No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL CAINE REDIFER SR.,
PETITIONER,

v.

UNITED STATES OF AMERICA,
RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Pro se

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Questions of Importance.

Does the Rules Enabling Act, 28 USCS § 2071 et seq., preclude a Court from invoking the law of the case doctrine against a defendant in a criminal proceeding, when the law of the case is egregiously in violation of numerous items of Congressional Legislation and/or Supreme Court precedents? Does the Rules Enabling Act, 28 USCS § 2071 et seq., preclude a Court from invoking the law of the case doctrine against a defendant in a criminal proceeding, when an issue being raised is a new issue that was not ruled on in the prior mandate? Should 18 USCS § 6002 be declared Unconstitutional and Kastigar v. United States, 406 US 441 (1972) overruled?

List of Parties

Pursuant to Supreme Court Rule 14.1(b) the following list identifies the parties before the 10th Circuit of Appeals:

1. Michael Caine Redifer Sr. and I am the Defendant-Appellant-Petitioner below. I am also the Petitioner in this action.

2. The United States of America is the Plaintiff-Appellee below and is the Respondent in this action.

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Petition for a Writ of Certiorari.

I respectfully petition this Court for a Writ of Certiorari to review the judgment of the 10th Circuit of Appeals in the opinion below.

Opinion below.

The 10th Circuit's opinion is reported as: United States v. Redifer, 2018 U.S. App. LEXIS 7333 (10th Cir. 2018)(unpublished), see (Appendix A).

Jurisdiction.

The 10th Circuit entered its decison on March 23, 2018, and my rehearing requests got denied on April 16, 2018 (Appendix B). This Court has jurisdiction pursuant to 28 USCS § 1254 and 28 USCS § 2106. The notification requirements under 28 USCS § 2403(a) did not get followed by the lower Courts in connection to the Constitutionality of 18 USCS § 6002.

Constitutional provisions involved.

The Constitutional provisions and statutes are always numerous when every Branch of our Government has usurped its authority. The Constitutional provisions are: Article I, Section 1; Article I, Section 8, Clause 18; Article II, Section 3; Article III, Section 1; Article III, Section 2, Clause 1, Article III, Section 2, Clause 3; Article VI, Clause 2; Article VI, Clause 3 (Appendix C). The provisions provided by Constitutional Amendments are: I Amendment rights to petition the Government to settle grievances; IV Amendment search and seizure rights; the V Amendment's provisions that require every defendant be indicted by a Grand Jury before being held to answer for an infamous crime, the Self-incrimination Clause, and Due Process Clause; the VI Amendment's provisions include the right to a fair trial, Confrontation Clause, and right to assistance of counsel; VIII Amendment provisions that provide protection against cruel and unusual punishment; and the XIV Amendment's Equal Protection Clause (Appendix D). The statutes for these Constitutional provisions are as follows: 18 USCS § 2510(12); 18 USCS § 2511(1)(a); (c)-(d);

18 USCS § 2511(4)(a); 18 USCS § 2518(5); 18 USCS § 2518(7); 18 USCS § 2518(8); 18 USCS § 2518(9); 18 USCS § 3117; 18 USCS § 3504; 18 USCS § 6002; 21 USCS § 841(a)(1), (b)(1)(A)(viii), and (a)(1), (b)(1)(B)(viii); 21 USCS § 846; 21 USCS § 851; 28 USCS § 1654; 28 USCS § 2071; 28 USCS § 2072; 28 USCS § 2073; 28 USCS § 2074; 28 USCS § 2077; 28 USCS § 2106; 50 USCS § 1812; Fed. R. Evid. 104, 402, 702, 801, 803(6), 803(8), 803(22), 804(b)(3), and 1101; Fed. R. Crim P. 41(b)(4), Notes of Advisory Committee on 2006 amendments, Note to Subdivision (b), and Rule 41(e)(2)(C)(ii); and USSG § 1B1.3 (Appendix E).

Statement of the case.

I respectfully request that this Court take Judicial Notice of the documents filed in the lower Courts in this case. Shuttlesworth v. Birmingham, 394 US 147, 156-157 (1969). I also respectfully request that this Court excercise its Constitutional authority to review the record and answer any question that needs to be answered based on the facts of my case. Supreme Court Rule 24.1(a). After all, my case is one of those cases where if this Court were required to rule in my case then I would get an acquittal. I do not base my conclusion on a biased opinion either. This conclusion is based on the facts of my case and how those facts apply to Constitutional Law. So my problem has been getting the legal professionals (Prosecuting authority figures, Judges, defense attorneys) in my case to abide by the Constitution. Thus, my problem is the very definition of an injustice.

I know that Petitioners often declare that they are innocent and that the proceedings in the lower Courts are an injustice. But how often is the Petitioner's best witness a law enforcement officer (hereinafter LEO)? Seriously, the Prosecutor in my case, Terra Morehead, and the Government's case agent, Perry Williams, openly advocated to the Jury that the Jury should not hold it against the Government that I had never been investigated during the 22 month investigation because other defendants in my case also never got

investigated.

> Morehead: "Were there - - and I know Miss Vermillion asked regarding Mr. Redifer. Were there other people other than Mr. Redifer that were charged in which there were no controlled purchases of drugs made?
> D.P.W.: Yes.
> Morehead: And I don't - - I don't necessarily want to know who, but there were?
> D.P.W.: Yes, there were numerous subjects that had been charged in this case that we never purchased anything from.
> Morehead: Were there other people charged in this case who were never involved in any sort of traffic stop?
> D.P.W.: Yes, ma'am.
> Morehead: Were there other people charged in this case who you never saw on any sort of camera device?
> D.P.W.: That would be correct.
> Morehead: Are there other people charged in this case besides Mr. Redifer who you never saw with other individuals associated with this case?
> D.P.W.: Yes, ma'am.
> Morehead: Are there other individuals charged in this case who were charged but never seen in this case?
> D.P.W.: Yes, ma'am." (Doc. #667, SUPPORTING ARGUMENT FOR THE PSR OBJECTIONS--TRACY ROCKERS'S AND MICHAEL QUICK'S CONFESSIONS AND PLEAS WERE INVOLUNTARILY MADE, at 6)(alterations ommitted)(hereinafter (Doc. #667, Supp.)).

This bad-faith argument presented by Morehead and Williams came about because my trial attorney, Debra Vermillion, had made an ineffective attempt at discrediting the Prosecution's methods of investigation. This included Vermillion's questions and Morehead's objection to Williams being compelled to disclose that my name is never mentioned in the 1677 pages of police affidavitts filed during the course of the 22 month investigation and the District Court's erroneous decision to sustain Morehead's objection. Id at 24, n. 17. Moreover, Morehead's and Williams's advocacy for the irrelevant and unreliable methods of investigation conducted by the LEOs, Id at 9-13

(Rule 702 requires that a LEO's conclusions be relevant and reliable); also came after the District Court's abuse of discretion in connection to Williams's conclusions for the reliability of evidence made/seized during the course of the testimonial interview process. And to summarize Williams's irrelevant and unreliable conclusions:

> LEOs must conduct follow-up investigative methods after a person makes an allegation that they and/or another person has violated the law or is going to violate the law. This is due to the fact that a LEO cannot just go out and arrest a person after someone has made an allegation because evidence seized during a testimonial interview process has numerous reliability issues. Id at 14-15.

What makes Williams's conclusions irrelevant and unreliable is the fact the LEOs did not reliably conduct the testimonial interviews in this case and they also did not reliably apply the evidence made/seized during the course of the interviews to the laws surrounding the testimonial interview process.

Indeed the LEOs conducted a 22 month investigation from February 2010 (Rec. v.2 at 694-695); until November 30, 2011, see (Doc. #667, PSR OBJECTIONS, at 12, ¶¶ 45); which led to 9 individuals (Robert Baitey, Jorge Reynoso, Steven Hohn, Michael Quick, Tracy Rockers, Rebecca Zehring, Keith Arney, Ronnie Morelan, Jordan Noble) getting indicted on January 25, 2012, for a conspiracy to possess with the intent to distribute 50 grams or more of methamphetamine, that allegedly existed from June-November 30, 2011 (Rec. Vol.1 at 330). The LEOs then began conducting testimonial interviews with several defendants, and the dates of their first interrogation are as follows: Kerry Randall's on December 16, 2011 (Rec. v.2 at 1997)(Randall's first interrogation occurred before the originally charged conspiracy being filed, but he did not get indicted in the original charge); Baitey's on February 1, 2012, Id at 979-980; Quick's on March 20, 2012, Id at 2379; Rockers's on March 21, 2012, Id at 1051-1052; Zehring's on March 30, 2012, Id at 1182; and Jessica Newcome's in April 2012, Id at 279. Four other individuals (Jerry McAfee, Gretchen Roman, Jordan Noble, Troy Hudson) would also later testify, but when their first interrogation occurred has never been revealed. The LEOs then took the evidence seized during the course of the 22 month investigation and the hearsay statements made/seized during the course of the testimonial interrogations and filed a 2nd Superseding Indictment on May 22, 2012, that charged the originally charged defendants and 6 new individuals (me, Randall, Gregory Renft, Daniel

Reynoso, Danny Marlin, Dustin Cook) to have conspired from October 2010, to November 30, 2011, to possess with the intent to distribute 50 grams or more of methamphetamine (Doc. #84).

As far as the evidence in connection to my falsely accused conduct at the time of my indictment is concerned, the evidence consists of an extrinsic prior state conviction (Rec. Vol.1 at 167-169); that Williams admitted is completely "unrelated" to the investigation (Doc. #638, at 19); and testimonial confessions by Randall, Quick, Rockers, and McAfee. The hearsay statements made by these individuals are completely physically uncorroborated and the LEOs did not conduct any follow-up investigative methods to substantiate the hearsay statements other than to unlawfully indict me.

> Vermillion: "But not corroborated by independent police investigation, being the surveillance, the trashings, the search warrants, those kinds of things?
> D.P.W.: No ma'am.
> Vermillion: Is that correct?
> D.P.W.: Correct." (Doc. #667, Supp., at 15, n. 7)(alterations ommitted).

