IN THE 21 JUDICIAL CIRCUIT, St. Louis COUNTY, MISSOURI

2023 OCT 16 PM 4:17

RECEIVED

Judge or Division: Jason Dodson Div 6	Circuit Court Case Number: 22 21SL-CC01747	
Plaintiff/Petitioner: Michelle M Dickerson	Appellate Court:	☐ Filing as an Indigent
	Date of Judgment/Decree/Order: (ATTACH A COPY)	Court Reporter:
vs.	Date Post Trial Motion Filed:	☐ Sound Recording Equipment
Defendant/Respondent: Childrens Division Cynthia Newborn	Date Ruled Upon:	The Record on Appeal will consist of: ___ Legal File only or ✓ Legal File and Transcript

(Date File Stamp)

Notice of Appeal to Missouri Court of Appeals - Civil

District: ☐ Western ☑ Eastern ☐ Southern

Notice is given that Michelle M Dickerson appeals from the judgment/decree/order entered in this action on 08/26/22 (date).

Appellant's Name (If multiple, list all or attach additional pages) Michelle M. Dickerson	Respondent's Name (If multiple, list all or attach additional pages) (Partys) Attached Cynthia Newborn
Address 135 Duquette lane Florissant, Missouri 63033	Address 180 Windcrest Rd Malvern Arkansas 72104
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) N/A	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) see Attorneys + partys Attached →
Address N/A	Address see the addresses of Partys attached
E-mail Address michelled738@gmail.com	E-mail Address cdnewborn@sbcglobal.net
Telephone (314) 736-8196	Telephone 1+(501) 467-4231

Brief Description of Case (May be completed on a separate page)

See brief description on next page → Attached

Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)

see Issues to be raised next page → Attached

Docket Fee Information

☐ The docket fee in the amount of $70.00 is being tendered with this notice of appeal.

☐ No docket fee is being tendered because:

☐ a docket fee is not required by law pursuant to _____ (cite specific statute or other authority).

☑ a motion to prosecute the appeal in forma pauperis has been or will be filed.

☐ a docket fee in the amount of $70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant	Date
Michelle L Fitcherson	10/16/2023

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on _____ (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

_____

_____

_____

_____
Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by ☐ regular mail ☐ registered mail ☐ certified mail ☐ facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

_____

_____

_____

_____

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, _____ District.

☐ Docket fee in the amount of $70.00 was received by this clerk on _____ (date) which will be disbursed as required by statute.

☐ No docket fee was received.

_____
Date

_____
Clerk

Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name Cynthia Newborn Intervenor	Attorney Name William Grant
Address 180 Winderest Rd	Address 7733 Forsyth Blvd Suite 1850
City, State, Zip Code Malvern Arkansas 72104	City, State, Zip Code St. Louis Missouri 63105
	E-mail Address billg@mgmlawfirm.com
	Telephone (314) 721-6677
Party Name Tina Nugent / Hannah Meis (Bringing Families Together)	Attorney Name Jennifer Hoffman
Address 7151 N Lindbergh Blvd	Address 185 South Central Avenue
City, State, Zip Code Hazelwood Missouri 63042	City, State, Zip Code Clayton Missouri 63105
	E-mail Address
	Telephone
Party Name Every Childs Hope Orphanage (Staff)	Attorney Name Crista Beracha
Address 8240 St. Charles Rock Rd, St. Louis MO	Address 2004 Parkridge Ave St. Louis, Missouri
City, State, Zip Code St. Louis Missouri 63114	City, State, Zip Code 63144
	E-mail Address cristaberachaa me.com
	Telephone
Party Name Michael Dicherson	Attorney Name Marshall Hoehel
Address 8115 Appleton Drive	Address 5 plant Ave #2
City, State, Zip Code St. Louis, MO 63130	City, State, Zip Code St. Louis missouri 63119
	E-mail Address mhoehel@gmail.com
	Telephone

See Attached for other Partys + attorneys

Cynthia Newborn

180 Windcrest Rd Malvern Arkansas 72104

William Grant

7733 Forsyth Blvd suite 1850, St.louis, MO

Jennifer Hoffman
105 South Central Avenue, Clayton, MO 63105

Crista Beracha
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5 plant Ave #2 St.louis MO 63119

