

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

(ORIGINAL JURISDICTION)

In re David Louis Colson - PETITIONER

ON PETITION FOR A WRIT OF HABEAS CORPUS TO THE
MARICOPA COUNTY SUPERIOR COURT OF ARIZONA
(LACK OF SUBJECT-MATTER JURISDICTION)

PETITION FOR WRIT OF HABEAS CORPUS

David Louis Colson
ASPC-EYMAN-MEADOWS UNIT
P.O. BOX 3300
FLORENCE, ARIZONA 85132

QUESTION(S) PRESENTED

In this Case, in which the State was Party to, there was a lack of subject-matter jurisdiction of the superior court of Arizona who usurped the power of the Supreme Court of the United States in violation of the Constitution of the United States, Article 3, Section 2, that reads in part: "In all Cases ... in which the State shall be Party, the supreme Court shall have original Jurisdiction."

Therefore, the Supreme Court of the United States may issue the writ of habeas corpus in the exercise of original jurisdiction in this Case where it has original jurisdiction. The convictions and sentences of imprisonment of the Petitioner are unlawful and void.

Whether the superior court of Arizona had NO jurisdiction to render the judgment which it gave in this Case in which the State was a Party?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

NOTICE TO AGENT IS NOTICE TO PRINCIPLE. NOTICE TO PRINCIPLE IS NOTICE TO AGENT.

Respondent Charles L. Ryan is the DIRECTOR OF ARIZONA DEPARTMENT OF CORRECTIONS.

Respondent Mark Brnovich is the Arizona Attorney General.

Respondent Doug Ducey is the ARIZONA GOVERNOR.

Respondent Pamela Gates was the trial JUDGE involved.

Respondent Margaret R. Mahoney was the JUDGE involved at the Settlement Conference.

Respondent William G. Montgomery was the MARICOPA COUNTY ATTORNEY involved.

Respondent Peggy Wu was the DEPUTY COUNTY ATTORNEY involved.

Respondent Dawnese Agnick was an OFFICER OF THE COURT appointed to represent Defendant.

Respondent Sherri Lynn Colson was an OFFICER OF THE COURT appointed to represent Defendant.

Respondent Kerri L. Chamberlin was the OFFICER OF THE COURT appointed for Post-Conviction Relief.

Respondent Jerome Fenton was the DEPUTY COUNTY ATTORNEY involved.

Petitioner is the natural person David Louis Colson being unlawfully held in custody at: ARIZONA STATE PRISON COMPLEX-EYMAN-MEADOWS UNIT.

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PETITION FOR WRIT OF HABEAS CORPUS

Petitioner hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not delegated to the federal government by the Constitution, nor prohibited by it; and over all powers not otherwise enumerated and granted to the state government by the Arizona Constitution; and for the necessity of an Article 1 redress of grievance under the Ninth Amendment to the Constitution of the United States reservation for the resolution, because the original Jurisdiction of the Supreme Court of the United States has been usurped by the superior court of Arizona which has unlawfully deprived the Petitioner of life, liberty, and property, the Petitioner hereby demands, as state and federal government are his agent, that a writ of habeas corpus issue without delay.

JURISDICTION

This same application for a writ of habeas corpus addressed to the Maricopa County Superior Court of Arizona, and a copy thereof addressed to the Arizona Attorney General, with first-class postage prepaid was deposited in the prison mail system on 1-10-18.

This same application for a writ of habeas corpus addressed to the Arizona Supreme Court, and a copy thereof addressed to the Arizona Attorney General, with first-class postage prepaid was deposited in the prison mail system on 1-16-18.

This same application for a writ of habeas corpus was electronically mailed to the U.S. District Court of the District of Arizona on 1-23-18.

The Courts enumerated above have failed to forthwith award the writ and have thereby effectively suspended the writ of habeas corpus in violation of the Constitution and laws of the United States.

The jurisdiction of this Court is invoked under the Constitution of the United States and the First, 4th, 5th, 6th, 8th, 9th, 10th, 13th, and 14th Amendments thereto.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONST., ART. 1, SEC. 9,

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

U.S. CONST., ART. 3, SEC. 2,

In all Cases ... in which a State shall be Party, the supreme Court shall have original Jurisdiction.

U.S. CONST., ART. 6,

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution.

U.S. CONST., AMEND. 1,

Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances.

U.S. CONST., AMEND. 4,

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. CONST., AMEND. 5,

No person shall ... be deprived of life, liberty, or property, without due process of law.

U.S. CONST., AMEND. 6,

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; ... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

U.S. CONST., AMEND. 8,

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

U.S. CONST., AMEND. 9,

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

U.S. CONST., AMEND. 10,

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

U.S. CONST., AMEND. 13, SEC. 1,

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

U.S. CONST., AMEND. 14, SEC. 1,

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

There was a lack of subject-matter jurisdiction of the Maricopa County Superior Court of Arizona in this Case in which the State was Party to, STATE OF ARIZONA v. DAVID LOUIS COLSON, No. CR2011-007714.