The hearsay statements are also completely verbally uncorroborated. Indeed before my indictment, Randall alleged that I had been selling methamphetamine for Baitey, but Randall would later deny making the allegation. See (Doc. #638, at 16). Quick alleged to have a coded business record that listed sales to me on 5/21 of an undetermined year under the code-name Redwood, sales to me in Sept.-Oct. 2010, and that I owed him $2500. See (Doc. #667, Supp., at 106-107). Rockers alleged that she purchased two 1/2 ounce quantities of methamphetamine from me in Nov.-Dec. 2010, with the second falsely accused transaction occurring at Quick's house, which Quick made a somewhat similar false allegation, but Quick alleged that the falsely accused transaction occurred in October 2010, and Quick also alleged that after that transaction he sold to Rockers exclusively. Id at 74. I do not have a record of McAfee's allegations made during his interrogations, but during the course of my trial

he testified that he has no knowledge of me ever selling methamphetamine. See (Doc. #638, at 34). The LEOs also possessed Randall's, Quick's, Rockers's, and other people's hearsay statements in connection to an extrinsic, uncharged incident, see United States v. Booker, 543 US 220 (2005)

> (Applying Apprendi v. New Jersey, 147 L. Ed. 2d 435 (2000) and Blakely v. Washington, 542 US 296 (2004) to Federal cases, which require that any fact in dispute against a defendant be charged in the indictment, presented to the Jury, and proven beyond a reasonable doubt);

where Greg Price died of unkown causes (Rec. V.2 at 82-214)(The District Court suppressed the hearsay statements in connection to Price's death pretrial, Id at 216-219; but still abused its discretion by imposing two sentence enhancements for the incident during my sentencing hearing. See (Doc. #667, PSR OBJECTIONS, at 16, ¶¶ 66)). So the Prosecution's evidence against me at the time of my indictment consists of completely uncorroborated hearsay statements, thus the Prosecution's methods of investigation are unreliable.

> After all, "the cooperating individuals proffered these statements after each of the cooperating individuals were arrested or caught or been in some type of trouble, and were trying to get out of trouble. So there was no way for the LEOs to learn more by sorting out the good information from the bad information, because it is impossible to substantiate the information when the conspiracy's alleged objectives have terminated. Moreover, when one co-operating co-defendant says one thing, and then other cooperating individuals stories are totally different, then all of the information being proffered is obviously bad information. Especially when there is nothing to support what the co-operating co-defendants have asserted and the LEOs are orchestrating the production of the information". (Doc. #667, Supp., at 15) (quotation marks ommitted).

What all this means is the evidence is inadmissible during a trial under Fed. R. Evid. 801(d)(2)(E)'s technical during and in furtherance requirements and Rule 801(d)(2)'s independent evidence requirements (Appendix E, at 9). This is due to this Court's Rule that a

> "confession or admission by one co-conspirator after he has been apprehended is not in any sense a furtherance of the criminal enterprise. It is rather a frustration of it. ... So far as each conspirator who confessed was concerned, the plot was then terminated. He thereupon ceased to act in the role of a conspirator. His admissions were therefore not admissible against his erstwhile fellow-conspirators." Fiswick v. United States, 329 US 211, 217 (1946).

So according to Williams's own conclusions for the facts and law surrounding testimonial interviews and the simplest Rule of Evidence in existence,

> the LEOS "had no basis in experience for the confidence in the reliability of" the hearsay statements made by my co-defendants. Wong Sun v. United States, 371 US 471, 480-481 (1963). "Thus" the convictions and indictment "must be set aside for lack of competent evidence to support" them. Id at 488-491.

I hope this Court noticed something that every legal professional is required to notice about the Prosecution's evidence, and that is the testimonial confessions made by my co-defendants are unquestionably involuntarily made. But the unlawful circumstances get worse because the involuntary confessions also got directly unlawfully compelled by the Prosecution's disclosure and use of multiple forms of unlawfully intercepted electronic surveillance. The several times over unlawfully compelled, completely uncorroborated involuntary confessions made by my co-defendants are also immunized, and ever-changing, but the United States Federal Government has still unlawfully used the several times over Constitutionally barred evidence as its only source of evidence to prove the existence of the unlawfully charged conspiracy. To top it all off, this was my second appeal before the 10th Circuit, so there has been nothing but egregious usurpations of authority by the legal professionals in my case.

As far as my first appeal is concerned, the first appeal arose after an Unconstitutional 10 day trial and two days of sentencing hearings, where I got Unconstitutionally sentenced to 30 years in prison. During my first appeal, Vermillion failed to advocate my case based on my requests and the true facts of the Prosecution's evidence and how those facts apply to Constitutional Law. This ineffective counsel caused me to request that she be removed from my case and that her obstructionist brief be disregarded because she was not abiding by my requests, which includes how when she presented her arguments she unlawfully conceeded my guilt. In response, the 10th Circuit removed Vermillion

from my case, allowed me to proceed pro se, but abused its discretion by not disregarding Vermillion's brief and also by limiting my filing to a 10,000 word supplemental brief. On appeal, I raised numerous issues, which include the above hearsay issue, United States v. Redifer, 631 Fed. Appx. 548 (10th Cir. 2015)(unpublished); but the 10th Circuit abused its discretion by ruling that the testimonial confessions made by my co-defendants were not hearsay statements. See (Doc. #671, at 28, n. 26). And ultimately abused its discretion for all issues raised by affirming my conviction, but did remand for resentencing concerning the drug quantity and a possible sentence variance. Redifer, 631 Fed. Appx., at 570-571.

During the remand I filed numerous documents. The first being a Jencks Act request, that includes a supporting argument for why I am entitled to an acquittal. See (Doc. #610; 633). But the District Court abused its discretion

> by not holding an "'in camera'" hearing for the disputed evidence, (Doc. #633, at 3)(quoting 18 USCS § 3500(c));

and instead erroneously deferred to the Prosecution to decide its disclosure requirements. See (Doc. #693, at 6-7). I then appealed the erroneous order, see (Doc. #642); but the 10th Circuit abused its discretion by ruling that the District Court's ruling was not final under 28 USCS § 1291 so that Court would not allow my appeal to be heard. See (Doc. #652).

During the hearing to decide my Jencks Act request, the District Court also abused its discretion by lecturing me about how the Court believed that I could not re-raise issues that were raised in the 10th Circuit and that I could not raise any new issues during my sentencing hearing, such as an ineffective assistance of counsel claim. See (Doc. #693, at 5-6; 8). My obvious question to this usurpation of Constitutional authority is: how can a legal professional declare evidence will not be subjected to Congressionally enacted and/or Supreme Court Rules of Procedure or Evidence during a Judicial proceeding?

Especially considering how the District Court's and 10th Circuit's rulings in my case are egregiously Unconstitutional, and if evidence is inadmissible under the rule against hearsay during a trial then it cannot be used to impose any term of sentence against a person. Indeed, Apprendi and its progeny, which are applicable to all Federal sentencing hearings under Fed. R. Crim. P. 32,

> "require that any fact in dispute against a defendant that will be used to charge, convict, and sentence then for a crime must be charged in the indictment, presented to a Jury, and proven beyond a reasonable doubt." (MY RESPONSE TO TIMOTHY KINGSTON'S UNLAWFUL MOTION TO WITHDRAW AND ANDERS BRIEF IN SUPPORT THEREOF, at 22-24)(hereinafter (My Anders response)).

Moreover Rule 801 (Appendix E, at 9); and USSG 1B1.3 (Appendix E, at 12); actually share similar values (an exception is that USSG 1B1.3 is Unconstitutional because it does not require independent corroborating evidence like Rule 801(d)(2) does for any statement being used under Rule 801(d)(2)(C)-(E)). Both require that the evidence be of the defendant literally having been caught in the act of violating the law as charged in the indictment, or evidence of a co-defendant can be used if the evidence is within the scope of the proven jointly-undertaken crime, but only if the evidence is in furtherance of the indicted crime and also reasonably foreseeable to the defendant. So the rule against hearsay, see (Doc. #667, Supp., at 135-144); and USSG § 1B1.3 both preclude a codefendant's testimonial confessions from being used by the Prosecution and District Court when sentencing a defendant. See (Doc. #667, PSR OBJECTIONS, at 7-9). And the only difference between a trial hearing and sentencing or pretrial hearings is that Fed. R. Evid. 1101 (Appendix, at 10); allows a Judge to be exposed to evidence that cannot be used to prove a material fact, whereas a Jury cannot be exposed to inadmissible evidence, and this is due to how Judges are required to know what evidence can or cannot prove a material fact.

Knowing these Due Process provisions compelled me to file Memorandums

that compelled the Prosecution and District Court to hold the legal professionals accountable for the Government's unlawful interception, disclosure, and use of warrantless utility pole camera surveillance, see (Doc. #639); and to correct the manifest injustice that is my Unconstitional conviction. See (Doc. #638). However, I received no response. So I kept working on proving how the Constitution and Laws of the United States absolutely require that I be granted an acquittal.

Once the prosecution got around to permitting me to review the evidence it deemed to relate to the trial testimony of testifying witnesses, I discovered that the Prosecution had suppressed and misrepresented the totality of its evidence to the defendants in this case, the Jury, the District Court, the 10th Circuit, and the people of the United States. I then filed a motion requesting that the District Court reconsider my Jencks Act request, ses (Doc. #657; 658); but the District Court abused its discretion again by denying the request. See (Doc. #662). The USPO then submitted a PSR, see (Doc. #663); and in response, I filed my objections to the PSR, see (Doc.#667, PSR OBJECTIONS); with a supporting argument. See (Doc. #667, Supp.). I also filed a timely motion for judgment of acquittal, see (Doc. #670); with a Memorandum in support, see (Doc. #671); and a motion under 18 USCS § 3504 that compelled the District Court to compel the Prosecution to admit to and be held accountable for its unlawful actions and also compel the Attorney General under 28 USCS § 1361 and 18 USCS § 2521 to intervene in my case on my behalf. See (Doc. #672).