April Moore

4814 Colony Church Rd Apt 2 Saint Louis MO

Tina Nugent
7151 N Lindbergh blvd, hazelwood MO 63042

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CYNTHIA NEWBORN
180 WINDCREST DR. MALVERN ARKANSAS 72104

GUARDIAN AD LITEM
WILLIAM P GRANT
DIVORCE LAWYER
7733FORSYTH BLVD
SUITE 1850,ST.LOUIS
MO 63105

Foundation for Change
3115 South Grand Blvd
Suite 450 st.louis, Mo 63118

Good Shepherd foster Care
1340 Partridge Avenue
St.louis, Mo 63130q

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Electronically Filed - St Louis County - January 10, 2023 - 02:46 PM

STATE OF MISSOURI)
) SS.
County of St. Louis)

IN THE
FAMILY COURT
COUNTY OF ST. LOUIS, MISSOURI

IN THE INTEREST OF	)	DIV 10
	)	
JAHVEL DICKERSON	)	No. 18SL-JU00538
WANDA DICKERSON	)	No. 18SL-JU00537
	)	

MOTION TO TERMINATE JURISDICTION

Comes now the Juvenile Officer, by and through the undersigned counsel, and moves that the Court terminate jurisdiction over the said juveniles for the reason that the juveniles were adopted through Cause No. 21SL-JU00190 and permanency has been achieved.

Permanency Review Hearing set on 13-APR-2023 is cancelled.

Case Closed. Costs waived.

/s/ Alex Martinez
Attorney for the Juvenile Officer

67472
Missouri Bar Number

01/10/2023
Date Signed

SO ORDERED:

Judge Dodson Division 10
January 13, 2023

Cc: All parties of record.

VREC10 05/2015

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Michelle Dickerson, Mother, went to family court to request information as to why her parental rights had been taken away and why.

The court clerk advised that a form had to be completed to ask the judge to release the information.

09/2023, Ms. Dickerson received mail at her home stating that her rights were terminated without a court order. M. Dickersons' position is that inaccurate data, inaccurate information and insufficient evidence was used to prove her incompetent.

09/2023 Ms. Dickerson attempted to obtain birth certificates for her two young children, Wanda and Jahvel. During this attempt, she learned that the 'Bringing Families Together,' arranged for these two children to be adopted without her knowledge and due process.

Vital Records in St. Louis Missouri denied the mother of birth certificates for two younger children Wanda and Jahvel Dickerson

Through vital records of Jefferson City of Missouri the mother was able to obtain live certificates of births for herself, Rodney and Darnell Dickerson, but only copies for Wanda and Jahvel due to the unknown adoption. Mother was able to have ownership of affidavit authenticated and approved by the state of Missouri

08/14/2020, Ms. Dickerson has been prevented from knowing the whereabouts of the children and prevented from any method of contact. Ms. Dickerson was placed on a No-Contact Order and was given no documentation to support that Order.

09/2023, Grandfather, Mr. Thomas Dickerson, called Every Childs Hope Organization/Orphanage to speak to his Grandson, Darnell Isaiah Dickerson. Mr. Thomas Dickerson was told that Darnell was no longer living at Every Childs Hope and they (Every Childs Hope) would not release information on the whereabouts of his Grandson.

05/17/2022, Attorney Marshall Hoekel was representing Ms. Dickerson, the Mother. Attorney Hoekel did not complete any motions to reunify Ms. Dickerson with her children; nor did Attorney Hoekel explain the whereabouts of her children nor why she couldn't have contact with them.

5/17/2022, In the trial court Attorney Hoekel displayed a supportive brief to substantiate that Ms. Dickerson was NOT incompetent; finished all required visits and safety plans. However, Children's Division continued to prevent Ms. Dickerson from any contact or information regarding her children.

5/17/2022 Testimony was given by the Children's Division that unexplained money had been taken from Ms. Dickerson.

5/17/2023 Tina Nugent stated after completion of the service plan Tina Nugent refused to reunite children with the mother.

01/2019 to ?? Michael Dickerson was able to make decisions on Darnell Dickerson's placement.

01/2020 Darnell was placed in an orphanage with no reason given to Ms. Dickerson.