On October 12, 2011, by indictment in the name of the State, "STATE OF ARIZONA", the Maricopa County Attorney filed false, fictitious, and fraudulent charges against the corporate entity "DAVID LOUIS COLSON", the Defendant, for six counts of dangerous crimes against children involving sexual conduct with a minor (counts 1-4) and sexual exploitation of a minor (Count 5) and furnishing obscene or harmful items to minors (Count 6). On October 20, 2011, the natural person "David Louis Colson", the Petitioner, was arrested with NO affidavit and NO probable cause that another person suffered actual injury or loss. Petitioner was held in custody with NO bail, NO charges, and NO counsel. Petitioner was NOT informed of the nature and cause of the accusation; was NOT provided the Assistance of Counsel; and was NOT provided a speedy and public trial, by an impartial jury. The Officer of the Court, the Court appointed Counsel to represent the Defendant, threatened the Petitioner that he would be sentenced to life imprisonment if he insisted on his right to trial and, based on that erroneous information believing it to be true, the Petitioner was coerced to sign the fraudulent PLEA AGREEMENT containing repetitive charges for dangerous offenses which falsely misrepresent for each charge that: "This is a non-dangerous, non-repetitive offense under the criminal code." Following a sham prosecution with NO notice, NO proof, NO admission, and NO determination of a dangerous crime against children, pursuant to the bogus PLEA AGREEMENT the corporate entity "DAVID LOUIS COLSON" was convicted of three counts for dangerous crimes against children involving sexual conduct with a minor (Count 1) and attempted molestation of a child (amended counts 2 and 3) and, on May 3, 2013, was sentenced to two terms of lifetime probation in addition to a 27-year term of imprisonment; despite that the judge determined, and stated on the SENTENCE-IMPRISONMENT AND PROBATION, that: "These are non-dangerous, non-repetitive offenses" and, thereby, found the Defendant NOT guilty of the offenses of convictions.

In November 2017, after consulting fellow prisoners, the Petitioner discovered the facts, NOT previously known, now raised in this petition. Petitioner hereby recinds the PLEA AGREEMENT. The Court's failure to consider the claims will result in a fundamental miscarriage of justice. The convictions and sentences of imprisonment of the Petitioner are unlawful and void.

GROUNDS AND SUPPORTING FACTS (REASONS) FOR GRANTING THE PETITION

GROUND ONE: The superior court of Arizona had NO jurisdiction to render the judgment which it gave in this case in which the State was a Party.

SUPPORTING FACTS: Petitioner is a natural person who was arrested on NO probable cause that another person suffered actual injury or loss. There was NO criminal case at law amounting to felony. There was NO prosecution conducted in the name of the people and by their authority. The State was Party to this Case in the superior court of Arizona in violation of the Constitution of the United States, Article 3, Section 2, that states in part: "In all Cases... in which a State shall be Party, the supreme Court shall have original Jurisdiction." Therefore, in this Case in which the State was Party to, would have been within the exclusive jurisdiction of the Supreme Court of the United States, the Arizona "court had no jurisdiction to render the judgment which it gave." Ex parte Bain, 121 U.S. 1, 3 (1887).

"[S]ubject-matter jurisdiction, because it involves a court's power to hear a case, can never be forfeited or waived. Consequently, defects in subject-matter jurisdiction require correction regardless of whether the error was raised in... Court." U.S. v. Cotton, 535 U.S. 625, 630 (2002). There was NO notice, NO proof, NO admission, and NO determination of any offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury that was focused on, directed against, aimed at, or targeted a person under the age of fifteen to support a conviction for a dangerous crime against children; nor that the Petitioner caused another person to suffer actual injury or loss. There is NO interest of the people served by incarceration. Petitioner is in custody in violation of the Constitution and laws of the United States. Petitioner has been denied the protections secured under the Constitution of the United States and the First, 4th, 5th, 6th, 8th, 9th, 10th, 13th, and 14th Amendments thereto. Petitioner has been deprived of his rights to life, liberty, and property, without due process of law. The civil courts are NOT disturbed, there is NO rebellion or insurrection and there are NO troops in the streets. There is NO other plain, speedy, or adequate remedy at law. This Court must forthwith award the writ of habeas corpus. This "is a writ of right and cannot be refused." Ex parte Burford, 7 U.S. 448 (1806).


The convictions and sentences of imprisonment of the Petitioner are unlawful and void.

CONCLUSION

The petition for a writ of habeas corpus should be granted forthwith and award the writ to immediately effect: 1) the discharge of Petitioner from all custody and restraint; 2) the restoration of all rights of Petitioner; 3) the transportation for Petitioner to return home; 4) the government to return all property seized from Petitioner; 5) the delivery to Petitioner of all money, obtained by private corporations and state and federal government and corporations, in connection to all of Petitioner's incarceration and convictions from the time of arrest; and 6) any other relief to which Petitioner may be entitled.

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

1-25-18
Date


Signature of Petitioner
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Counsel for Respondents served is as follows:

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