> In the filings, I went into extreme detail about how the legal professionals suppressed and misrepresented the totality of the facts and law surrounding all of the Prosecution's evidence, which includes the immunity agreements for Rockers, Quick, Randall, and the promises made by the State of Kansas to me in connection to my plea to my prior state conviction and 32 other items of newly discovered evidence, and I also applied the newly discovered evidence to the facts and law of the already egregiously Unconstitutional prior proceedings. See (My Anders response, at 12-17).

In other words, I did more than undermine confidence in the outcome of my

trial, Wearry v. Cain, 194 L. Ed. 2d 78, 83-84 (2016); I have proven that the totality of the rulings in this case are

> "clearly erroneous" and the failure to correct them "would" be "a manifest injustice." Arizona v. California, 460 US 605, 618, n. 8 (1983).

After all, it is not just the newly discovered evidence that undermines confidence in my trial, because my trial was a manifest injustice long before the newly discovered evidence was finally brought to any Court's attention.

Indeed, the investigation in this case was moving "slow" until the LEOs came to the conclusion that warrantless GPS surveillance would assist their fruitless inevstigation (Rec. v.2 at 15).

> The LEOs did eventually get authorization to conduct GPS surveillance, but this is only after they conducted warrantless GPS surveillance from "July 24, 2011", to "November 10, 2011," and since the Judicial authorization did not come from a Federal Judge, then this means the LEOs could not install any device nor track the targets and their effects outside of Johnson County, KS (Doc. #667, Supp., at 17).

This is due to the fact that Fed. R. Crim. P. 41(b)(4) was amended in 2006 to require that only Federal Judges be granted the authority to authorize GPS electronic surveillance (Appendix E, at 10-11). But there are numerous other reasons why the GPS surveillance in this case is Unconstitutional. Fed. R. Crim. P. 41(e)(2)(C)(ii) requires that the only time a nighttime installation of a tracking device can occur is when a Federal Judge has for good cause expressly authorized the nighttime installation (Appendix E, at 11-12).

> However, before getting a warrant, the LEOs traveled outside of their jurisdiction in Johnson County, KS, to Douglas County, KS, at night then trespassed onto the curtilage of Quick's and Hohn's home in order to trespass onto Hohn's vehicle and install the stalking devices, and this occurred at least three times. The first time, which is the first time the warrantless GPS surveillance had been utilized, occurred on "July 24, 2011", at "4AM", the second on "August 17, 2011", at "1AM", and the third on "August 26, 2011", at "1AM" (Doc. #667, Supp., at 17-19).

Williams also suppressed how the stalking devices were installed, Id at 19; which this is relevant due to the fact the 10th Circuit erroneously ruled that a trespass/installation of slap-on GPS devices do not require a warrant.

See (My Anders response, at 13).

> But whether or not the stalking devices were slap-on trespasses is rendered moot because the stalked targets and their effects traveled into "garages" (and obviously the curtilages of who knows how many homes) and how this Court ruled in United States v. Karo, 468 US 705, 717-718 (1984) that a warrant is required when conducting GPS tracking due to how the target and their effects will inevitably travel into Constitutionally protected areas, such as a garage or the curtilage of a home (Doc. #667, Supp., at 19-21)(brackets ommitted).

However, the circumstances of this case get even more egregiously Unconstitutional because the Prosecution also used warrantless utility pole camera surveillance as another base method of investigation in order to seize the totality of its other evidence and the Prosecution suppressed and misrepresented the facts and law of the unlawfully intercepted, disclosed, and used electronic surveillance. See (Doc. #639).

> Indeed on "August 1, 2011", the LEOs installed a warrantless utility pole camera at the Hohn residence in Gardner, KS. Then the LEOs installed another warrantless utility pole camera at the home of Baitey and Zehring in "September 2011". "And both cameras were unlawfully seizing evidence for 24 hours a day" until "December 2011, with impunity". Id at EXHIBIT H (quotation marks ommitted).

First, the interception of warrantless utility pole camera surveillance is a crime under 18 USCS § 2511(1)(a) (Appendix E, at 1). Second, the disclosure of the unlawfully intercepted surveillance is a crime under 18 USCS § 2511(1)(c). Id. Third, the use of the unlawfully intercepted and disclosed surveillance is a crime under 18 USCS § 2511(1)(d). Id. Fourth, the unlawfully intercepted surveillance did not get minimized pursuant to 18 USCS § 2518(5) due to how no Judicial oversight occurred, so the LEOs stalked numerous targets, their effects, and the sanctuary of numerous homes with impunity. Id at 1-2. Fifth, obviously because there was no Judicial oversight, then this means that none of the other Procedural requirements got followed under 18 USCS § 2518(8). Id at 2-3. Of course the Prosecution's Procedural and disclosure requirements do not change in circumstances of warrantless wire, oral, or electronic surveillance because 18 USCS § 2518(7)(b) still requires that the

Prosecution abide by its Procedural and disclosure requirements, which includes informing the defendants, Jury, District Court, 10th Circuit of Appeals, and the people of the United States that numerous legal professionals violated the law, and that they will be held accountable for their crimes against the United States. Id at 3. Therefore, the United States Federal Government is in contempt of Court under 18 USCS § 2518(8)(c), Id at 2; and under 18 USCS § 2518(9) none of the Government's evidence could ever be presented during any of the prior proceedings. Id at 3.

This also means that the totality of the Prosecution's evidence derived directly from the two forms of unlawful electronic surveillance because again the investigation was moving "slow" until the LEOs started using warrantless GPS surveillance in July 2011, see Supra at 11; and Williams also did not present any evidence that had been made/seized before July 2011. However, the totality of the Prosecution's other evidence that derived directly from the unlawful electronic surveillance is irrelevant and unreliable for reasons other than the fact it derived directly from the unlawful electronic surveillance.

> Indeed the controlled buys with Rockers cannot be used to establish if a conspiracy existed due to how the buys are isolated incidents involving only Rockers and an alleged Government informant and agent, so Rockers had no true co-conspirator during the irrelevant incidents (Doc. #667, Supp., at 30-44).

The other incidents where substances got seized are also irrelevant and unreliable incidents.

> Baitey, Noble, and Morelan also got arrested with or alleged to have possessed substances alleged to be drugs, but the incidents are isolated incidents that only involved one defendant and no evidence of an intent to distribute the substances got seized during the course of the incidents. The substances falsely attributed to Noble and Morelan also never got tested, and the substance falsely attributed to Morelan also got misrepresented as being methamphetamine and cocaine during the course of my trial (Doc. #667, Supp., at 57, n. 43).

However, this is not the totality of the evidence that remained untested but still alleged to be drugs or drug related. See Melendez-Diaz v.

Massachusetts, 557 US 305, 317-321 (2009)

(Untested substances are irrelevant and unreliable evidence).

The Prosecution also erroneously presented a substantial qauntity of untested and misrepresented exhibits during my trial, see (Doc. #667, Supp., at 34, n. 28); and Williams was never required to present

> any reliable "basis for ... [his] opinions." General Electric Co. v. Joiner, 522 US 136, 145 (1997).

Which Williams's irrelevant and unreliable conclusions become all the more egregious considering his unreliable conclusions about drug prices and the falsely accused importation of drugs in this case. See (Doc. #667, Supp., at 25-26; 33; 39-40); see also (Doc. #667, PSR OBJECTIONS, at 18, ¶¶ 85). As well as the fact that Williams is a liar, see (Doc. #667, Supp., at 32, n. 27); that makes false allegations about drugs and violence, Id at 26-29; and how he also participated in unlawful investigative stops, that cannot be used to prove if a conspiracy exists, along with how he suppressed and misrepresented co-operation agreements of informants and their role in the incidents and unlawfully charged conspiracy. Id at 44-51; 116-119. And again, all of Williams's conclusions in connection to the testimonial interview process and unlawful electronic surveillance are irrelevant and unreliable. Id at 14-25.

Williams's trial testimony also violated my and Hohn's Sixth Amendment Confrontation Clause rights due to how Williams used the term 'we' and/or openly testified about what some other LEO allegedly observed. See Delaware v. Van Arsdall, 475 US 673, 684 (1986)

> (To determine if a Confrontation Clause violation is a plain error, this Court factors the importance of the witness's testimony, whether the evidence is cumulative, the presence or absence of corroborating or contradictory evidence, the extent of cross-examination, and the overall strength of the Prosecution's case).

However, these Confrontation Clause violations are not ordinary violations where a defendant's Sixth Amendment rights got violated by one LEO beind used as a conduit to testify about another LEO's investigative work. Bullcoming v. New

Mexico, 180 L. Ed. 2d 610 (2011). Williams's irrelevant and unreliable observations made by him and other LEOs are uncorroborated, ambigious observations by LEOs, so the unreliable observations are inadmissible under Fed. R. Evid. 803(8) and the Sixth Amendment's Confrontation Clause regardless how many LEOs were called to testify (Appendix E, at 9-10). Moreover, the Prosecution did not disclose in the discovery nor did the defense attorneys present to the Jury the warrantless utility pole camera footage and GPS stalking coordinates. This despite these unlawfully intercepted, uncorroborated observations being exculpatory for every defendant and how the defense attorneys are required to use this evidence against the Prosecution. See (Doc. #667, Supp., 21-24). Williams did get led once by Morehead to disclose some of the data for the unlawful electronic stalkings by LEOs of Hohn, Id at 43, n. 36; however, this evidence cannot be presented by the Prosecution, so the defense attorneys failed to prevent the erroneous elicitation of the false evidence, and also failed to

> "show that the source of information or other circumstances indicate a lack of trustworthiness." Fed. R. Evid. 803(8)(B).

The Prosecution's Confrontation Clause/Rule 803(8) violations also include Williams's trial testimony in connection to the business records, of which whoever 'we' consists of have no independent corroborating evidence for. See (Doc. #667, Supp., at 53-55). And again, the defense attorneys failed to prove under Rule 803(6) and 803(8)

> "that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness." Fed. R. Evid. 803(6)(E).

