

18-7524

No.

---

**IN THE  
Supreme Court of the United States**

---

Roger L. Harrison Jr. And Lyle R.  
Harrison,

Men,

v.

CYNTHIA HUGGINS PETERS, AND  
SHIRLEY HUGGINS COOPER,

Respondents.

---

**On Petition for a Writ of Certiorari to  
the United States Court of Appeals  
for the Illinois Supreme Court and  
the Illinois Appellate Court Fourth  
District**

---

**PETITION FOR A WRIT OF CERTIORARI**

---

Roger L. Harrison Jr.  
Lyle R. Harrison  
1223 Allen Street  
Manitowoc, WI  
54220  
(920) 629-0771  
rlhpastor@gmail.com  
Lharrison@global.t-bird.edu

---

**ORIGINAL**

Supreme Court, U.S.  
FILED

JAN 22 2019

OFFICE OF THE CLERK

## QUESTIONS PRESENTED

The Peter Lux Jr. Estate of +960 acres of prime farmland was settled in 1923.(App.113a) Moultrie County Judge John Laughlin also signed in 1936 the 36-CH-63(App.263a) Agreed Order to settle via Springing Executory Interest, the Peter Lux Jr. Estate on the 9 unborn Harrison Children. Judge John Laughlin with the Harrison family signed the Agreed Order in Case 36-CH-63 stating, the Peter Lux Jr. Estate is held for the Harrison Line/Children in Trust FOREVER.(App.274a)

Whether due process allows Trial Court Judge Richard L. Broch, the Illinois 4<sup>th</sup> District Appellate Court, and the Illinois Supreme Court to deny Indigent Americans the right to Petition the Government for Redress of Grievances because they lack funds to pay the Court Costs and Fees?

Whether due process allows the Illinois 4<sup>th</sup> District Appellate Court, and the Illinois Supreme Court to deny Americans/Trust beneficiaries the right to be secure against unreasonable seizures of their Trust property, and seizure of Trust funds without a Warrant supported by Oath or affirmation particularly describing the things to be seized? Or Whether, due process allows the Illinois Courts to seize property without joining all necessary and relevant parties?

## **PARTIES TO THE PROCEEDING**

Roger Lyle Harrison Jr. and Lyle Roger Harrison, are filing as Men. They are also called in this proceeding, petitioners on review, and both Men were the defendant-appellants below.

The following individuals, Respondents on review were the plaintiff-appellees below: Cynthia Huggins Peters, and Shirley Huggins Cooper. Their mother, Charlotte Sue Huggins, died December 13, 2017 and did not appeal.

There are no other parties to this proceeding. These two Plaintiff-Appellee-Respondents filed their 2<sup>nd</sup> Amended Complaint against a fictitious party, the personal administrator of the Estate of Roger L. Harrison Sr. Which person does not exist.

Roger L. Harrison Sr. died Testate on September 19, 2012 with a Living Revocable Trust signed Inter-Vivos July 10, 2012, and Testamentary Trust/Pour over Will. Roger Sr. died with nothing in his Estate but \$10,000 of credit card debt. This court case was filed by the Plaintiff-Respondents to unlawfully commit Federal Tax Evasion and Trust theft.

## TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED.....	i
PARTIES TO THE PROCEEDING.....	ii
TABLE OF CONTENTS.....	iii
TABLE OF AUTHORITIES.....	xii
OPINIONS BELOW.....	1
JURISDICTION.....	1
PROVISIONS INVOLVED.....	1
DEDICATION.....	2
STATEMENT OF THE CASE.....	2
A. Background.....	2
B. Case History.....	5
C. Case History – Fee Waiver/Indigent Status.....	9
REASONS FOR GRANTING PETITION.....	13
I. Review is warranted because SCOTUS and the Federal Court of Milwaukee, Wisconsin have already accepted Lyle and/or Roger Jr. as Indigent.....	13
II. Review is warranted because the Opinion below upends the Courts long standing Precedent	
A. The General Constitutional rule is that Governments must provide due process before confiscating property and Plaintiff's failed to join all necessary and relevant parties.....	16

B. Judge Dan L. Flannell should have recused himself from the case because he was the former “Of Counsel” of Hardware State Bank, was the Guardian Ad Litem for the Harrison Children and is a current common stock shareholder.....	20
III. Review is warranted because the Opinion below upends the Courts long standing Precedent	
A. The General Constitutional rule is that Governments must provide due process before confiscating property, or Federal FSA/USDA funds.....	22
CONCLUSION.....	24

APPENDIX

## TABLE OF CONTENTS – Continued

	Page
<b>APPENDICES</b>	
Appendix A: Order of the Illinois Supreme Court denying rehearing of Fee Waiver, <i>Huggins v. Harrison</i> , Case No. 124090 (October 24, 2018).....	1a
Appendix B: Letter from the Illinois Supreme Court Clerk, Carolyn Gosboll, denying Fee Waiver Petition for, <i>Huggins v. Harrison</i> , No. 124090 (October 18, 2018).....	2a
Appendix C: Order of the Illinois Supreme Court denying Lyle Roger Harrison’s Fee Waiver, <i>Huggins v. Harrison</i> , No. 124090 (October 10, 2018).....	3a
Appendix D: Order of the Illinois 4 <sup>th</sup> Appellate District issuing Sanctions of \$4,215.87 and dismissing appeal, <i>Huggins v. Harrison</i> , No. 4-18-0254 (October 2, 2018).....	4a
Appendix E: Order of the Illinois 4 <sup>th</sup> Appellate District stating Appeal is frivolous, <i>Huggins v. Harrison</i> , No. 4-18-0254 (August 31, 2018).....	6a
Appendix F: Order of Illinois 6 <sup>th</sup> Circuit Judge Richard Broch Approving Accounting and discharging farm manager, <i>Huggins v. Harrison</i> , No. 11-CH-27 (February 20, 2018).....	8a
Appendix G: Judgment Order of Illinois 6 <sup>th</sup> Circuit Judge Dan L. Flannell Distributing trust funds to non-beneficiaries, <i>Huggins v. Harrison</i> , No.11-CH-27 (December 9, 2016).....	10a
Appendix H: Moultrie Circuit Clerk Cynthia Braden emails to prepare record <i>Huggins v. Harrison</i> , No.11-CH-27 (April 13, 2018).....	21a
Appendix I: May 7, 2018 Fee Waiver Application <i>Huggins v. Harrison</i> ,11-CH-27 (December 9, 2016).....	24a