Ongoing, Ms. Dickerson has petitioned since the time children were removed from their home without a court order. Ms. Dickerson alleges that her siblings and former Mother-in-law made false statements in

order to gain approval and ability to make decisions for the children, while preventing Ms. Dickerson from doing so.

10/12/2023 Ms. Dickerson hopes to show, by appealing to the Appellate court, that the past findings, orders, judgements and decree(s)of the court are inaccurate, yet were used to terminate her parental rights.

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IN THE FAMILY COURT OF ST. LOUIS COUNTY, MISSOURI

21ST JUDICIAL CIRCUIT

IN THE INTEREST OF: Date: 10/12/2023 Jahvel D.; Rodney D.;

Wanda D.; Darnell L. D. Division: 3/Division 10

Cause No.: 18SL-JU00538; 18SL-JU00539; 18SL-JU00537; 18SL-JU00458

Michelle M. Dickerson

Respondent / Plaintiff

V.S

State of Missouri Division of Family Services (Child Protective Services)

Plaintiff(s) / Respondent(s)

NOTICE OF APPEAL TO

ST. LOUIS COURT OF APPEALS

& TO PROCEED AS INDIGENT ON APPEAL

Comes Now, Respondent / Plaintiff Michelle Dickerson, knowingly, intelligently, and in good faith, before this court, files this Notice of Appeal to the St. Louis Court Of Appeals, by Reference and Statute of the State of Missouri Court Of Appeals Rule 81.01, Appeal Rule 81.12, and Appeal Rule 81.15, on the record of all

court records, discovery, transcripts, Fact Finding Orders, Dispositional Hearing Order, referencing the minor children, and the "Removal of Children" without a Court Order which was performed by the St. Louis Children's Division "Without Judicial Input / Order, and Exigent Circumstances Not Existing for a Removal of any of the Respondent / Plaintiff's Children by reference above."

Dates of Order(s) on Appeal; 8/14/2020, on Appeal from orders dated 8/11/2022, 5/22/2023, 8/22/2023, 9/14/2023, 8/4/2020, 3/12/2020, 11/21/2019, 9/26/2019, 6/4/2019, 2/26/2019, 2/1/2019, 11/14/2018, 11/9/2018 (x2), 11/6/2018, 6/7/2018, 5/16/2018.

The dates of orders aforementioned above which led the 8/22/2023 Judicial Order of **FINDINGS AND RECOMMENDATIONS/ORDER, JUDGMENT AND DECREE, PERMANENCY REVIEW HEARING.**

NOT SCHEDULED UNTIL 09/14/2023.

The Respondent / Plaintiff – Appeals to the St. Louis Court of Appeals, because Ms. Michelle Dickerson has Successfully Completed "All" court ordered services to move to "Reunification" with her 4 children referenced for TPR, and Forced Adoption.

The 8/14/2020 Order states; "IT IS NOT CONTRARY FOR THE CHILDREN TO BE PLACED WITH RELATIVES."

Rodney Dickerson D.O.B 8/17/2003, Child of the Respondent/Plaintiff is placed with the Maternal Grandfather by Court Order. Thomas Dickerson the Maternal Grandfather, who the minor child Rodney Dickerson has been placed with, has by reference & court ordered, "Guardianship" which resides with the Maternal Grandfather since 3/12/2020 and continues to have Guardianship at all times to this day. All other children should be "Removed from CPS" & placed with the Guardianship of the Maternal GrandfatherThomas Dickerson and for the, Emotional, Mental, Psychological well being, which is in the "Best Interest" of all the children to this case.

TPR and Forced Adoption is against President Donald Trump's Executive Order of "Families First Prevention Services Act" of 10/1/2019.

It is also against Parental Constitutional Rights, Civil Rights, that any Government authority or agency that violates the rights of both children & parent open themselves up litigation by reference 42 U.S.C 1983 claim for Deprivation of Rights, violation of Due Process, Integrity & Dignity of the Court free from BIAS, & Prejudicial interference with Parental Constitutional Rights.

The Bio-Mother, Michelle Dickerson's visitations which are being violated; should not be suspended indefinitely due to her Right of Due Process, Equal Protection, and Civil Rights of the Children and Parents that have & continue to be violated by the State of Missouri trial court and Division of Child Services.