At the end of the day, Williams's investigative evidence is unlawfully seized, inadmissible under numerous Constitutional provisions, and even though the LEOs conducted a 22 month unlawful investigation, they still did not seize sufficient evidence to prove if a conspiracy exists. In fact, prior to compelling the defendants to incriminate themselves after the originally charged

conspiracy being filed, the Prosecution's evidence consisted of the aforementioned evidence, as well as completely uncorroborated testimonial confessions made by four defendants during the 22 month investigation (Angela Cates (Rec. v.2 at 1616); Arney, Id at 252; Kevin Weber, Id at 1546-1547; Casey Cross, Id at 767), and one, unlawful and uncorroborated observation by Williams,

> and I do mean one unlawfully seized, completely uncorroborated physical surveillance observation on November 2, 2011, made by "we" of Baitey's vehicle being observed at Quick's house, where "we" also allegedly observed Baitey, Randall, Quick, and Rockers leave the residence. And this led whoever we is to conclude that "it brought everybody together, that - - that they were all involved somehow together, because now, out of the time that we have been doing surveillance on Mr. Baitey, we had never seen him at Michael Quick's house" (Doc. #667, Supp., at 51-53).

In sum, whoever 'we' consists of did not seize any evidence to prove if a conspiracy exists.

> This includes how the Prosecution did not even seize 50 total grams of methamphetamine (only 31.7 grams of methamphetamine got seized) and no where near 500 grams of any substance got seized, and the substances that got seized cannot be used to prove if a conspiracy exists because no evidence of a conspiracy exists. Id at 55-58.

But this is the evidence that led the LEOs to conclude that a conspiracy existed and the need to file the originally charged conspiracy, which led to the Prosecution conducting testimonial interrogations with the already unlawfully charged defendants and then the unlawful 2nd Superseding Indictment that I was included in. See Supra at 3-7. Thus, my co-defendants got unlawfully compelled to incriminate themselves and whether or not the LEOs disclosed and used the unlawfully intercepted electronic surveillance to directly compel the defendants to incriminate themselves is not in dispute.

> Indeed Williams has already admitted that "we utilized" all of the surveillance in this case during the course of the testimonial interrogations in order to "substantiate" the Prosecution's uncorroborated evidence, and "we" does this "all the time" (Doc. #667, Supp., at 25).

Undeniably the Constitution and Laws of the United States condemn the Prosecution's methods of investigation in this case. Indeed the IV Amendment at its very core was established to deny our Government from being able to

conduct unreasonable searches and seizures like the totality of the ones in this case (Appendix D). The rule against hearsay also precludes the Government from constructing and orchestrating the existence of a conspiracy in an interrogation room, see (Doc. #667, Supp., at 135-140); as does Equity. See United States v. Saline Bank, 1 Pet 100, 104 (1828)

> ("It is apparent that in every step of the suit, the facts required to be discovered in support of this suit would expose the parties to danger. The rule clearly is, that a party is not bound to make any discovery which would expose him to penalties, and this case falls within it").

So does the V Amendment's Self-incrimination Clause, see United States v. Hubbell, 147 L. Ed. 2d 24 (2000)

> (It is Unconstitutional for an indictment to be founded upon immunized evidence);

even if a defendant did not get immunized. See Bram v. United States, 168 US 532 (1897)

> (Any improper influence can render a defendant's confession to be involuntarily made).

Of course this is why IV, V, VI, and VIII Amendment provisions are intertwined. See (Doc. #671, at 26-29); and why the VI Amendment provides a defendant with right to assistance of counsel. See (Doc. #667, Supp., at 140-144). However, none of these Constitutional provisions were granted to the defendants in this case, so the testimonial confessions in this case are involuntarily made. This is unquestionably true even if a witness did not have an immunity agreement, Id at 58-59; and especially true if the witness has an immunity agreement. See (Doc. #671, at 3-25).

As far as my accusers are concerned? All of my accusers have immunity agreements. Indeed Randall received immunity from the state of Kansas for his co-operation, which this Court's ruling in Murphy v. Waterfront Comm'n of New York Harbor, 378 US 52 (1964) requires that the Federal Government honor Randall's state immunity agreement, but the Federal Government obviously did not

honor the immunity agreement. See (Doc. #671, at 24-25). Rockers and Quick received immunity from the Federal Government prior to their co-operation, but again, the Federal Government did not honor the agreements. See (Doc. #667, Supp., at 59-60). Cook also received Federal immunity, but again, the Federal Government did not honor the immunity agreement. See (MOTION REQUESTING THIS COURT TO CORRECT THE RECORD ON APPEAL, at 7). I do not know if any other defendant received immunity for their co-operation, but I do know that the Government suppressed and misrepresented to the Jury the existence of Randall's, Rockers's, and Quick's immunity agreements, because I did not discover that Rockers and Quick had immunity agreements until after I made my Jencks Act request, during the remand. See (Doc. #671, at 1).

> I did read about Randall's immunity agreement in the discovery during my trial, but the Federal Government did not honor the immunity agreement, and did not inform the Jury, District Court, and 10th Circuit about Randall's immunity agreement, and my attorney, Vermillion, straight up lied to me about the facts and law surrounding Randall's immunity agreement. Id at 25.

Cook's immunity agreement did get disclosed to the Jury, but again, the Government still violated the terms of the agreement and lied to the Jury. See (MOTION REQUESTING THIS COURT TO CORRECT THE RECORD ON APPEAL, at 7-9).

> The terms of Rockers's and Quick's immunity agreements are also Unconstitutional because the contracts did not provide immunity for confessions in connection to inculpatory crimes of violence, derivative evidence, and the Government also did not honor its own provision that it cannot enter into an immunity agreement with a member of a party. See (Doc. #671, at 15-19).

So the Prosecution suppressed from the Jury that Randall, Rockers, and Quick, who are all of my accusers who testified against me during my trial, all have immunity agreements. See Giglio v. United States, 405 US 150 (1972)

> (The suppression of Government promises made to a witness violates Due Process when the witness's testimony is material to the Prosecution's case).

The United States Federal Government, which also includes the 10th Circuit of Appeals because of its abuses of discretion, has also egregiously violated the

promises made to the co-operating defendants. See Santobello v. New York, 404 US 257 (1971)

> (The Constitution requires that the Government must disclose any promises made to a defendant and the Government must also fulfill any promises made to a defendant).

After all, the prosecution used the unlawfully compelled, completely uncorroborated, immunized, involuntary, false hearsay statements made by my co-defendants

> "as the first, last, and thus only method of investigation to produce the 'chain of evidence that led to this prosecution'". (Doc. #671, at 20)(quoting Hubbell, 147 L. Ed. 2d, at 40).

Which unquestionably means that the Prosecution immunized the witnesses

> "in order to obtain particular information, ... [with the] intent to indict the witness[es] afterwards[.] ... [T]herefore ... [placing them] in the same peril of prosecution as before being immunized" and a method of investigation such as this is unquestionably Unconstitutional. Pillsbury Co. v. Conboy, 459 US 248, 290 (1983)(Stevens, J., dissenting).

The immunized testimonial interrogations also did not get recorded by any electronic recording device. See (Doc. #638, at 12-15)(please note that Hohn's attorney, James Campbell, also openly suppressed and misrepresented the promises made to the co-operating defendants in his opening argument by advocating to the Jury that they were given no promises in return for their co-operation). The LEOs also included in their affidavits that they coerced Quick to conform to their own interpretation of an extrinsic incident involving Weber. See (Doc. #667, Supp., at 102-103). Several other defendants, including Quick, also openly testified to being told how to testify. Id at 113-116. So who knows what kind of unlawful influences the co-operating defendants got subjected to throughout the co-operation process. See Bram v. United States, 168 US 532, 547 (1897)

> ("'The human mind under pressure of calamity is easily seduced; and is liable, in the alarm of danger, to acknowledge indiscriminately a falsehood or a truth, as different agitations may prevail. A [illegible] confession, therefore, whether made upon an official examination or in

> discourse with private persons, which is obtained from a defendant, either by the flattery of hope, or by the impressions of fear, however slightly the emotions may be implanted (vide O.B. 1786, p. 387), is not admissible evidence; for the law will not suffer a prisoner to be made the deluded instrument of his own conviction'")(quoting Hawkins' Pleas of the Crown, § 3, chap. 46, note to Gilham's Case, 2 Moody, 194, 195).

However, I do know that the Government unlawfully used a 21 USCS § 851 enhancement (Appendix E, at 4-5) against Quick during his plea negotiations, after he received Federal immunity for his co-operation and after the Prosecution violated the terms of Quick's immunity agreement. The Prosecution did this despite none of Quick's prior convictions qualifying, see Carachuri-Rosendo v. Holder, 177 L. Ed. 2d 68, 83-86 (2010)

> (This Court has clearly ruled that a reviewing Court looks to the term of imprisonment imposed not a hypothetical amount of prison time that could have been imposed);

because Quick did not get sentenced to a year or more in prison for either of his prior convictions, see (Doc. #667, Supp., at 103-105); so Quick could not receive a 21 USCS § 851 enhancement, see United States v. Brooks, 751 F.3d 1204 (10th Cir. 2014)

> (Discussing how Kansas criminal statutes are unique and how under this Court's ruling in Carachuri-Rosendo the Government cannot impose an enhancement based on a hypothetical sentence for a prior conviction. Instead the Government can only use prior convictions that qualify based on the actual sentence imposed);

and the Government unlawfully used the 21 USCS § 851 enhancement as a means to coerce Quick to co-operate. See United States v. Kupa, 976 F. Supp. 2d 417 (E. D.N.Y., 2013)

> (Discussing how Federal Prosecutors are abusing their authority with 21 USCS § 851 enhancements).

I do not know how the District Court used any of the other prior convictions against the defendants, but I do know that the Prosecution erroneosly elicited a substantial quantity of prior convictions during Morehead's direct examination with the witnesses, during my trial. See (Doc. #671, at 25, n. 23). So these extrinsic prior convictions, which are inadmissible under Fed. R. Evid.

404, as well as Fed. R. Evid. 803(22) (Appendix E, at 10); got unlawfully used as direct evidence to establish the existence of the unlawfully charged crimes.

Quick's involuntary confessions also led to Quick getting a charge for Gov. Ex. #74, see (Doc. #84, at 10)(Count 19). The Prosecution did drop the charge in return for Quick's plea, but I do not know if Quick received a firearm enhancement for the firearm. See (Doc. #667, Supp., at 128). And I know that Quick also got subjected to Unconstitutional incarceration conditions during his co-operation process, because I endured similar unlawful incarceration conditions. Id at 105-106.