## TABLE OF CONTENTS – Continued

	Page
Appendix J: Docket entry May 8, 2018 requiring additional information from Lyle Harrison due for Court hearing May 25, 2018, No. 11-CH-27.....	27a
Appendix K: Supporting information filed with the Circuit Clerk May 23, 2018 required by Judge Broch for Fee Waiver Application w/ Indigent Order 13CF47.....	30a
Appendix L: Docket entry May 25, 2018 denying Lyle Harrison's Fee Waiver, No. 11-CH-27.....	44a
Appendix M: April 6, 2018 letter from the 4 <sup>th</sup> District Appellate Clerk, <i>Huggins v. Harrison</i> , No. 4-18-0254 telling Lyle Harrison to file a Fee Waiver.....	45a
Appendix N: April 13, 2018 filing of Lyle Harrison's Fee Waiver as requested by Appellate Clerk, 4-18-0254.....	46a
Appendix O: April 16, 2018 Order denying Fee Waiver of Lyle Harrison by Appellate Court, 4-18-0254.....	52a
Appendix P: October 5, 2018 Fee Waiver of Lyle Harrison filed with Illinois Supreme Court, No. 124090.....	53a
Appendix Q: October 23, 2018 Motion to Reconsider Fee Waiver of Lyle Harrison filed with Illinois Supreme Court, <i>Huggins v. Harrison</i> , No. 124090.....	59a
Appendix R: October 5, 2018 PLA Roger Jr. and Lyle Harrison filed with Illinois Supreme Court, <i>Huggins v. Harrison</i> , No. 124090...	71a
Appendix S: Docket entries for 2018 Year for case, <i>People of the State of Illinois v. Harrison</i> , No. 13-CF-47.....	94a
Appendix T: Warrant and \$500,000 Bail for case, <i>People of the State of Illinois v. Harrison</i> , No. 13-CF-47.....	95a

## TABLE OF CONTENTS – Continued

	Page
Appendix U: Jail Sentence of 180 days for case, <i>People of the State of Illinois v. Lyle Harrison</i> , No. 13-CF-47.....	96a
Appendix V: November 15, 2018 Order of 4 <sup>th</sup> District Illinois Appellate Court REVERSING Lyle’s wrongful conviction and Remanding case, 13-CF-47 for a new trial.....	97a
Appendix W: Indigent Order for Federal Case, <i>Lyle R. Harrison v. Moultrie County, et al.</i> , No. 18-CV-957.....	98a
Appendix X: Order of Incarceration of Lyle Harrison and Andrew Harrison signed by Illinois 6 <sup>th</sup> Circuit Judge Dan L. Flannell, (December 15, 2014).....	101a
Appendix Y: Family Tree for Roger Harrison Sr. Family, Peter Lux Jr. Family and Newton Trabue Family.....	112a
Appendix Z: Peter Lux Jr. Will/Inheritance Tax Return.....	113a
Appendix AA: 1924 Lux Declaration of Trust.....	212a
Appendix BB: Faye Lux Quit Claim Receipt to Trustee Harry H. Harrison on Lot 11 and filed as a Deed, signed the day after she turned 18, August 27, 1926 and Recorded in Moultrie Courthouse August 30, 1926.....	217a
Appendix CC: Susan Trabue Latch Quit Claim Receipt to Trustee Harry H. Harrison on Lot 11 and filed as a Deed, signed, filed and Recorded September 18, 1925.....	218a
Appendix DD: William Trabue Quit Claim Receipt to Trustee Harry H. Harrison on Lot 11 and filed as a Deed, signed, filed and Recorded September 2, 1925.....	219a



## TABLE OF CONTENTS – Continued

	Page
Appendix EE: Probate of Roger Sr., No. 13-P-26, Direct Criminal Contempt Court Order signed by Judge Dan Flannell incarcerating Trustee Roger Jr. because he refused to dissolve the Trust and give Trust money and property to the Hardware State Bank, the bank Judge Dan Flannell owns common stock in,.....	220a
Appendix FF: Electronic Filing for Criminal Case 13-CF-47 denied to Lyle Harrison by Moultrie Clerk.....	222a
Appendix GG: Probate of Roger L. Harrison Sr., Case #13-P-26, Closed after 2 years, August 3, 2015.....	223a
Appendix HH: Probate of Roger L. Harrison Sr., Case #13-P-26, Closed after 3 years, October 11, 2016.....	224a
Appendix II: Probate of Roger L. Harrison Sr., Case #13-P-26, Closed after +4 years, December 18, 2017.....	225a
Appendix JJ: Probate of Roger L. Harrison Sr., Case #13-P-26, Order to Re-Open Probate with no assets in the Trust, to rob the Harrison family trust, commit federal tax evasion and launder the money, October 6, 2015.....	226a
Appendix KK: April 15, 2016 Illinois 4 <sup>th</sup> Appellate District Order, No. 4-16-0126, dismissing Appeal for lack of a final Order, <i>Huggins v. Harrison</i> .....	227a
Appendix LL: Moultrie Case 11-CH-27 Docket entry, December 5, 2016, Clerk refusing to File Stamp Lyle Harrison's 2 Verified Objections to partition the Trust and Launder Trust money through Hardware State Bank n/k/a First Community Bank of Moultrie County, Illinois.....	228a

## TABLE OF CONTENTS – Continued

	<b>Page</b>
Appendix MM: December 5, 2016 1 <sup>st</sup> filing rejected to file stamp by Moultrie Circuit Clerk Cynthia Braden titled, “VERIFIED OBJECTION TO PLAINTIFF’S MOTION TO DEEM PLAINTIFF’S 2 <sup>ND</sup> REQUEST TO ADMIT GENUINNESS OF DOCUMENTS ADMITTED”.....	229a
Appendix NN: December 5, 2016 2nd filing rejected to file stamp by Moultrie Circuit Clerk Cynthia Braden titled, “VERIFIED OBJECTION TO PLAINTIFF’S MOTION TO DISBURSEMENT OF PETER LUX JR TRUST ESTATE/ROGER LYLE HARRISON REVOCABLE TRUST FUNDS SEIZED BY HARDWARE STATE BANK”.....	240a
Appendix OO: Federal IRS Tax Lien of +\$17.8 Million and Levy of \$3.2 Million on ALL Trust property and Trust accounts sent to Moultrie County, The State Of Illinois, US Bank, and Hardware State Bank n/k/a First Community Bank of Moultrie, October 10, 2015.....	259a
Appendix PP: Moultrie Case No. 36-CH-63 Agreed Court Order with Hardware State Bank CEO, Francis Purvis signing the Court Case and filing an unsigned Wild Deed stating the opposite of the 36CH63 Agreed Order.....	263a
Appendix QQ: Judge Dan L. Flannell’s 2014 Annual Financial Accounting he signed and filed with the Illinois Supreme Court, years 2011-2016 are identical and show his Common Stock interest in Hardware State Bank as his largest investment +\$100,000-+\$250,000 during the entire time Moultrie Case; 11-CH-27, 13-CH-35, 13-P-26, 13-L-7, 13-CF-47, were pending and he signed Court Orders in these cases despite his conflicts.....	275a

