidence. There was neither in the Ninth Circuit appeal of Obsidian v. Cox.

Petitioner Cox alleges that Judges must have "Clear and Convincing Proof" beyond a reasonable doubt BEFORE they are, by law allowed to state such allegations in a higher court ruling.

Cox was not on trial for crimes or civil matters involving allegations, investigations or even a cause of action regarding posting content or allegations of others online and then seeking a payoff to remove those allegations, (aKa Extortion or Blackmail). Cox was on trial for defamation, and that this was the only cause of action. There was no "seeking a payoff" to remove allegations, as a material factor of Obsidian v. Cox nor a factor in this case what so ever, therefore it was not a matter of record and cannot legally be brought into the Ninth Circuit proceeding, and certainly not, as a matter of law and constitutional rights, be stated in a Ninth Circuit court of appeals ruling, opinion.

Petitioner Cox alleges that her Due Process of Law, Fourteenth Amendment Rights, and her rights under the Bill of Rights, have been violated by Judges accusing her of criminal activity in rulings / opinions in civil cases of which these crimes have nothing to do with. Cox alleges this is retaliation for her exposing corruption that involves judges, and people with financial and political power.

Petitioner Cox alleges that she has a fundamental, constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceedings and an opportunity to be heard before the government acts to take away one's life, liberty, or property. Yet Cox was not given notice of the crimes alleged, nor a way to present her side. Cox was not given due process, as a matter of law and constitutional rights and Cox has thus lost her life as she knew it, her liberty and has lost personal property in this matter.

The due process clause of the Fifth Amendment asserts that no person shall "be deprived of life, liberty, or property, without due process of law." This amendment restricts the powers of the federal government and applies only to actions by it. Petitioner Cox was not given due process, and was simply ruled guilty of criminal activities, with a New York Times article as material evidence in the matter and was thereby "deprived of life, liberty, or property, without due process of law."

The Due Process Clause of the Fourteenth Amendment, declares, "[N]or shall any State deprive any person of life, liberty, or property, without due process of law" (§ 1). Yet petitioner Cox was not given due process in the criminal justice system nor has Cox been adjudicated for or even under investigation for the crime of extortion, yet high court judges accused Cox of extortionate behavior in a ruling of a civil case, a defamation case, unrelated in it's material fact, evidence

and testimony to the crime of extortion and to of having “a history of making similar allegations and seeking payoffs in exchange for retraction.”, which is essentially the felony crime of blackmail, or extortion.

The Due Process Clause of the Fourteenth Amendment has also been interpreted by the U.S. Supreme Court in the twentieth century to incorporate protections of the Bill of Rights, so that those protections apply to the states as well as to the federal government. Thus, the Due Process Clause serves as the means whereby the Bill of Rights has become binding on state governments as well as on the federal government.

The Due Process Clause of the Fourteenth Amendment is intended to protect individuals such as Petitioner from arbitrary actions by state as well as federal governments, which includes the arbitrary actions of an esteemed higher court judicial panel in accusing petition and future litigants like her, of criminal activity of which was not a material factor in her case, and was simply hearsay by a traditional journalist of the institutional press, in this case a New York Time journalist, David Carr.

Due process requires that the procedures by which laws are applied must be evenhanded, and in this case there was severe prejudice and inequality and Cox has thereby suffered harm, and wishes this court to remedy this ruling to protect future anti-corruption bloggers, citizen journalists and whistle blowers such as herself.

Petitioner Cox alleges that, under 42 U.S.C.A. § 1983, and other human rights and civil rights laws, and constitutional amendments, that the actions of these judges deprived her of "fundamental fairness" and of Civil Rights under the Due Process Clause. And now has the potential to do so to ALL future anti-corruption bloggers, citizen journalists and whistle blowers such as herself. And with this gives far reaching, unconstitutional powers to the institutional press and traditional journalists to publish gossip, hearsay and allegations and have Ninth Circuit judges and judges across the land, use these traditional journalists “opinion”, “writings”, “allegations” as adjudicated facts, hard and fast evidence, and sworn testimony that gives them the right to issue opinions and rulings that flat out accuse litigants such as petitioner of criminal activity of which they have not had due process of law in regard to.

The Bill of Rights contains provisions that are central to procedural due process. These protections give a person a number of rights and freedoms including the right to be told of the crime being charged; the right to cross-examine witnesses; the right to be represented by an attorney; freedom from Cruel and Unusual Punishment; and the right to demand that the state prove any charges Beyond a Reasonable Doubt. Petitioner Cox was deprived of these rights, as Judges simply portrayed to the world she was guilty of criminal acts without having due process and without being told of the crime being charged; the right to cross-examine witnesses; the right to be represented by an attorney; freedom from Cruel and Unusual Punishment; and the right to demand that the state prove any charges Beyond a Reasonable Doubt.

The Decision of the Ninth Circuit to allow statement of non-adjudicated criminal accusations to be put into a ruling in a civil case, whereby the litigant has not had due process for those allegations is Clearly Incorrect.

Ninth Circuit Judges ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ erred in stating that Cox had a history of these criminal activities and erred in stating the New York Times as their evidence of fact and material facts of law.

Petitioner Cox alleges that Ninth Circuit Judges do not have a lawful, constitutional right to issue an opinion on criminal allegations in a civil case in which the criminal allegation is not a matter of record in the lower court, has not been adjudicated and is not a material factor of the case.

Petitioner Cox alleges that she was denied a legal right to due process of law in this ruling that slandered and defamed her, and painted her in false light, thereby affecting the rest of her life.