Rockers also got unlawfully charged for Counts #4; #6; and #7, see (Doc. #84, at 3-5);

> because all three charges are in connection to controlled buys that consisted of drug quantity amounts of less than 5 grams of methamphetamine for each count, so Rockers could not lawfully be charged for each count under 21 USCS § 841(a)(1), (b)(1)(B)(viii). See (Doc. #667, Supp., at 127-128)(The methamphetamine totals are: Count #4, 2.4 grams; Count #6, 3.1 grams; and Count #7, 2.3 grams).

And every defendant got unlawfully charged under the conspiracy charge under 21 USCS § 841(a)(1), (b)(1)(A)(viii), 21 USCS § 846, and 18 USCS § 2 for all of the reasons in this writ. Id at 123-127.

Rockers also waived her Apprendi/Alleyne v. United States, 186 L. Ed. 2d 314 (2013) rights but I cannot think of any reasonable reason why any person can ever be deemed to have waived these Constitutional rights voluntarily. See (Doc. #667, Supp., at 146, n. 120).

> I also know that Rockers objected to her PSR, but why I do not know, and of course this material evidence got suppressed from the Jury, and I also do not know if any other defendant objected to their PSR. Id at 144-147.

However, the Prosecution's Unconstitutional coercive actions do not end there. Morehead also openly coerced the witnesses to misrepresent their prior false allegations to more prejudicial false allegations, and my co-defendants did not even make the overwhelming vast majority of the statements that got

falsely attributed to them. See (Doc. #638, at 13-15).

> Indeed, Judge Murguia very explicitly instructed the Jury that "statements, arguments, and questions by lawyers are not evidence", thus, the 'statements, arguments, and questions by lawyers' are not statements that can be attributed to the defendants, except to prove that their statements are coerced, ever-changing, involuntary, false confessions. Id at 15.

So to summarize the allegations against me, Randall's specific [illegible] erroneously admitted and elicited hearsay statements made by him consist of:

> his false allegations in connection to my extrinsic prior state conviction, and Gov. Ex. #74. Id at 16-21.

Which the circumstances surrounding my extrinsic prior state conviction are another injustice.

> Indeed the arrest is unlawful and my plea is involuntary. The [illegible] substances seized amongst longtime confidential informant Randall's personal property in my truck never got tested. Randall's pretrial and trial testimony are false hearsay statements. The incident is also inadmissible under Rule 803(22) because I did not get sentenced to one year or more in prison for the charge. Moreover, Hohn's Sixth Amendment Confrontation Clause/Rule 803(22) rights also preclude the use of the extrinsic incident to prove if a conspiracy exists, due to Hohn having absolutely no connection to the incident. The Johnson County District Court Judge also openly questioned whether or not he could even accept my plea. And to top it all off, Vermillion stipulated to the extrinsic prior conviction without ever having even reviewed what she was stipulating to, and I refused to sign the waiver, despite Vermillion compelling me to do so. See (Doc. #667, PSR OBJECTIONS, at 20-21, ¶¶ 99).

But there is more.

> Indeed this Court's ruling in Murphy also preclude the Government from using the incident for any purpose whatsoever, because in return for my plea, the state of Kansas promised me that it would not seek any further charges. See (Doc. #671, at 24)(I also believe that the state reduced or dropped a charge in return for my plea. Of course I would not be assuming if the District Court had abided by 18 USCS § 3500 and provided me with the oppurtunity to review the discovery/transcripts in that case, which again, have never been reviewed, see (Doc. #610, at 2-3).

As far as Randall's false hearsay statements in connection to Gov. Ex. #74 are concerned,

> Gov. Ex. #74 got misrepresented as being seized during two distinctly different executed warrants. See (Doc. #638, at 20-21).

And yes, this is the same firearm that Quick got unlawfully charged for. See

Supra at 21 (Speaking of unlawful gun charges, this Court has to read about how the LEOs came to the conclusion to charge Hohn for possessing Gov. Ex. #66, it's another classic example of Government tyranny, see (Doc. #667, Supp., at 99-101)).

Rockers's specific erroneously admitted and elicited hearsay statements made by her consist of:

> the false allegation that I fronted her methamphetamine, that got up to probably half ounce quantities, and the falsely accused transactions occurred every few days, possibly, oh 15 to 25 times maybe, at sometime but not long after Christmas, maybe in February, January, February of an undetermined year. Rockers also made a coerced firearm allegation against me, and she also falsely alleged that I sold methamphetamine in front of her at McAfee's house in Garnett, KS, at an undisclosed time, and to undisclosed people. See (Doc. #638, at 21-27).

Quick's specific erroneously admitted and elicited hearsay statements made by him consist of:

> the false M and Redwood transactions that are listed in the coded business record Gov. Ex #68, but Quick never deciphered when the the falsely accused transactions occurred, nor did he reveal when the false records were recorded. Moreover, Quick did not know what a substantial amount of the listings in Gov. Ex. #68 were kept for. Id at 27-32.

Last, but not least, Newcome's and McAfees's erroneously admitted and elicited hearsay statements made by them are not even identifiable, except for:

> they both asserted I rarely associated with the other defendants, and McAfee testified that he had no knowledge of me ever selling methamphetamine to anyone. Which these statements are actually corroborated by other evidence. Indeed the facts of the 22 month investigation prove that I rarely associated with the other defendants and I never sold methamphetamine. Id at 32-36.

Of course, the witnesses answered a substantial amount of other coerced questions with a yes, no, or correct, but I cannot summarize the contradictory, involuntary, false confessions. There is just too many contradictions in the statements. This Court will be truly shocked about just how contradictory and ever-changing the false allegations truly are (some of the contradictions should already be apparent based on their aforementioned statements made during their testimonial interrogations, see Supra at 5-6).

> Indeed all of Rockers's and Quick's involuntary, false confessions, and I do mean all are contradicted by the witness's own prior statements made during their testimonial interrogations and/or another witness's involuntary, false confessions, as well as being contradicted by Williams and the results of the 22 month investigation. See (Doc. #667, Supp., at 60-113)(please read this and then answer my question, see Id at 88).

And this Court will also notice that absolutely none of the witnesses ever got impeached for the ever-changing, false statements because I had to cite the record from different proceedings and/or from a different witness's testimony when proving the contradictions in the testimony. See Id at 120-121

> (The knowing use of false evidence and the knowing suppression and misrepresentation of false evidence violates Due Process).

It truly is mindboggling just how incredibly contradictory the involuntary, false confessions are. So the Government cannot claim that the Prosecution's suppression and misrepresentation of the false evidence is due to

> "memory lapse, unintentional error, or oversight by the witness[es]". (My Anders response, at 31)(alterations in original).

Especially considering the fact Morehead coercively led the witnesses to present an ever-changing, more prejudicial version of the several times over false evidence, and how the 32 items of newly discovered evidence and the suppression and misrepresentation of the immunity agreements further prove just how incredibly Unconstitutional the prior proceedings are. See Wearry, 194 L. Ed. 2d, at 85

> (Government misconduct is reviewed cumulatively).

In sum, Williams's conclusions for the facts and lawfullness of his investigative evidence got erroneously admitted for my trial. Especially considering how the District Court admitted the totality of the Prosecution's evidence under Rule 801(d)(2)(E), see (Doc. #671, at 28, n. 26); which this abuse of discretion is especially egregious considering how the Prosecution did not even present the specific co-defendant statements during the pretrial hearing, see (Doc. #638, at 4); and how the District Court also erroneously

deferred to the defense attorneys to decide if any of the

> "unmentioned statements ... were not in furtherance of the conspiracy, then you can bring those up at trial." (Rec. v.2 at 301).

Moreover the District Court also abused its discretion by deferring its Rule 702 admissibility determinations until my trial, see (Doc. #667, Supp., at 13);

> and then abused its discretion again by literally admitting Williams's testimony during my trial based on Williams's previous testimony in other Courts. Id at 27-30.

In other words, when proving if United States citizens have violated the Laws of the United States, the United States Federal Government got to present the totality of its evidence without any of its evidence ever being subjected to the United States Federal Government's Rules of Procedure and Evidence,

> so Williams's Unconstitutional investigative evidence from his 22 month investigation Unconstitutionally vouched for the credibility of the involuntary, false confessions made by my co-defendants and vice versa, Id at 14;

and since Unconstitutional circumstances like these are the norm in the Federal Criminal Justice System,

> then this means that 18 USCS § 6002 must be declared Unconstitutional and this Court's ruling in Kastigar v. United States, 406 US 441 (1972) must be overruled, because the United States Federal Government absolutely cannot be trusted with the ability to compel people to incriminate themselves and then leave it to any person's discretion how the compelled hearsay statements are used. See (Doc. #671, at 26-37).

Despite all of these indisputable facts about the Constitutionality of of the circumstances the District Court continued to abuse its discretion during the course of my re-sentencing hearing, which includes more deferral abuses of discretion.

> Indeed, during the course of my re-sentencing hearing, the District Court immediately abused its discretion by not abiding by the Constitutional provisions in my 18 USCS § 3504 motion. See (Doc. #694, 5-6).

The District Court then abused its discretion again

> by invoking the mandate rule against me for all issues raised, without ruling on the record why any issue is frivilous, and the District Court

> abused its discretion by once again deferring the adjudication of the injustices in this case to a "post-conviction habeas" proceeding. The District Court also abused its discretion by ruling it would not consider "the validity of defendant's conviction at this time," so the District Court erroneously denied my timely filed post-conviction motion for a judgment of acquittal without giving any reason on the record for why the Court deemed the motion to be frivilous. Id at 10-12.

The District Court then abused its discretion again

> by ruling that the Prosecution's several times over unlawfully seized, completely uncorroborated, ever-changing, false evidence to be credible, and then abused its discretion again by sentencing me to an Unconstitutional term of 254 months of imprisonment. Id at 23.

I then filed a timely notice of appeal, see (Doc. #682); ordered a record on appeal, see (Doc. #686); and also requested that counsel be appointed or a stay granted. See (MOTION REQUESTING COUNSEL BE APPOINTED FOR MY APPEAL OR A STAY OF THE PROCEEDINGS). The 10th Circuit granted my request for counsel, and appointed Timothy Kingston as counsel. And asking for counsel to be appointed is one of the biggest mistakes of my life.