## TABLE OF CONTENTS – Continued

	Page
Appendix RR: Affidavits of Entire Harrison Family, including Roger Jr. and Lyle, signed and filed March 2014 in the Probate of Roger Sr., No. 13-P-26, refusing to be the personal representative or take any interest or money outside of Trust in Peter Lux Jr's Estate.....	281a
Appendix SS: January 11, 2018 Hardware State Bank send fraudulent and fake 1099's to the Harrison family telling them to file taxes according to Court Order(See App.10a) a contract that NEVER existed to absolve the banks tax evasion liability.....	292a
Appendix TT: Email from Trust Farmer, Tim Schable, telling Trustee Lyle R. Harrison the USDA/FSA is withholding ALL Federal FSA funds from the Trust and the Trust Farmer.....	294a
Appendix UU: FSA/USDA April 25, 2018 unsigned CRP contract mailed to Trustee Lyle R. Harrison admitting the Roger L. Harrison Sr. Revocable Trust is the owner of the entire Peter Lux Jr. Estate farm.....	295a
Appendix VV: July 11, 2018, The (FSA) Farm Services Administration sends a NOTICE to Trustee Roger L. Harrison Jr., which directly contradicts the FSA CRP contract mailed to Trustee Lyle R. Harrison.....	299a
Appendix WW: July 31, 2018, OFFICIAL Response of Trustee Roger L. Harrison Jr., in reply to the July 11, 2018 FSA NOTICE.....	301a
Appendix XX: 1 <sup>st</sup> Page of Federal Case #18-C-0957 Filed Against Moultrie County, Judge Richard Broch, and all 7, Illinois 4 <sup>th</sup> District Appellate Judges because the Harrison family Trust and Trust farmer are STILL denied their Federal Funds, even on the 320 acres the 3 judges in Moultrie Court was forced to admit, no assets or property are in Roger Sr's probate, 13-P-26.....	302a

**TABLE OF CONTENTS – Continued****Page**

Appendix YY: March 16, 2016, AFFIDAVIT of Attorney Joanne Dennison to FBI, the transcripts are changed, and the Moultrie Court has unlawfully incarcerated Lyle R. Harrison.....	303a
--	------

## TABLE OF AUTHORITIES

	Page
<b>CASES</b>	
Moultrie County Case 36-CH-63 Agreed Order, <i>Susan Myrtle Lux Harrison vs. Harry Howard Harrison, Lyle Lux Harrison</i> , (June 27, 1936).....	3,4,17,18,19
Peter Lux Jr. Inheritance Tax Return, (May 15, 1923) Moultrie County, Illinois Probate File.....	2
Mary E. Lux Inheritance Tax Return, (October 10, 1933) Moultrie County, Illinois Probate File.....	3
Harry Howard Harrison Inheritance Tax Return, (June 19, 1974) Sangamon County, Illinois Probate Case #73-P-672.....	7
Lyle Lux Harrison Inheritance Tax Return, (February 5, 1981) Moultrie County, Illinois Case #81-P-14.....	3,4,7
Roger Lyle Harrison Sr. Probate File (September 2013) Moultrie County, Illinois Case #13-P-26.....	4,6,9,15,18
Moultrie Case #13-CH-35, <i>Harrison v. Willoughby</i> .....	6
Moultrie Case #13-L-7, <i>Willoughby v. Harrison</i> .....	6
Piatt Case #13-CH-57, <i>Willoughby v. Harrison</i> .....	6
Moultrie Case #13-CF-47, <i>People v. Lyle R. Harrison</i> .....	6,9,11,12
<i>Mandamus</i> Case #121585 Against 6 <sup>th</sup> Judicial Circuit Chief Judge, Dan L. Flannell and Moultrie Circuit Clerk Cynthia J. Braden.....	8
<i>Mandamus</i> Case #123568 Against 6 <sup>th</sup> Judicial Circuit Chief Judge, Richard L. Broch and Moultrie Circuit Clerk Cynthia J. Braden..	23

## TABLE OF AUTHORITIES-Continued

	<b>Page</b>
<b>CASES-(Continued)</b>	
<i>Adkins v. E.I. DuPont de Nemours &amp; Co.</i> , 335 U.S. 331, 342-343 (1948).....	13,14
<i>Entick v. Carrington</i> (1765 Britain).....	17
<i>Caperton v. A.T. Massey Coal Co.</i> (2009).....	20
Federal Case #1:16-CV-4831 filed April 2016 <i>Lyle R. Harrison v. Twila Jeannine Garrett</i> .....	23
Federal Case #18-CV-0957 filed June 2018 <i>Lyle R. Harrison v. Moultrie County, Richard Broch, Et Al</i> .....	11,23
<i>Washington v. United States</i> (2018).....	20
<i>Wyckoff v. Commissioner of Baseball</i> (2018).....	20

## **RULES**

Illinois Supreme Court Rule 68.....	6,20
-------------------------------------	------

## **STATUTES AND REGULATIONS**

U.S. CONST. AMEND. XIV.....	passim
U.S. CONST. AMEND. IV.....	passim
U.S. CONST. AMEND. I.....	passim

**TABLE OF AUTHORITIES-Continued**

	<b>Page</b>
<b>CASES-(Continued)</b>	
<b>OTHER</b>	
ARDC Complaint Against Robert V. Elder.....	15
ARDC Complaint Against Rollin C. Huggins Jr.....	15
ARDC Complaint Against Twila J. Garrett.....	15
ARDC Complaint Against Duane Deters.....	15
ARDC Complaint Against Craig Runyon.....	15
JIB Complaint Against Judge Dan Flannell.....	15
WRIT OF CERT 17-8322.....	11
WRIT OF CERT 17-1881.....	3,4,5,8,11

### **OPINIONS BELOW**

The Illinois Supreme Court issued an Order denying Roger Lyle Harrison Jr. and Lyle Roger Harrison's PLA and Petition's for Fee Waiver.(App.1a) The Illinois Appellate Court 4<sup>th</sup> District denied the Fee Waiver with no Opinion(App.52a) and their Final Order was issued as an unpublished opinion.(App.4a-6a) The Illinois 6<sup>th</sup> Judicial Circuit entered no Order, just a Docket entry. (App.44a)

### **JURISDICTION**

The Illinois Supreme Court entered an Order denying the Fee Waiver and PLA on October 10, 2018.(App.3a) October 23, 2018, a Petition for Rehearing was filed.(App.59a) The Illinois Supreme Court entered final judgement denying the Fee Waiver and PLA on October 24, 2018.(App.1a)

The Illinois Appellate Court 4<sup>th</sup> District entered judgment denying the Appeal on August 31, 2018.(App.6a) The Illinois Appellate Court 4<sup>th</sup> District denied Lyle's Fee Wavier on April 16, 2018.(App.52a) No petition for rehearing was filed because sanctions were issued.(App.4a)

This Honorable Court has jurisdiction to review The Illinois Supreme Court(App.1a) and the Illinois Appellate Court 4<sup>th</sup> District(App.4a-6a) and the Illinois 6<sup>th</sup> Judicial Circuit's decisions(App.8a;10a;44a) under 28 U.S.C. § 1257 (1)(2) which confers jurisdiction.