It would be in the "Best Interest" of the Children to have reunification with the Respondent/Plaintiff's children while the Children are placed with the Maternal Grandfather Thomas Dickerson, and at all time Thomas Dickerson shall be supervising any and all visitations, with all the children placed with him. All children in Foster Care shall be removed from Foster Care since the Trial Court stated as referenced herein & referenced in it's own order dated 8/14/2020,

"IT IS NOT CONTRARY TO THE BEST INTEREST OF THE CHILDREN TO BE PLACED WITH RELATIVES."

However; the Children's Services Department (Child Protection Services along with the Court) have and continue to hold the Children away from the Plaintiff Mother, and Suspended all visitations against the Constitutional Right to her Parental Fundamental Liberty Interest of her children, as stated by referenced by the United States Supreme Court Justices; "It is cardinal with us that the custody, care, nurture, and control of the child(ren) resides first with the Parent(s)."

MEYER v NEBRASKA

Entwistle v Entwistle 61 ND 2nd, 380, 384-35

Monell v Department of Social Services, 436 U.S. 658, Section 1983 Title 42 of the

United States Code.

14th Amendment of the United States Constitution

"In Peterson v. Rogers, 337, 397, 445, S.F. 2nd 901 (1994), The Supreme Court recognized that parents have a constitutionally protected right to the custody, care, and control of their child, free from interference by local government, or agency." (Accord Bivens v. Cottle, App. 467, 462 S.E. 829 (1995)."

VERIFICATION

STATE OF MISSOURI

COUNTY OF ST. LOUIS

I, Michelle Dickerson, being duly sworn, say that I am the Plaintiff / Respondent on Appeal, Appealing the Orders of this court to the St. Louis Missouri Court of Appeals, proceeding as an Indigent Person. That the foregoing instrument is true to my own knowledge, and belief, except to matters therein stated as to be alleged on information and belief and as to those matters, I believe to be true.

On October 16, 2023

Michelle Dickerson

Print Name

Michelle Dickerson

Signature

Donna S Dancer

(Deputy) Clerk of the Court

Or Notary Public

Subscribed and sworn to before me

DONNA S DANCER
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES SEPTEMBER 27, 2026
ST. LOUIS COUNTY
COMMISSION #94469374

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

MICHELLE DICKERSON,	)	
	)	
Plaintiff,	)	
	)	Cause No. 21SL-CC01747
v.	)	
	)	Division 6
CYNTHIA NEWBORN, et al.,	)	
	)	
Defendants.	)	

DEFENDANT GOOD SHEPHERD FOSTER CARE'S MOTION TO DISMISS

COMES NOW, Defendant, Good Shepherd Foster Care ("Good Shepherd"), by and through its counsel Reichardt Noce LLC, pursuant to Rule 55.27, and for its Motion to Dismiss, states as follows:

1. Plaintiff filed this action sounding in negligence on April 9, 2021, in which she seeks damages allegedly related to Defendants' alleged involvement in having Plaintiff's children removed from their home.

2. Good Shepherd filed a Motion to Dismiss the original "Complaint" for failing to state a proper cause of action, which was granted by this Court on September 2, 2021. In its Order, this Court also granted Plaintiff 30 days to file an amended petition.

3. On September 9, 2021, Plaintiff filed a pleading requesting an extension of "a couple days longer" to allow her time to retain counsel and file her Amended Petition. She then filed a second request for an additional "10-14 days to get proper representation and a completed amended petition." Neither of those requests were ever noticed up for hearing or granted by the Court.

4. Even if said requests had been granted, Plaintiff's deadline to file her amended petition would have been October 16, 2021, at the latest.

5. On October 26, 2021, Plaintiff filed her "Amended Complaint," which was filed out of time and should be dismissed on that basis alone.

6. The "Amended Complaint" attempts to state a negligence cause of action; however, it fails to cure the defects noted in Good Shepherd's previously-granted Motion to Dismiss and should be dismissed for the same reasons previously noted by this Court.

7. Missouri is a fact-pleading state. *Jones v. St. Charles Co.*, 181 S.W.3d 197, 202 (Mo. App. E.D. 2005). A petition must contain a short and plain statement of facts showing that the pleader is entitled to relief. Rule 55.05. The petition cannot merely assert conclusions and in determining whether a petition states a cause of action, a court must disregard conclusions not supported by facts. *Whipple v. Allen*, 324 S.W.3d 447, 459-50 (Mo. App. E.D. 2010).