> Indeed, Kingston, without ever discussing the matter with me, took it upon himself to order an admittedly insufficient record and then withheld the record from me for almost a year. See (MOTION REQUESTING THIS COURT TO CORRECT THE RECORD ON APPEAL)(I just recently got the record).

Kingston then broke numerous promises to me and his sworn oath by filing a motion to withdraw and Anders v. California, 386 US 738 (1967) brief in support. See (MOTION OF APPELLANT'S COUNSEL TO WITHDRAW UNDER ANDERS V. CALIFORNIA, 386 US 738 (1967) AND RULE 46.4(B) AND BRIEF IN SUPPORT THEREOF). I then filed a response to Kingston's obstructionist filing, and the issues raised that I have not already brought to this Court's attention are as follows:

> Kingston suppressed and misrepresented the level of communication we had prior to his obstructionist filing, and I do not agree with his assessment of the issues. I also brought to the 10th Circuit's attention some of the issues I had with Kingston, which include how Kingston does not know Constitutional Law (Kingston literally believes that a co-defendant's testimonial confession is admissible under Rule 801(d)(2)(E) and can be used under USSG § 1B1.3 to impose a sentence). I also presented to the 10th Circuit how Kingston is possibly being threatened, and to substantiate my conclusion I informed the 10th Circuit about Morehead's tyrannical actions in another case that got

> published in the KC Star under the title: No Justice. Of course he could also just be knowingly and intentionally conspiring to violate the law and my rights, which this is proven by the facts of my case and how those facts apply to Constitutional Law. I then made a 28 USCS § 1654/ Faretta v. California, 422 US 806 (1975) declaration, as well as substantiated the need for my declaration by responding to Kingston's obstructionist analysis of my Unconstitutional conviction and sentence and by going into great detail why the Constitution and Laws of the U.S. require that I be granted an acquittal. I then continued to question Kingston's sanity because he filed an Anders Brief, and I gave more reasons why he is an ineffective attorney. Indeed Kingston failed to cite the true facts of the record and he did not Constitutionally cite any relevant items of Congressional Legislation or Supreme Court precedents when making his unlawful conclusions that my issues are meritless, which this rendered him to be ineffective under of all cases Anders and also Penson v. Ohio, 488 US 75 (1988). Next, I argued that because Kingston deliberately ordered an insufficient record on appeal, then this also rendered him to be ineffective under Entsminger v. Iowa, 386 US 748 (1967). Of course, this means that Kingston's unlawful actions are the same as the Prosecution's, the District Court's, and the literal parade of other ineffective attorneys in this case because none of them can justify any of their tyrannical actions. I also advocated to the 10th Circuit that legal professionals must stop deferring the adjudication of injustices to another day. I then requested that the 10th Circuit conduct a cumulative error review. And I also requested that oral argument be held. (My Anders response).

The 10th Circuit, however, abused its discretion by doing the exact same thing that every legal professional has done in this case (Appendix A). Indeed the 10th Circuit abused its discretion by invoking the law of the case doctrine against me for every issue raised, this despite the only issue that I raised again is the Rule 801(d)(2)(E) issue, but again, that issue is based on newly discovered evidence and new arguments, and the rulings in this case in connection to Rule 801(d)(2)(E) are an inexcusable manifest injustice because no Court has the discretion to admit a co-defendant's testimonial confessions under Rule 801(d)(2)(E). See Giles v California, 554 US 353, 374, n. 6 (2008)

> ("an incriminating statement in furtherance of the conspiracy would ... never be ... testimonial").

Moreover the 10th Circuit's invocation of the law of the case doctrine in connection to the new issues that are all based on newly discovered evidence is more inexcusable manifest injustices. Seriously read the orginal mandate, see Redifer, 631 Fed. Appx. 548; and please tell me where the 10th Circuit ruled in

connection to the

> "admissibility requirements of Rule 702," the warrantless surveillance, "the Brady v. Maryland, 373 US 83 (1963)" issues, the involuntary confessions issues, the other admissibility requirements of Rule 801 issues, and when has any Court ever conducted an ineffective assistance of counsel review in this case? (Doc. #667, PSR OBJECTIONS, at 3-4). Of course there is also the "Apprendi" issues and "USSG 1B1.3" issues that did not get raised during my first appeal. (Doc. #667, PSR OBJECTIONS, at 6-9).

The 10th Circuit's usurpations of authority required that I file rehearing requests, see (PETITION FOR A PANEL REHEARING OR A REHEARING EN BANC); however, the 10th Circuit abused its discretion again by denying the requests on April 16, 2018 (Appendix B).

In sum, the totality of the District Court's and 10th Circuit's rulings have covertly abridged and modified numerous "substantive right[s]" and have Unconstitutionally enlarged Prosecutorial powers. 28 USCS § 2072(b).

> Indeed the usurpations of authority have silently eliminated numerous "evidentiary privilege[s]" and the lower Courts have done this while knowing that their rulings have no Constitutional "force or effect". And since the the usurpations of authority have no Constitutional 'force or effect' then justice must be served. 28 USCS § 2074(b).

This petition for a Writ of Certiorari is timely filed. The 10th Circuit's jurisdiction arose under 28 USCS § 1291, 28 USCS § 2106 (Appendix E, at 7-8); and 10th Cir. R. 41.2 (Appendix E, at 12). This Court's jurisdiction is pursuant to 28 USCS § 1254 and 28 USCS § 2106.

Reasons for granting the Writ.

What has occurred in this case, and in so many just like it, are manifest injustices.

> Indeed the 10th Circuit has entered decisions that are "in conflict with" numerous items of Congressional Legislation and "the decision[s] of" this Court. Therefore, the 10th Circuit "has so far departed from the accepted and usual course of judicial proceedings," and "sanctioned such a departure by a lower court," so "as to call for an excercise of this Court's supervisory power". Supreme Court Rule 10(a).

After all, our "government is acknowledged by all to be one of enumerated powers." McCulloch v. Maryland, 4 Wheat 316, 405 (1819).

> Article I, Section 1 of the Constitution established that Congress is the only Legislative Branch of our Government, and Article I, Section 8, Clause 18 grants Congress the authority to enact any law that it deems to be necessary and proper. Article II, Section 3 established that the Executive Branch ensure that the Laws of the United States be faithfully executed. Article III, Section 1 established that the Judicial Branch shall consist of only one Supreme Court, and any other Court that Congress deems to be necessary and proper. And Article III, Section 2, Clause 1 established that the Judicial Branch settle all cases and controversies that arise under their jurisdiction. (Appendix C, at 1).

However, these Constitutional powers cannont "be transcended." McCulloch, 4 Wheat, at 421. Every Branch of our Government cannot excercise its enumerated

> powers "'in a way that violates other specific provisions of the Constitution.'" Saenz v. Roe, 526 US 489, 508 (1999)(quoting Williams v. Rhodes, 393 US 23, 29 (1968)).

Which this especially applies to the Constitutional provisions in the "Bill of Rights." New York Times Co. v. United States, 403 US 713, 716 (1971)(Black, J., concurring). Of course this is why Article VI, Clause 3 requires that every Government employee swear an oath to abide by the Constitution (Appendix C, at 2);

> and since the source of all Government power to perform any action derives from the Constitution and Laws of the United States, then under Article VI, Clause 2 this means the "Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land" (Appendix C, at 1-2).

In other words,

> Congress enacts the laws pursuant to the Constitution, Prosecutorial authority figures and Judges must abide by the Constitution and Laws of the United States during the legal process. And the Judicial Branch also determines the Constitutionality of Congressional Legislation and the actions of Prosecutorial authority figures when adjudicating the cases and controversies in Federal Courts. Dickerson v. United States, 147 L. ED. 2d 405 (2000).

So in order for any Government action to be Constitutional,

> the action must be made pursuant to an enumerated power and the Bill of Rights, otherwise the Government's actions are Unconstitutional and are not "'the supreme law of the land. They will be merely acts of usurpation, and will deserve to be treated as such'". Wyeth v. Levine, 555 US 555, 586-587 (2009)(quoting 3 J. Story, Commentaries on the Constitution of the United States 1831, p 694 (1833))(Thomas, J., concurring).

Thus, the determing factor for if the Constitution attaches to any Government

action is not the fact a Law was enacted by Congress, then executed by LEOs and Prosecutors, and then adjudicated by a Judge.

> Instead it is only those actions "which shall be made in pursuance of the Constitution, have that rank." Marbury v. Madison, 1 Cranch 137, 180 (1803).

The interesting thing about the Rules Enabling Act, 28 USCS § 2071 et seq., is it combines the aforementioned Constitutional provisions into one very unique item of Legislation. 28 USCS § 2071 provides:

> all Courts with the authority to "prescribe rules for the conduct of their business", but rightfully restricts their rule making power by requiring that Courts abide by "Acts of Congress and" other "rules ... prescribed under" 28 USCS § 2072. See (Appendix E, at 6).

Which 28 USCS § 2072 provides the Supreme Court the authority to

> "prescribe general rules of practice and procedure and rules of evidence for the" Judicial Branch, however, "[s]uch rules shall not abridge, enlarge or modify any substantive right." The Due Process provision also provides that any "laws in conflict with such rules shall be of no further force or effect after such rules have taken effect." And the Supreme Court has the authority to determine when a case is final under 28 USCS § 1291. See (Appendix E, at 6).

True to Article III's provision that there is only one Supreme Court, the Rules Enabling Act's procedures for the lower Courts are more rigid than this Court's, see 28 USCS § 2071(b)-(f); see also 28 USCS § 2077; (Appendix E, at 6; 7); but

> this Court must still submit to Congress any rule for a period of review, and any "rule creating, abolishing, or modifying an evidentiary privilege shall have no force or effect unless approved by Act of Congress." 28 USCS § 2074; see also (Appendix E, at 7).

This Court has also clearly ruled that

> "'it is this Court's prerogative alone to overrule one of its precedents.'" United States v. Hatter, 532 US 557, 567 (2001)(quoting State Oil Co. v. Khan, 522 US 3, 20 (1997)).