### **PROVISIONS INVOLVED**

The Fourteenth Amendment states in relevant part that "nor shall any state deprive any person of life, liberty, or property, without due process of law".

The First Amendment states in relevant part that "Congress shall make no law respecting an establishment of religion... or the right... to petition the Government for a redress of grievances."

The Fourth Amendment states in relevant part that "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."



## DEDICATION

To the 9 Honorable Supreme Court Justices; John Roberts, Clarence Thomas, Ruth Ginsburg, Stephen Breyer, Samuel Alito, Sonia Sotomayor, Elena Kagan, Neil Gorsuch, and Brett Kavanaugh. This Writ is dedicated to the memory of Roger L. Harrison Sr, our father. Who loved his family above all else, and was verbally assaulted by Judge Dan L. Flannell for 3 hours at the March 27, 2012 hearing which resulted in extreme emotional duress and caused his wrongful death. Yet, He refused to sign away any part of the Trust to the Judge's Bank. This cost Roger Sr. his life. We honor our father, Roger Sr., and we thank you for the privilege to file.

## STATEMENT OF THE CASE

### A. Background

Peter Lux Jr. amassed real property and wealth during his life and this farmland passed under his Will according to Peter Lux Jr.'s Inheritance Tax Return.(App.113a) Peter Lux Jr. desired to pass this property to a Line of Heirs.(App.113a) Because his 2 sons(App.112a) predeceased him; Newton(14 yrs.) and Arthur(33 yrs.) he chose the Line of his oldest Grandson, Harry H. Harrison.

Mary E. Trabue, met and married Peter Lux Jr. in 1867, also a French immigrant. Peter Jr. and Mary E. Lux had 3 children; Arthur, Newton, and Susan Myrtle.(App.112a) Arthur had one daughter, Faye. Susan Myrtle had 2 sons, Harry and Lyle Lux. Newton died in childhood with no issue. Arthur died in 1910, and predeceased his parents.(App.112a) Peter Lux Jr. was born to a family of 13 children. Peter Lux Jr. served with the Illinois 116<sup>th</sup> infantry during the Civil War and received the purple heart.

In 1923, Moultrie County agreed to settle the Peter Lux Jr. Estate on his wife, Mary E. Lux, as sole Executrix.(App.113a) Because the Lux line had ended after the death of Arthur Lux,(App.112a) Mary E. Lux signed the 1924 Declaration of Trust(App.212a) with her oldest grandson, Harry Howard Harrison. Hardware State Bank signed the 5<sup>th</sup> page of the 1924 Declaration of Trust,(App.216a) agreeing to act as fiduciary thus accepting liability to ensure Trust beneficiaries received benefit

and right.

In 1924 Faye K. Lux was a minor, and was to sell her interest when she reached 18.(App.212a) Faye K. Lux was born August 26, 1908. Faye K. Lux sold her interest on August 27, 1926, the day after Faye Lux turned 18. In accordance with the terms of the Declaration of Trust,(App.212a) Faye signed, filed, and recorded a quit-claim deed to keep a record in the courthouse forever of this important sale.(App.217a) Mary E. Lux's Inheritance Tax Return documents that NO farmland is in her Estate, because it's all in her trust.(App.212a;263a)

Mary's father, Newton A. Trabue, owned 640 acres, and fathered 12 children. Only 4 survived to adulthood.(App.112a) Newton died at 90 years old in 1916. His 4 surviving children each received a life estate in 160 acres, with remainder to their Children. Newton's 4 children had no Children or heirs, except Mary.(App.112a) In 1925, 2 of Newton's children sold their interest in Newton's estate to Harry Harrison in trust. William Trabue and Susan Trabue filed quit-claims as a record of this sale to the Trust.(App.218a;219a) The Lux and Trabue families' idea was to combine both estates in Trust for Harry Howard Harrison, the Oldest Grandson's line.(App.112a;113a;212a;217a;218a;219a)

On June 27, 1936, Harry Howard Harrison, Lyle Lux Harrison(App.112a;Harry's younger brother), Susan Myrtle Harrison (App.112a;Harry and Lyle's mother) and Moultrie Judge John Laughlin signed the Agreed Order(App.263a;271a) in Case 36-CH-63 that the, Peter Lux Jr. Estate and Newton Addison Trabue Estate (Mary's father), should be held in Trust for the Harrison Children FOREVER.(App.271a;212a)

The CEO of Hardware State Bank, Attorney Francis Purvis, signed Court case 36-CH-63.(App.272a) Attorney Purvis married Faye in 1936.(App.112a) To unlawfully steal trust income, Attorney Purvis, filed an unsigned deed contradicting the court order.(App.273a) His actions initiated fraud against the Peter Lux Jr. Estate. Wherein, the CEO of Hardware State Bank, unlawfully breached his fiduciary responsibility and stole trust income from customers for the benefit of him and his family.

Harry Harrison died without issue August 19, 1973, but before his death, 5 of the 9 Harrison children were born.(App.112a) Lyle was born June 20, 1973 and Roger Jr. in 1969.(App.112a) At Harry's death August 19, 1973, his brother Lyle Lux was still alive. After Lyle Lux's wife died April 1976, he signed Inter-Vivos a living

trust agreement with his only Son, Roger L. Harrison Sr. and thus, Roger Sr. is the SOLE Trustee and Transferee in the probate of Lyle Lux Harrison.(81-P-14;See Writ #17-7881) The Courthouse Judge Kranz signed Lyle Lux's probate 81-P-14 which states Roger Sr. is the SOLE Trustee and Transferee of the Trust. Two months before Roger Sr.'s death September 19, 2012, Roger L. Harrison Sr. signed Inter-Vivos, a Living Trust July 10, 2012 (Writ #17-7881) appointing his 5 sons, Roger Jr, Lyle, Lux, Andrew, and Peter as successor Trustees.(Writ #17-7881) The nine (9) Harrison Children of Roger Sr. are the skip persons of the Peter Lux Jr. Estate and the perpetual Trust of court case 36-CH-63 and 36-CH-63 Agreed Order(App.112a;263a) by ***SPRINGING EXECUTORY INTEREST***.(App.112a;113a;212a)