Petitioner Cox alleges that Ninth Circuit Judges ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ did not find Cox guilty of these allegations beyond a reasonable doubt nor did they adjudicate Cox, charge Cox with these allegations nor use adjudicated facts in issuing their judicial authority (opinion), (ruling). And that it was an error to rule that Cox had a history of such criminal actions when Cox was not allowed due process and constitutional rights regarding these allegations.

Petitioner Cox alleges that Ninth Circuit Judges ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ violated her Fourteenth Amendment Rights, Bill of Rights and Due Process of Law Rights by alleging Cox committed these criminal actions of which she had not been charged by a lower court nor the criminal justice system, as a matter of law.

Petitioner Cox alleges that Ninth Circuit Judges ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ prejudiced her substantial rights, and this was not a harmless error as Cox now faces extreme hate, prejudice, slander and defamation and has a other judicial proceedings that are now prejudiced against her.

If Ninth Circuit Judges ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ believed Cox to have committed theses Criminal acts, they SHOULD go through due process of law. Judges are NOT above the law.

JURISDICTION

The date on which the U.S. Court of Appeals decided my case was January 17th, 2014 and da timely petition for rehearing was denied by the U.S. Court of Appeals on On March 5th 2014.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1)

CONCLUSION

I Pray that this esteemed panel, this court, send a clear message to the Ninth Circuit, and essentially all Appellate Judges and all judges across our court system, that it is not ok, not ethical, not constitutional nor lawful to ad lib, make criminal allegations, introduce new case information into the appeal process, slander and defame litigants, and abuse the power of their process and esteemed role to retaliate against whistleblowers, citizen journalists, and anti-corruption bloggers in every town in the United States and essential the world.

The Obsidian v. Cox, Ninth Circuit ruling is known well, worldwide and is the most prominent case to date of a blogger making a court rule on whether a blogger has rights equal to a journalist when it comes to the First Amendment, Shield Laws, Retraction Laws and Free Speech Rights. This is a massive human rights and civil rights issue, as now all who expose corruption and break news, report on what is really happening in small towns, big cities and essential everywhere, have the same rights in the courtroom as does traditional journalists and the institutional press aka big media.

Therefore it is imperative that this ruling does not be tainted with giving those same traditional journalists of the institutional press, super powers to have that same blogger alienated, outcast, painted in false light, prejudiced in other court proceedings, and have the world at large believe them to be a criminal and therefore not taken serious that in which they are exposing or reporting on.

This ruling that gave equality, seemed to have took it away in the very same ruling.

Petition Cox has NEVER, not even once in her life, posted anything online with the intention of seeking a payment for a retraction. Cox has NEVER asked for money to remove anything she has posted online, and yet Ninth Circuit Judges ARTHUR L. ALARCON, MILAN D. SMITH, JR. and ANDREW D. HURWITZ are claiming, in a Ninth Circuit ruling that Cox has a “History” of doing such actions, seriously criminal, unconstitutional and unethical action. As if Cox has a pattern and history of illegal, unethical behavior, of which there is NO History or Pattern. If these judges are allowed to put these unsubstantiated, unadjudicated, extremely biased and prejudice criminal allegations into a ruling in a civil case, then this will chill the speech of those in the future wishing to, wanting, or trying to expose corruption in their area of expertise, town, or state.

In Truth Petitioner Cox has dedicated her life, lost everything and been under extreme threats, retaliation, and extreme prejudice for nearly a decade, all because she did the right thing and stood up for others, for strangers and used her internet marketing skills to give voice to the victims of corrupt detectives, county commissioners, judges, cops, politicians, real estate companies, banks, finance companies, and victims of human trafficking, pedophilia, rape, and severe abuse.

Cox was RULED guilty of a crime of which she was not on trial for, was not adjudicated for and was not under investigation for. A crime that was NOT a material factor in Obsidian Finance Group v. Crystal Cox. It is not legal, due process, nor constitutional for these judges to have stated these false, unadjudicated allegations.

Petitioner respectfully request that the Ninth Circuit Court amend its opinion to withhold the sentence that now says, Cox apparently has a history of making similar allegations and seeking payoffs in exchange for retraction. See David Carr, When Truth Survives Free Speech , N.Y. Times, Dec. 11, 2011, at B1. A judicial assertion of misconduct by a named person, even a judicial assertion modified with the word “apparently,” could be based on the record in a case, or on authoritative findings by another court. But it ought not be based on a newspaper column, which was written without the benefit of cross-examination, sworn testimony, or the other safeguards of the judicial process. The claims in the columnist’s assertion are neither facts found by a factfinder nor facts subject to judicial notice under Fed. R. Evid. 201.

Adding this statement to the Obsidian v. Cox ruling dated January 17th, 2014 is Legally Flawed and Has Far-Reaching Consequences, and is thereby Warranting Review in This Case.

This issue affects all who are reporting news, all citizen journalists, all victims of corruption at every level and all whistleblowers. If a Ninth Circuit panel can rule that any individual has committed crimes without that person having been investigated or given due process for those allegations, and use a New York Times article as evidence of those crimes, then this potentially affects every citizen in the United States and is a very important issue for all lawmakers, citizens, and the judicial process as a whole.

The Court should grant the petition.

Respectfully submitted,

Reverend Crystal L. Cox,

Pro Se
PO Box 2027
Port Townsend, WA

April 8th, 2014

No. _____
IN THE
SUPREME COURT OF THE UNITED STATES

PETITIONER, Crystal L. Cox, Pro Se

VS.

Obsidian Finance Group

PROOF OF SERVICE

I, Crystal L. Cox, do swear or declare that on this date, April 8th, 2014, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Clerk of the Supreme Court
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543-0001

AND

eMailed to Opposing Counsel at
david.aman@tonkon.com
robyn.aoyagi@tonkon.com
steven.wilker@tonkon.com

I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 8th, 2014