This is due to how this Court is the Supreme Court so this Court's

> "'decisions remain binding precedent until ... [this Court decides] to reconsider them, regardless of whether subsequent cases have raised doubts about their continuing vitality.'" Bosse v. Oklahoma, 196 L. Ed. 2d 1, 3 (2016)(quoting Hohn v. United States, 524 US 236, 252-253 (1998)).

And this Court has also clearly ruled that

> a "denial of a writ of certiorari" is not binding precedent for any Court. Teague v. Lane, 489 US 288, 296 (1989).

The V Amendment's Due Process Clause also provides Equal Protection of Federal Laws in all Courts of the United States, just like the XIV Amendment does for State rights (Appendix D). Indeed, the V Amendment's Due Process Clause provides that Congressional Legislation is equally binding on every Court. See Hampton v. Mow Sun Wong, 426 US 88, 100 (1976)

> ("The federal sovereign, like the States, must govern impartially").

Therefore, Due Process at its very core is designed to provide Equal Protection of Federal Laws in Courts of the United States,

> and no Court can abridge, enlarge or modify this "substantive" right. Id at 102-103.

So to answer my first question presented to this Court, the aforementioned Constitutional provisions and how they apply to the facts of my case, see Pierce v. Underwood, 487 US 552, 558 (1988)

> (questions of law are reviewed de novo, questions of fact for plain error, and "matters of discretion" for an abuse of discretion");

prove that the Rules Enabling Act precludes a Court from invoking the law of the case doctrine against me, see Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 US 238, 244-245 (1944)

> (The law of the case doctrine is not a limit to a Court's power. All Federal Courts have the authority to alter or set aside an erroneous judgment after its final entry);

because the law of the case is egregiously in violation of numerous items of Congressional Legislation and Supreme Court precedents,

> which means the erroneous rulings do not bind any Court, especially this Court where the entire case is always open for review. Christianson v. Colt Industries Operating Corp., 486 US 800, 817-818 (1988).

After all, no Court can abridge, enlarge or modify any Article I, Section 8, Clause 18 'Act of Congress' and this Court's 'decisions' are also equally 'binding precedent' in all Courts. So the 10th Circuit unquestionably has unlawfully used the law of the case doctrine to "shield" its "incorrect"

rulings. Christianson, 486 US, at 819. This despite the fact "no such substantive power exists" for it to do so. Adkins v. Childrens Hospital, 261 US 525, 544 (1923).

The second question is also easily answered by our Government's enumerated powers. The issues I raised during the remand and during my second appeal are new issues that are based on newly discovered evidence, see Supra at 27-28; thus, the Rules Enabling Act precludes a Court from invoking the law of the case doctrine against me in connection to any issue. This is due to how

> a "Court is free as to other issues" not previously decided upon. Sprague v. Ticonic National Bank, 307 US 161, 168 (1939).

This is true regardless if it is a Supreme Court mandate, Re Sanford Fork & Tool Co., 160 US 247, 256 (1895); or an Appellate mandate. Wells Fargo & Co. v. Taylor, 254 US 175, 181-182 (1920).

> Therefore, the law of the case doctrine could not be invoked against me because the issues are "different from that presented" in my first appeal. Sprague, 307 US, at 169.

Of course the 10th Circuit's abuses of discretion during my first appeal are a manifest injustice, and

> and the remand to the District Court to resentence me for the drug quantity element of the unlawfully charged conspiracy "effectively wiped the slate clean" for the evidence that would be used to determine that element. Pepper v. United States, 179 L. Ed. 2d 196, 224 (2011).

Especially considering how

> the Rule of Apprendi and its progeny require that any evidence used to impose any sentence against a defendant be specifically charged in the indictment, presented to a Jury and proven beyond a reasonable doubt, and how Rule 801 and USSG 1B1.3 both preclude a co-defendant's testimonial confessions from being used to prove a material fact, even during a sentencing hearing. See Supra at 8-10; see also United States Constitution, Article III, Section 2, Clause 3 (Appendix C, at 1)("The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury").

Therefore, the one issue I did raise again is unavoidable due to how Rule 801's and USSG 1B1.3's technical requirements are always unavoidable during every legal proceeding, and every time a Court abuses its discretion in connection to

these issues it is a manifest injustice. But again, my rule against hearsay issues are based on newly discovered evidence and argument, and again, the use of the unlawfully compelled, Franks v. Delaware, 438 US 154 (1978); immunized, Hubbell, 147 L. Ed. 2d 24; completely uncorroborated, Wong Sun, 371 US, at 488-491; repeatedly suppressed, misrepresented, Banks v. Dretke, 540 US 668, 694 (2004);

> and ever-changing testimonial confessions made by my co-defendants under Rule 801(d)(2)(E) is "reversible error." Fiswick, 329 US, at 220.

However, the rule against hearsay issues are obviously not the only manifest injustices that occurred in this case. Indeed the Prosecution's other methods of investigation and the conclusions drawn therefrom are all irrelevant and unreliable, see Kumho Tire Co. v. Carmichael, 526 US 137 (1999)

> (Kumho Tire made all expert testimony subject to Rule 702, which simply requires that an expert's methods and conclusions be relevant and reliable);

and to be clear, I am not advocating that

> "physical surveillance; controlled buys; GPS surveillance; utility pole camera surveillance; trashings; investigative stops; executed warrants; testimonial interviews; and Grand Jury proceedings" are irrelevant and unreliable methods of investigation." But I am advocating that how the LEOs utilized these methods of investigation in this case rendered their methods and conclusions to be irrelevant and unreliable (Doc. #667, Supp., at 13).

After all, it is a fundamental Rule of expert testimony that

> "'any step that renders the analysis unreliable renders the expert's testimony inadmissible. This is true whether the step completely changes a reliable methodology or merely misapplies that methodology.'" Fed. R. Evid. 702, HISTORY; ANCILLARY LAWS AND DIRECTIVES, Other provisions: (quoting In re Paoli R.R. Yard PCB Litig., 35 F.3d 717, 745 (3d Cir. 1994)(alterations in original and ommitted)).

However, the LEOs did more than conduct one unreliable method of investigation,

> because they committed statutory crimes, and "[i]n doing so, ... [they] ceased to be an officer of the law and became a private wrongdoer." Poindexter v. Greenhow, 114 US 270, 282-283 (1885).

Indeed,

> while intercepting, disclosing, and using the warrantless GPS and utility pole camera surveillance, the LEOs literally committed numerous statutory trespasses to stalk several targets and also violated numerous

> statutory provisions under 18 USCS § 2510 et seq., that include contempt charges under 18 USCS § 2518(8)(c), and these facts of the Prosecution's evidence unquestionably make the totality of its evidence inadmissible during every legal proceeding under 18 USCS § 2518(9) because the Prosecution never followed any of the Procedures under 18 USCS 2510 et seq.. And every second until every defendant in this case is granted an acquittal is another unlawful disclosure and use of the unlawful evidence. See Supra at 11-13.

I want to add that 50 USCS § 1812 also makes the warrantless GPS surveillance in this case unlawful and the good-faith exception inapplicable in circumstances of warrantless electronic surveillance (Appendix E, at 8).

> 50 USCS § 1812 provides that Congressional Legislation is the "exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted." And "[o]nly an express statutory authorization ... shall constitute an additional exclusive means". 50 USCS § 1812.

Thus, the totality of our Country's jurisprudence in connection to warrantless GPS electronic surveillance is Unconstitutional because 50 USCS § 1812's Due Process provisions have not been considered when determining the lawfullness of the electronic surveillance, and this is especially true after 18 USCS § 3117 (Appendix E, at 3); got enacted after this Court's ruling in Karo.

> Indeed, 18 USCS § 3117 constitutes an additional exclusive means to conduct electronic tracking surveillance by providing "empowered" Courts the authority to "authorize" the electronic surveillance. 18 USCS § 3117.

So a Court abused its discretion if it ruled a warrant was not required and it abused its discretion if it applied the good-faith exception provided for in Davis v. United States., 180 L. Ed. 2d 285 (2011) to the warrantless electronic surveillance. See United State v. Hohn, 606 Fed. Appx. 902, 904-907 (10th Cir. 2015)(unpublished)(The 10th Circuit's prior usurpation of authority in this case).

> Therefore, 50 USCS § 1812's and 18 USCS § 3117's Article I, Section 8, Clause 18 provisions cannot be abridged or modified in order to Unconstitutionally enlarge Prosecutorial powers and this Court needs to excercise its supervisory power to end the manifest injustices that are occurring in connection to all forms of warrantless electronic and Title III surveillance. 28 USCS § 2072(b).

50 USCS § 1812 also forecloses any attempts at applying a good-faith

exception to the warrantless utility pole camera surveillance. The warrantless surveillance is at least an electronic communication, see (Doc. #672);

> but the warrantless installation of the cameras, that got mounted on utility poles that transmit interstate and foreign commerce, could also be wire and oral communications if the cameras had sound capturing capabilities (Doc. #639, at 1-2).

Therefore, no good-faith exception can be created to justify the Prosecution's unlawful actions, see United States v. Wiltberger, 5 Wheat 76, 95 (1820)

> ("It is the legislature, not the court, which is to define a crime, and ordain its punishment");

because no Court

> can "abridge, enlarge or modify" the "substantive right[s]" provided for in 18 USCS § 2510 et seq., which got specifically enacted to deter warrantless surveillance and punish Government employees who use the invasive technology without a warrant. 28 USCS § 2072(b).

However, the LEOs did more than conduct just two unreliable forms of warrantless surveillance because

> the totality of the Prosecution's other methods of investigation and the conclusions drawn therefrom are irrelevant and unreliable for numerous other reasons other than the fact the totality of the Prosecution's evidence derived from the statutory criminal conduct committed by Williams and whoever 'we' consists of. See Supra at 13-16.