In March 1981, Estate Attorney Robert V. Elder filed a Generation Skipping Tax form 706 return notifying the IRS the 9 Harrison Children were the sole owners and skip persons of the Peter Lux Jr. Estate. Attorney Robert V. Elder also filed a Generation Skipping Tax (GST) form 706 February 1977 for Lyle Lux Harrison's wife, Alta Bowers.(Writ #17-7881) Alta's GST Form 706 informed the IRS the 9 Harrison Minor Children were the sole beneficiaries of +\$100,000 in cash. Lyle Lux Harrison opened at Merrill Lynch 8 Trust accounts numbered and tied to the Children's social security numbers.(Writ #17-7881) The accounts were to accrue interest and farm income of no less than \$500,000 a year for +45 years. The Trust accounts were moved from Merrill Lynch to Hardware State Bank while Judge Dan L. Flannell was Attorney over the Banks Trust department as "of Counsel". The 9 Harrison Children have never received their trust funds and never signed giving their money away. Judge Dan L. Flannell operated in active concert, or participated, and promoted a tax-fraud scheme, and aided or abetted conduct that interfered with the administration and enforcement of tax laws.

Plaintiff's Cynthia Huggins Peters and her sister Shirley Huggins Cooper never filed their case against; the Estate of Peter Lux Jr.(App.113a) or the 1924 Declaration of Trust,(App.212a) or the PERPETUAL Trust named in the 36-CH-36 Agreed Court Order.(App.263a) These three parties were never joined to the case, and these are/were the owners of the farmland. Instead Cynthia and Shirley filed this case against; UNKNOWN OWNERS because neither of them is an heir or beneficiary of the Trust. Neither Cynthia or Shirley is an heir or beneficiary of any Estate

plan of any family members stretching back 5 generations.(112a) They filed their claim in Roger Sr's probate as a creditor, a 7<sup>th</sup> class claim.(13-P-26;Writ 17-7881) None of the 3 judges who presided over Roger Sr's probate, #13-P-26, gave Cynthia, Shirley, or their mother Charlotte, anything.

## **B. Case History**

During this pending court case, Moultrie County has seized, under threat of incarceration, no less than +\$1.95 Million of Trust funds. Judge Dan Flannell even went so far as to pay the Bank he owns Common Stock in, Hardware State Bank, a "management fee" of +\$79,000 for managing the seized Trust property from the Harrison family during this pending lawsuit.(Writ 17-7881) Judge Dan L. Flannell also paid his former law firm +\$39,000 to "represent" Hardware State Bank during the case.(Writ 17-7881) For +45 years, Judge Flannell used his position and authority to confiscating, converting, and misallocating +\$23 Millions of Trust assets,(App.259a) through the vehicle of Hardware State Bank n/k/a First Community Bank of Moultrie County Illinois.

At the March 27, 2012 hearing, Judge Dan L. Flannell confessed to the Harrison family, "if Hardware State Bank becomes a party to this case, I must recuse myself, because I was the former 'Of Counsel' of the Bank,". This by default makes Presiding Judge Dan L. Flannell the "Guardian Ad Litem" for the Harrison Children. Judge Dan L. Flannell also stated, "If Attorney Robert V. Elder becomes a party to this case I must recuse myself because he is my personal friend." Both of these statements were made during the March 27, 2012 hearing. Where he abused in court, Roger L. Harrison Sr., resulting in his untimely death.

Judge Dan L. Flannell appointed Hardware State Bank as Farm Manager over the seized Trust land September 17, 2012, +2 years before Roger Sr's Trust was added as a party to the case.

April 2013, Hardware State Bank CEO, Elliot Ray Duncan, was put on the witness stand on by Attorney Philip Nathanson. Under oath Mr. Duncan stated, "The Bank doesn't have to pay taxes, because Judge Dan L. Flannell told me I don't have to". The court refused to allow an independent court reporter andt he Courthouse reporter altered these transcripts.(Writ 17-7881) Judge Flannell also threatened at the April 2013 hearing to "jail the 9 Harrison Children from oldest to youngest until each one

signed away their interest to Hardware State Bank”.

Judge Dan L. Flannell threatened Roger Jr. that if he did not dissolve his father’s Trust, and become the personal representative for his father’s Estate, he would be incarcerated. Pastor Roger L. Harrison Jr. refused under any circumstances to become the personal representative, and was incarcerated by Court Order for 7 days.(App.220a) Roger Jr. declared, signed and filed an affidavit in 13-P-26, as his entire family did,(App.281a) all his interest is in Trust and his father, Roger L. Harrison Sr, died TESTATE. Roger Jr. appealed his sentence to the Honorable Illinois Appellate Court 4<sup>th</sup> District, and was denied relief. Plaintiff’s then filed a 2<sup>nd</sup> Amended Complaint falsely stating Roger Jr. was the personal administrator/representative, and the Illinois 4<sup>th</sup> District believed this lie. Roger Jr. is NOT the personal representative, and has signed and filed an affidavit March 2014 stating that he is NOT. Roger Jr. is a Trustee.(App.287a)

December 15, 2014, 4 months after being substituted from cases 13L7 and 13CH57, Judge Dan L. Flannell signed an Order to incarcerate Lyle unless Lyle withdrew a counterclaim filed against Judge Flannell’s bank, Hardware State Bank.(App.101a) Lyle of course refused, and was unlawfully incarcerated for 211 days. Around the 180th day of Lyle’s wrongful incarceration, June 2015, Judge Dan Flannell threatened Lyle during a Court hearing and said, “I will give you a life sentence in that jail unless you withdraw your counterclaims against Hardware State Bank.” The court transcripts were again altered as Lyle’s Attorney testified is normally the case.(App.303a)

Presiding Judge, Richard L. Broch, also acted in concert with this unlawful abuse and tax evasion. Attorney David Eberspacher declared to Lyle in the presence of his Attorney, “you will rot and die in jail unless you sign away your trust income to Hardware State Bank”. Lyle’s Attorney, Ms. Dennison, filed an affidavit with the FBI stating the transcripts were altered.(App.303a)

Illinois Supreme Court rule 68, requires Judges to file annually a financial disclosure. From 2011 – 2016, Judge Dan L. Flannell filed annually with the Illinois Supreme Court his financial disclosure forms.(App.275a) We only included 2014 in the Appendix, because the forms were identical 2011-2016. Those annual forms signed by Judge Flannell itemize Common Stock ownership in Hardware State Bank. The entire time all 6 cases(11CH27, 13CH35, 13L7, 13CH57, 13CF47, 13P26) against

the Harrison family were pending, Judge Dan Flannell retained common stock ownership in Hardware State Bank.(App.275a) Judge Flannell also lied to the Illinois Supreme Court telling them NO cases were pending for 6 years against ANY entity he had an Interest/common stock in.(App.277a) In 2014, Judge Dan L. Flannell, signed an Order of incarceration, "until Lyle withdrew his counterclaims against Hardware State Bank".(App.101a)

