

**STATE OF MINNESOTA**

**DISTRIC COURT**

**CARVER COUNTY**

**FIRST JUDICIAL DISTRICT**

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Judge Kevin Eide

In the matter of:

Court File No. 10-PR-16-46

**Estate of**

Prince Rogers Nelson,

**Decedent**

## **Writ Of Mandamus**

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### **I.**

On October 05, 2017, I The Plaintiff, Ogeda Lejuan Patrick, filed A Motion For Blood Test of Putative Father To Establish Genetic Paternity in the First District Court of Carver County, Judge Eide's courtroom, in regards to the Prince Nelson Estate matter.

The Motion For Blood Test Of Putative Father To Establish Genetic Paternity was never formally responded to nor was I provided with proof that that the 'decision' was officially entered as a valid court document infringing upon my right to Due Process as provided for by the 14<sup>th</sup> Amendment.

The Minnesota Probate Code provides insight as to whom between a parent-child relationship exists. 'Genetic' in this instance is implied to mean a biological relationship (sharing the same genes).

**524.2-117 PARENT-CHILD RELATIONSHIP WITH GENETIC PARENTS.**

Except as otherwise provided in section 524.2-114, 524.2-119, or 524.2-120, a parent-child relationship exists between a child and the child's genetic parents, regardless of the parents' marital status.

\*\*This statute infers that a parent-child relationship exists between a child and that child's **Genetic Parents Only** and no one else.

**524.2-116 EFFECT OF PARENT-CHILD RELATIONSHIP.**

Except as otherwise provided in section 524.2-119, subdivisions 2 to 5, if a parent-child relationship exists or is established under this part, the parent is a parent of the child and the child is a child of the parent for the purpose of intestate succession.

\*\*This statute infers that a parent-child relationship can be previously established or it can become established, even after death.

**IN RE: ESTATE OF James A. PALMER, Deceased.**

**The Court of Appeals decided that:**

*For purposes of intestate succession, a parent-child relationship may be established by*

*clear and convincing evidence regardless of the time limitation imposed by the Parentage Act.* Respondent, having established his parent-child relationship to Palmer by clear and convincing evidence, is entitled to inherit as his descendent.

**The Supreme Court of Minnesota reviewed the decision of the Court of Appeals, affirming that:**

[T]he Parentage Act and the Probate Code are independent statutes designed to address different primary rights. The purpose of the Parentage Act is to establish “the legal relationship \* \* \* between a child and the child's natural or adoptive parents, incident to which the law confers or imposes rights, privileges, duties, and obligations.” Child support is the major concern under the Parentage Act. The purpose of the Probate Code, on the other hand, is to determine the devolution of a decedent's real and personal property. The different purposes the two statutes serve, help to explain why the Legislature contemplated different periods of limitations for filing claims under those statutes.

And that: "The issue raised by this appeal is whether parentage for the purposes of intestate succession may be established by clear and convincing evidence apart from the Parentage Act and its time limitation on bringing actions to determine paternity. We conclude it may and affirm the decision of the court of appeals.

**257.54 HOW PARENT AND CHILD RELATIONSHIP ESTABLISHED.**

The parent and child relationship between a child and:

- (a) the biological mother may be established by proof of her having given birth to the child, or under sections 257.51 to 257.74 or 257.75;
- (b) the biological father may be established under sections 257.51 to 257.74 or 257.75; or
- (c) an adoptive parent may be established by proof of adoption.

**257.63 EVIDENCE RELATING TO PATERNITY.****§Subdivision 1. Included evidence.**

Evidence relating to paternity may include:

- (1) evidence of sexual intercourse between the mother and alleged father at any possible time of conception;
- (2) an expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;
- (3) genetic and blood test results, weighed in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

(4) medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and

(5) all other evidence relevant to the issue of paternity of the child.

Because it is now well-settled law that the Parentage Act is optional in Probate matters, and furthermore because, *For purposes of intestate succession, a parent-child relationship may be established by clear and convincing evidence regardless of the time limitation imposed by the Parentage Act*, the Plaintiff, Ogeda Patrick, hereby moves that the Special Administrator of the Prince R. Nelson Estate be ordered by this Court to:

- 1) Allow DNA Testing of Plaintiff, Ogeda Patrick and DNA of Putative Father in question, Prince Rogers Nelson, to determine the parent-child relationship. Or,
- 2) Allow medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests to determine the parent-child relationship in accordance with Chapter 257.63 **Evidence Relating To Paternity** of the Minnesota Parentage Act.