8. To state a claim for negligence, a plaintiff must plead facts that support each of the following elements: (1) the defendant had a duty to protect the plaintiff from injury; (2) the defendant breached the duty; and (3) the breach was the proximate cause of the plaintiff's injury. *Id*. at 451.

9. In her Amended Complaint, the only fact attributed to Good Shepherd is that it is "an agency/corporation for the State of Missouri…" See Amended Complaint, ¶3. The remainder of the allegations contained in the Amended Complaint appear to be legal conclusions and arguments based upon case law from various federal courts and other state courts regarding parental rights.

10. There are no additional specific facts alleged regarding Good Shepherd that establish a duty owed to Plaintiff, much less suggesting how Good Shepherd specifically breached said duty.

11. Furthermore, Plaintiff's "Amended Complaint" includes a claim for punitive damages which violates RSMo. §510.261.5, which prohibits a party from seeking a claim for punitive damages in an initial pleading in a civil action. Accordingly, in the event the Court does not dismiss the entirety of Plaintiff's claims against Good Shepherd, Plaintiff's claims for punitive damages must be dismissed.

WHEREFORE, Defendant Good Shepherd Foster Care prays this Court grant its Motion and enter an Order dismissing all claims set forth in Plaintiff's Amended Complaint directed to this Defendant, or in the alternative, an order dismissing Plaintiff's claims for punitive damages and for any other relief this Court deems just and proper under the circumstances.

REICHARDT NOCE LLC

By: */s/Matthew H. Noce*
MATTHEW H. NOCE #57883
mhn@reichardtnoce.com
12444 Powerscourt Dr. Ste. 370
St. Louis, MO 63131
314/789-1199
314/754-9795 – Facsimile

Attorneys for Defendant
Good Shepherd Foster Care

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of November, 2021, I electronically filed the foregoing with the Clerk of the Court using the Missouri Courts electronic filing system which sent notification of such filing to all counsel of record with a copy of the foregoing being served via E-Mail and U.S. Mail on Ms. Michelle Dickerson, michelled738@gmail.com, Plaintiff Pro Se, 135 Duquette Lane, Florissant, MO 63033. I further certify that I signed, or caused my electronic signature to be placed upon, the original of the foregoing document.

/s/ Matthew H. Noce

IN THE FAMILY COURT OF ST. LOUIS COUNTY, MISSOURI

21ST JUDICIAL CIRCUIT

IN THE INTEREST OF: Date: 10/12/2023 Jahvel D.; Rodney D.;

Wanda D.; Darnell L. D. Division: 3

Cause No.: 18SL-JU00538; 18SL-JU00539; 18SL-JU00537; 18SL-JU00458

Michelle M. Dickerson

Respondent / Plaintiff

v.

State of Missouri Division of Family Services (Child Protective Services)

Plaintiff(s) / Respondent(s)

MOTION

REQUESTING APPOINTMENT OF APPELLATE ATTORNEY

UPON FILING NOTICE OF APPEAL AS IN FORMA PAUPERIS / INDIGENT

Comes Now, Respondent / Plaintiff Michelle Dickerson, knowingly, intelligently, and in good faith, before this court, files this Motion requesting appointment of Court Of Appeals Attorney on Respondent/Plaintiff behalf as provided by State of Missouri Court of Appeals Rule 24 (a)(4), and United States Constitution 6th Amendment right to Assignment of Counsel. Affidavit referenced is attached.

Date: October 12, 2023 Michelle Dickerson Signature

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On this 16th day of October 2023 comes Michelle Dickerson on motion to

proceed as In Forma Pauperis requesting appointment of Court Of Appeals Attorney, sworn to the truth and accuracy of the Missouri Civil Rules of Procedure to proceed as Indigent / In Forma Pauperis. Ruling on Motion to proceed In Forma Pauperis, must be made within 10 days of this motion.

Sworn before me, comes now Michelle Dickerson to proceed In Forma Pauperis as witnessed before me to the truth and accuracy of this Motion.

Donna S Dancer Dated this 16th day of October, 2023

Notary / Clerk of Court Signature

DONNA S DANCER
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES SEPTEMBER 27, 2026
ST. LOUIS COUNTY
COMMISSION #94469374

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