US Bank filed 3 fraudulent deeds, and filed false tax returns with the State of Illinois. Harry's Inheritance Tax Return itemized +\$20,000 paid in Taxes, when the Treasurers of all counties involved told the Harrison's, "no taxes were ever paid to Springfield or Moultrie County as a result of Harry Howard Harrison's death."(Harry's Probate #73-P-672 & #Lyle's 81-P-14)

Lyle Harrison spoke on the phone with Illinois Attorney Registration and Disciplinary Committee (ARDC) Chief investigator, Attorney Peter Rotskoff. Attorney Rotskoff told Lyle to file a Motion for substitution of Judge to force Judge Flannell to leave the case. If Judge Flannell will not leave the case Mr. Rotskoff boldly stated, "I will get in my car and drive down to Moultrie County and personally force him to leave the bench". Lyle filed 3 motions before Judge Dan Flannell signed the December 7, 2016 final order. All three motions were denied, and an arrest warrant for contempt was issued against Lyle because he filed a Motion for substitution on Judge Dan L. Flannell.

Judge Richard L. Broch, a personal friend and Judicial appointee of Judge, Dan L. Flannell, dismissed in error Lyle's counterclaims against Hardware State Bank in sister cases 13-CH-57 and 13-L-7. Lyle never signed but, was released from 211 days in jail after the counterclaims were dismissed by Judge Richard Broch.(App.101a)

Upon release from jail, Roger Jr., Lyle, and Andrew Harrison met with the IRS. Upon seeing the evidence, 3 weeks after the meeting, the IRS issued a \$17.8 Million tax lien(App.259a) October 7, 2015 against Hardware State Bank **and** US Bank in the name of the Roger L. Harrison Sr. Revocable Trust. The \$17.8 Million Tax Lien was also issued against any land or property titled in the name of Roger Sr's Trust to the Moultrie County Treasurer and the Secretary of the State of Illinois on October 10, 2015.(App.260a) Plaintiff's Attorney, Craig Runyon, denied in his Appellate Brief the IRS Tax Lien was against any of the Land.(App.89a;71a) The one page IRS tax lien sent to the Moultrie County Treasurer

specifically states, "Any property and rights to property belonging to this taxpayer." (App.259a) The 5 trustees signed and filed 5 deeds (960 acres) September 9, 2013, 2 years before the IRS tax lien, conveying the equitable interest into the Roger Sr. Revocable Trust. These 5 deeds were also filed and recorded 3 years before Judge Dan Flannell signed his final Order. (App.10a)

US Bank also falsified the probate file #74-P-672 of Harry Harrison, filed false tax documents with the Courthouse, filed 3 fraudulent deeds on the Trust property, stole +\$50,000 of Federal FSA funds from the Harrison children, committed federal tax evasion, and also illegally converted Trust income. (App.262a)

While the October 2015 \$17.8 Million IRS tax lien was pending against Hardware Bank, Judge Dan L. Flannell continued to sign Orders "reappointing" for, 2016 and 2017, Hardware State Bank as; "a neutral third-party, independent farm manager" of the seized Trust farmland. Judge Dan Flannell also continued to pay himself with Trust funds, via annual dividends, an annual "management fee". (Writ 17-7881) The Trust/Harrison family never authorized or agreed at any time, to give any Trust money to anyone other than the 5 Trustees of the Trust. (App.281a;240a) Lyle mailed to the Courthouse, 4 Objections, 3 days before the final hearing on December 5, 2016. (App.228a) Judge Dan L. Flannell refused to allow the Moultrie Circuit Clerk Cynthia Braden to file-stamp 2 of Lyle's verified objections. (App.228a) Moreover, Lyle and Roger Jr. refused to return to court, because Judge Flannell incarcerated them the last time they came to court for objecting to Judge Flannell's repeated threats to incarcerate them (App.101a;220a) unless they gave Trust funds to his Bank. (Writ 17-7881) No rational person would give away +\$25 Million dollars of Trust money. No sane person would go to a courthouse or appear before a Judge who incarcerated them for "petitioning their government for redress". Moultrie Court also manipulates and changes the transcripts at will. (App.303a) One of Lyle's Attorney's documented the Transcript manipulations and filed a sworn statement/affidavit with the FBI attesting to the transcript manipulation. (App.303a)

After waiting five years for Judge Dan L. Flannell to issue a Final Order, we Appealed. The First Appeal was denied for "lack of a final appealable order". (App.227a) We waited another year for Judge Dan Flannell to sign another final Order, which he did December 7, 2016. (App.10a) Which appeal eventually was filed as

SCOTUS Writ #17-7881. Judge Dan Flannell only signed the December 7, 2016 Order, after we filed Mandamus #121585 on him November 2016 forcing his retirement. Judge Dan Flannell retired 6 weeks after we filed Mandamus #121585. Roger L. Harrison Sr. died September 19, 2012, 6 months after Judge Dan L. Flannell verbally assaulted him for 3 hours in open court. This Verbal assaulted caused the wrongful death of Roger Sr.

Roger Sr's probate was closed, case #13-P-26, by the Harrison family March 2014,(App.281a) and was repeatedly reopened for 3 years(App.223a;224a;225a;226a) by Judge Dan L. Flannell, even though it contained nothing but \$10,000 of credit card debt. Under pressure from the Illinois Supreme Court, Judge Richard Broch, finally closed Roger Sr's probate December 18, 2017, 5 days after the death of Plaintiff Charlotte Huggins.(App.225a)

### **C. Case History - Fee Waiver/Indigent Status**

Lyle applied for Indigent status in sister court case 13L7 with the Moultrie Courthouse in 2014. At the same time Lyle applied for Indigent status in criminal case 13CF47. Judge Richard Broch presided in both cases and he denied Lyle's Indigent application in the 13-L-7 Civil case, but accepted Lyle as Indigent in the Criminal Case 13-CF-47.(App.43a;51a;66a)

Criminal case 13-CF-47 was filed against Lyle to coerce/extort Lyle into signing away his Trust interest to, Attorney Francis Purvis's(former CEO of Hardware State Bank) daughter, Amy Willoughby.(App.112a) Amy Lou Willoughby is/was Lyle's second cousin and died August 26, 2017.(App.112a) Criminal case 13-CF-47 was and is a total failure and was Reversed on appeal.(App.97a) Lyle was accused of harvesting \$10,500 of corn grain with no evidence, and charged with grain theft. Again, Lyle was charged with No evidence, No witnesses, and No police report. Lyle has never harvested anything in his life, does not own a combine, and has never even driven a combine. All witnesses testified in Court and under oath, Trust Farmer Robert Kauffman, harvested the Trust property. Nevertheless, Judge Richard L. Broch quashed all discovery, and all witness testimony on Lyle's behalf. The jury wrongfully convicted Lyle based upon the Judge denying Lyle the following rights; right to effective counsel, right to compel witness, right to discovery, right to expert testimony, right to avoid



excessive bail, right to speedy trial, and right to impartial trial venue...et al.