Seriously if LEOs conduct an unlawful investigation and do not even seize the statutorily required evidence to prove all of the essential elements of the charged crime, see (Doc. #667, PSR OBJECTIONS, at 17, ¶¶ 73-77, n. 39); then absolutely all of the Prosecution's methdology is irrelevant and unreliable. See Alleyne, 186 L. Ed. 2d 314

> (In order for a defendant to be Constitutionally charged and convicted for a crime, the indictment must consist of the specific statutorily charged crime with all of the required statutory facts for every element included in the indictment. Then the specific statutorily charged crime and the specific evidence to prove the crime must be presented to the Jury and proven beyond a reasonable doubt).

The involuntary, false confessions made by my co-defendants are also egregiously Unconstitutional.

> The false hearsay statements that got erroneously admitted and elicited during my trial are several times over unlawfully compelled, as well as

being immunized, and completely uncorroborated, ever-changing, involuntary, false confessions. See Supra at 16-25 (pure tyranny).

The Prosecution's use of involuntary, false confessions like these can never be considered a reliable method of investigation due to how the legal professionals in this case have violated statutory crimes under 18 USCS § 242, see (Doc. #667, Supp., at 60, n. 45); 18 USCS § 1503(a) and 18 USCS § 201, see (Doc. #633, at 5-7); and 18 USCS § 1623(a). See (Doc. #667, Supp., at 122). Therefore, the totality of the United States Federal Government's evidence is several times over unlawfully seized, uncorroborated, contradictory irrelevant and unreliable evidence, which means absolutely no evidence to prove if a conspiracy exists, see Weisgram v. Marley Co., 528 US 440, 454 (2000)

("Inadmissible evidence contributes nothing to a 'legally sufficient evidentiary basis'")(quoting Brooke Group Ltd. v. Brown & Williamson Tobacco Corp., 509 US 209, 242 (1993));

and this means the Constitution of the United States requires that the

"indictment ... must be dismissed." Hubbell, 147 L. Ed. 2d, at 42.

Of course this also means that all of the defense attorney in this case are shockingly ineffective attorneys. See Strickland v. Washington, 466 US 668, 694 (1984)

(A defendant must be able to prove by less than the preponderance of the evidence that a counsel's performance was unprofessional and the deficient performance undermined confidence in the outcome of the proceedings).

All of the defense attorneys failed to Constitutionally review the Prosecution's Unconstitutional evidence and then move to have the Prosecution's evidence suppressed and the indictment dismissed. See Kimmelman v. Morrison, 477 US 365 (1986)

(An attorney is ineffective if they fail to Constitutionally review the Government's evidence and then fails to move a Court to lawfully exclude inadmissible evidence).

These are especially egregious errors because

attorneys are always required to advocate their client's case according to defenses provided for in items of Congressional Legislation and this

> Court's precedents, "since there can be no strategic choice that renders such an investigation [into Constitutional Law] unnecessary." Strickland, 466 US, at 680.

Therefore, the complete deprivation of my Sixth Amendment right to assistance of counsel has resulted in a "vicious" cycle of one Constitutional right after another, Christianson, 486 US, at 816; which has culminated in my current egregiously Unconstitutional circumstances. See Glover v. United States, 531 US 198, 203 (2001)

> ("our jurisprudence suggests that any amount of actual jail time has Sixth Amendment significance").

Further complicating the Unconstitutional law of this case is Kingston's obstructionist Anders Brief and the 10th Circuit's abuse of discretion to not disregard his Brief. I also remind this Court that this is the second time the 10th Circuit has thrust an attorney's unlawful conclusions upon me, so I have never had any Constitutional proceedings. See Supra at 7-8. The 10th Circuit's abuses of discretion have created a conflict between an attorney's Anders Brief and a defendant's Constitutional right to a 28 USCS § 1654/Faretta declaration, see (My Anders response, at 6-7; 33-38); which makes the 10th Circuit's abuses of discretion to thrust attorneys and their unlawful conclusions upon me "structural error[s]". McCoy v. Louisiana, 2018 LEXIS 2802, PART III, No. 16-8255 (2018).

Even though I am not required to show prejudice for structural errors, see Weaver v. Massachusetts, 198 L. Ed. 2d 420, 431-432 (2017)

> (Discussing some of the ways an error can be structural, which does not require that the error led to "fundamental unfairness" in a proceeding);

the prejudice from the 10th Circuit's tyrannical actions are clear and already proven in the aforementioned arguments. See Marbury, 1 Cranch, at 163

> ("The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right").

Indeed, Article I, Section 8, Clause 18, the Rules Enabling Act, and this

Court's precedents answer the question of prejudice.

> Evidence is evidence, so "the degree to which the evidence is reliable in proving or disproving the elements of the relevant cause of action" is the Federal Rules of Evidence, thus, a Procedure cannot be unlawfully used to abrgidge or modify any substantive right when determining the relevance and reliability of evidence. Tyson Foods, Inc. v. Bouaphakeo, 194 L. Ed. 2d 124, 135 (2016).

This is due to the unquestionable fact that the Rules Enabling Act

> precludes a Court from abridging or modifying "'substantive right[s]'" provided by "statutory defenses". Wal-Mart Stores, Inc. v. Dukes, 180 L. Ed. 2d 374, 400 (2011)(quoting 28 USCS § 2072(b)).

These Rules especially apply in criminal conspiracy cases. See (Doc. #667, Supp., at 3-5). But this is why a defendant in a criminal proceeding always has the right to a complete defense, Id at 23-24;

> and why even after a conviction and appeal a defendant in a criminal proceeding has the right to declare that his attorney is ineffective for not providing a defense known to the attorney and/or requested by the defendant to be advocated, but not Constitutionally advocated by the attorney. Wiggins v. Smith 539 US 510 (2003).

So my declarations that the legal professionals in this case are only concerned with not offending each other is not "hypothetical". Faretta, 422 US, at 822, n. 18..

> All of the legal professionals failed to cite the true facts of the record and how those facts apply to items of Congressional Legislation and Supreme Court precedents when making thier Unconstitutional "bare conclusion[s]", Anders, 386 US, at 742; therefore, there has been no "finding of frivolity by" the District Court, Kingston, and the 10th Circuit, Id at 743;

and this complete deprivation of Constitutional rights, privileges, and immunities "can never be considered harmless error." Penson, 488 US, at 88.

The Unconstitutional actions committed by the legal professionals in this case are also very common in the Federal Criminal Justice System. Prosecutorial authority figures have gotten away with unlawfully enlarging their Prosecutorial powers by abridging and modifying Self-incrimination rights and the rule against hearsay so they can use the false evidence and defense attorneys and Courts have done nothing to stop the usurpations of authority.

> This is unquestionably Unconstitutional because "the conduct being penalized is constitutionally immune from punishment." United States v. United States Coin & Currency, 401 US 715, 724 (1971).

These Unconstitutional methods of investigation, defense, and adjudication need to end now, not later,

> because the "Constitution constrains governmental action 'by whatever instruments or in whatever modes the action may be taken.'" Lebron v. National Railroad Passenger Corp., 513 US 374, 392 (1995)(quoting Ex parte Virginia, 100 US 339, 346-347 (1880)).

The Constitution unquestionably requires

> that all legal professionals are "bound to obey the laws" and this especially applies to Judges. Marbury, 1 Cranch, at 158.

However, Judges are literally participating in the usurpations of authority by allowing the misconduct to go unpunished in their Courtrooms, which these usurpations of authority are especially egregious due to how a judge is a defendant's last line of defense and a Judge can only rule according to how Congress and this Court has instructed. See Hollingsworth v. Perry, 558 US 183, 199 (2010)

> ("If courts are to require that others follow ... [the law, then] courts must do so as well").

Of course the problem is legal professionals in the lower Courts know that they can get away with having tyranical views of Justice because they know lower Court decisions get almost no analysis and that this Court cannot catch all of the usurpations of authority. See (Appendix F, at 2).

So to answer my third question, see Supra at 25; 18 USCS § 6002 must be declared Unconstitutional and Kastigar must also be overruled. See (Doc. #670; 671). Unfortunately the lower Courts did not rule on the record for this issue. In fact, they did not even mention the word 'immunity' during their abuses of discretion. The lower Courts also did not abide by the disclosure requirements under 28 USCS § 2403(a) by informing the attorney General of my challenge to 18 USCS § 6002.

However, these usurpations of authority cannot be used against me

> because of "the harms" the aggrieved people (which include all the people of the United States) will "endure from the additional delay" of the legal professionals being held accountable for their unlawful actions, Boumediene v. Bush, 553 US 723, 772-773 (2008);

and also the end of of one of our Country's most Unconstitutional statutes ever. See (Doc. #671, at 26-37).

Conclusion.

Undeniably my VIII Amendment right to protection from cruel and unusual punishment is getting violated because I am factually and legally innocent (Appendix D). Seriously the LEOs conducted an unlawful investigation. The Prosecutors committed a mindboggling amount of misconduct. The defense attorneys actively participated in the complete deprivation of Constitutional rights, privileges, and immunities. And the totality of the District Court's and 10th Circuit's rulings are abuses of discretion. In other words, a manifest injustice has occurred and the law of the case is in violation of the Constitution and Laws of the United States. Therefore, I am respectfully requesting that this Court excercise its Article III authority to dismiss the indictment, grant every defendant an acquittal, and also end the tyranny that is use immunity. See Bell v. Hood, 327 US 678, 684 (1946)

> ("where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief"); see also United States v. Lee, 106 US 196, 208-209 (1882)("Under our system the people ... are the sovereign. Their rights, whether collective or individual, are not bound to give way to sentiment of loyalty to the person of a monarch. The citizen here knows no person, however near to those in power or however powerful himself, to whom he need yield the rights which the law secures to him when it is well administered. When he, in one of the courts of competent jurisdiction, has established his right[,] ... there is no reason why deference to any person, natural or artificial, not even the United States, should prevent him from using the means which the law gives him, for the protection and enforcement of that right").

Respectfully submitted,

Michael Caine Redifer Sr.

Declaration in compliance of Supreme Court Rule 29.2.

First-class postage has been prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 2, 2018

Michael Caine Redifer Sr.

Michael Caine Redifer Sr.

Declaration in compliance of Supreme Court Rule 33.2.

As required by Supreme Court Rule 33.2, I declare that this Writ of Certiorari is in compliance of Supreme Court Rule 33.2.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 2, 2018

Michael Caine Redifer Sr.

Michael Caine Redifer Sr.