Trust farmer Robert Kauffman confessed to harvesting the grain, returned all the grain, and paid a \$15,000 fine October 2016. Four months after farmer Robert Kauffman's confession, Judge Richard Broch signed an Order sentencing Lyle to 180 days in jail,(App.96a) and after time served, another 3-year's probation. Bail was set excessively at \$500,000(App.95a) for an alleged offense of \$10,500 theft. Lyle was forbidden from filing electronically in Moultrie County after the conviction.(App.222a) When the Illinois Appellate Court 4<sup>th</sup> District REVERSED Lyle's wrongful conviction, they stated Lyle was only sentenced to 3 year's probation.(App.97a) The Appellate Court did not mention Lyle was sentenced to 180 days in jail?(App.97a) In Illinois it is against the law to sentence a first-time offender, non-violent felony conviction to any jail time. However, Judge Broch still needs to extort a signature out of Lyle so Judge Broch Ordered jail time of 180 days.(App.96a) Knowing Lyle was indigent, Judge Richard Broch set bail excessively at \$500,000 to force a jail sentence of an innocent man and stop Lyle from filing an Appellate brief. Judge Richard Broch previously tried to extort a signature out of Lyle by incarcerating him for allegedly Contempt of Court.(App.101a) Judge Broch after 160 days went so far as to cut off food to inmate Lyle, when he was incarcerated. But this was a ruse, to threaten, browbeat, starve, and murder Lyle for his property/trust rights. No evidence was presented at criminal trial or after trial that Lyle had harvested any grain. All witnesses testified Robert Kauffman harvested. There was no police report submitted for the case, even though the police had stopped Trust farmer Robert Kauffman from harvesting and seized the Trust grain with no court case, court order or Warrant.

Before any of these property cases; Lyle had no criminal record, no incarceration, and no charges. Lyle has never drank alcohol, does not smoke, and has never used drugs. The public defender refused to file Lyle's PSI(pre-sentencing investigation) report with the court. Lyle has 5 earned college degrees; 3 master's degrees, and 2 undergraduate degrees. Including a BSME in engineering and an MBA in international finance. Lyle is also a licensed minister. The US government financed Lyle's education providing more than +\$180,000 in loans. Lyle has always had a stellar reputation on ALL college campus' he has attended, so he

was invited to be member on the lower board of Kettering University. Because of the court cases, Lyle was unable to pay back the \$120,000 in student loans he still owes. Thunderbird University filed a lawsuit in Cook County Illinois against Lyle in 2015 to obtain the student debt. When Cook County Judge, Roger Fine, reviewed the evidence Moultrie County Judge, Dan L. Flannell, Hardware State Bank n/k/a First Community of Moultrie, and US Bank had robbed Lyle's trust of +\$20 Million, he almost had a heart attack on the bench. Cook County Judge, Roger Fine, *Sua Sponte* dismissed the student loan case against Lyle.

Criminal case 13CF47 was appealed by Lyle to SCOTUS March 28, 2018. Lyle appealed criminal case 13-CF-47 as Indigent to SCOTUS March 28, 2018 as Writ #17-8322 and Lyle's In Forma Pauperis was accepted by SCOTUS March 28, 2018.

When this case, 11-CH-27, was appealed from the December 7, 2016 final Order,(App.10a) this case went all the way to SCOTUS February 20, 2018 as #17-7881. Lyle and Roger Jr. filed their SCOTUS appeal as Indigent with attached IFP, and #17-7881 was accepted filed as Indigent by both Lyle and Roger Jr.

Criminal case 13CF47 is still pending after +5.5 years,(See Writ 17-8322) and Judge Broch refuses to go to trial.(App.94a) Lyle filed 2 Speedy trial demands since May 1, 2018; June 12, 2018 and November 30, 2018.(App.94) In order to go to trial the first time, Judge Richard L. Broch took +3 years and Lyle had to file 3 Speedy trial demands. Judge Richard L. Broch is a fugitive from Justice and he repeatedly refuses to go to trial.

For +5 years, Lyle has had no job, no income, no bank account, no savings, no car, no pay stubs and no house. Lyle still holds over +\$120,000 of college debt. Lyle has had no income for 5 years, 2014-2018, and filed no Income tax return for 5 years. In order to obtain Federal USDA/FSA funds on the Trust farmland, Lyle filed Federal Case #18-0957(App.302a) June 26, 2018 and was accepted by Milwaukee Wisconsin Federal Court Order as Indigent August 26, 2018.(App.302a)

Roger Jr. and Lyle filed the Notice of Appeal March 16, 2018 for this appeal. April 6, 2018, the Illinois 4<sup>th</sup> District Appellate Clerk sent him a letter notifying he must file a Fee Waiver or pay for the appeal.(App.45a)

Lyle filed his Fee Waiver April 13, 2018 with the 4<sup>th</sup> District Appellate Court.(App.46a) April 16, 2018 Lyle's Fee Waiver was

DENIED by the Illinois 4<sup>th</sup> District Appellate Court. Lyle and Roger Jr. appealed the August 31, 2018 Illinois 4<sup>th</sup> District Court Sanctions Order, which Ordered Lyle and Roger Jr.'s appeal frivolous and sanctions of \$4,215.87 to Plaintiff's.(App.6a;4a) The Order states, "Until such time as appellants pay the sanction in full, this court directs the clerk not to accept any pleadings from appellants".(App.5a)

It now appears that the real reason the Court does not want to accept Lyle as Indigent, is to sanction him so he cannot afford to file anymore. One reason Lyle and Roger Jr. filed this appeal was to protest the fact that due to the Circuit Judges rulings, Federal funds of the Farm Services Administration(USDA) are DENIED to the Harrison family, unless they take the annual \$10,000 - \$50,000 of federal funds(FSA/USDA) outside of Trust or dissolve their Trust.(App.299a;301a;294a) Judge Dan L. Flannell is responsible for +45 years of missing Federal FSA/USDA funds on anywhere from 320 acres(+ \$350,000) to 1440 acres(+ \$1.1 Million). Judge Flannell admitted this by closing Roger Sr.'s probate with nothing in it,(App.225a) and admitted at least +320 acres is due to the Trust/Harrison family. The amount of Federal funds(USDA) due to the Harrison children is anywhere from; \$350,000 - \$1.1 Million. This federal liability grows annually by at least +\$10,000, as well as an IRS tax lien liability which grows annually by +\$1.3 Million. Currently the IRS tax lien stands at +\$26 Million.

April 13, 2018 the Moultrie County Circuit Clerk sent an email notifying Lyle to file a Fee Waiver or pay for the Appeal.(App.21a) Lyle filed May 7, 2018 his Fee Waiver Application.(App.24a) May 8, 2018, Judge Richard L. Broch asked Lyle via docket(App.27a) entry and Order(App.34a,35a) to file his pay stubs and tax returns for 2017-2018 and set Lyle's Fee waiver application for a May 25, 2018 hearing in the Moultrie Courthouse.(App.27a)

For the past 5 years, Lyle has had no job, no pay stubs, and no tax returns for years 2014-2018. Lyle filed this supporting information Judge Richard L. Broch Ordered him to file, with the Moultrie County Courthouse on May 23, 2018.(App.30a)

Judge Richard Broch, the same Judge who had accepted Lyle as Indigent in August 2014 for Criminal Case 13CF47, DENIED, Sua Sponte, Lyle's petition for Fee Waiver May 25, 2018 by docket entry.(App.44a)

October 5, 2018 Roger Jr. and Lyle Harrison both filed Fee Waiver applications(App.53a) and their PLA(App.71a) with the

Illinois Supreme Court simultaneously. October 10, 2018 the Illinois Supreme Court Order DENIED(App.3a) their Fee Waiver. The Illinois Supreme Court Clerk sent a letter to Lyle denying Fee Waiver October 18, 2018.(App.2a) October 23, 2018 Lyle filed a Motion to Reconsider his Fee Waiver Application with supporting information and attached the August 23, 2018 Federal Order of Indigency.(App.98a;59a) October 24, 2018, the Illinois Supreme Court DENIED Lyle's Motion to Reconsider Fee Waiver.(App.1a) We appealed.

## REASONS FOR GRANTING THE PETITION

### **I. Review is warranted because SCOTUS and the Federal Court of Milwaukee Wisconsin have already accepted Lyle and/or Roger Jr. as Indigent.**

The Fourteenth Amendment states in relevant part;  
 “nor shall any state deprive any person of life, liberty, or property, without due process of law”.

The First Amendment states in relevant part;  
 “Congress shall make no law respecting an establishment of religion... or the right... to petition the Government for a redress of grievances.”

SCOTUS has long ruled a part of due process is allowing indigent persons to file without having to pay court costs. The federal in forma pauperis statute, enacted in 1892 and codified as 28 U.S.C. § 1915, is designed to ensure indigent litigants have a meaningful access to the federal courts. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342-343(1948)

The Illinois Supreme Court denied the Fee Waivers of Lyle and Roger Jr. in its Order dated October 10, 2018.(App.1a) Lyle then filed a Motion to Reconsider(App.59a) with attached Order signed by Federal Magistrate Judge William Duffin accepting Lyle as Indigent August 23, 2018.(App.98a) The Illinois Supreme Court Denied the Motion to Reconsider by Final Order October 24, 2018 even after being informed that Lyle has had no income, no pay stubs, no job, no house, no car, no assets, +\$120,000 of college debt, and Lyle filed no tax returns for 5 years, 2013-2018.(App.59a)

Lyle did not file this pending court case. Lyle was incorrectly added as a party to this partition lawsuit by Plaintiff's March 27, 2012, 6 months before the death of his father, Roger Sr. Plaintiffs contend their Partnership owned the land, one in which neither, Lyle, Roger Jr. nor their 7 siblings had ever signed or agreed to. This Partnership never purchased any farmland and none of the farmland was titled in the name of the Partnership. Their partnership was a fraudulent corporation designed to conceal ownership. Plaintiff's also falsely contend that Lyle's mother, Joy Harrison, was a party to the lawsuit because she was also an owner. Yet in the final order signed by Judge Flannell,(App.10a) Joy Harrison was given nothing? Showing the real purpose of adding 80-year Old Joy Harrison to the lawsuit, was harassment and extortion. It was not enough to cause the wrongful death of her husband, Plaintiff's and the Judge were now seeking the death of the mother of the Harrison Children. So, outspoken was this goal, during the criminal trial, appellate prosecutor Charles Zalar, told the jury it would have been much easier if all 9 of the Harrison Children had been aborted.

The 4<sup>th</sup> District Illinois Appellate Court has consistently told the Harrison family our Appeal is frivolous.(App.6a) Yet the Illinois Appellate Court 4<sup>th</sup> District has allowed Judge Dan L. Flannell to tie the Harrison family up in Court for +7.5 years. The Moultrie County Circuit Court has berated, threatened, incarcerated, and browbeat the Harrison family for +7.5 years. Yet when presented with the opportunity to sign an Order of summary judgment in 2015, Judge Dan Flannell refused. Lyle and Roger Jr. did not file this case, however when they filed counterclaims against Plaintiff's and Judge Dan L. Flannell's bank, they were denied due process. When Lyle filed December 5, 2016 two verified objections to the illegal distributions of seized Trust assets, Judge Dan L. Flannell denied him due process and refused to allow the Moultrie County Circuit Clerk to file stamp(App.228a) the 2 verified objections.(App.229a;240a)

This Courts long standing precedent has always been to uphold the 1<sup>st</sup> Amendment right to Petition the government for redress. ***Adkins v. E.I. DuPont de Nemours & Co.***, 335 U.S. 331, 342-343(1948) And this honorable Court has only denied or dismissed that 1<sup>st</sup> Amendment right, where a lawsuit was deemed frivolous. However, in this case before the Court, neither Roger Jr., Lyle, nor

their family filed this present case. This case was filed July 2011 by Plaintiff's Charlotte Huggins, Cynthia Peters and her sister Shirley Cooper. Charlotte Huggins died December 13, 2017.(App.36a) Plaintiff's never notified the Court and never amended their case to reflect her death. Remaining Plaintiff's, Cynthia Peters and Shirley Cooper are not listed as Heirs, Heirs at law, legatees, or devisee's in any Estate plan of any member of this family for 5 generations.(112a) They both filed as creditors in Roger Sr.'s probate 13-P-26, a 7<sup>th</sup> class claim. The three judges who presided over Roger Sr's probate awarded Cynthia, Shirley and Charlotte nothing. In all +7.5 years of this Court Case, and +7,000 pages of filings, neither of these ladies have claimed to inherit anything from any family member. Nor have they claimed they purchased property. Thereby confessing they are not entitled to receive ownership in this farmland.

Our point is this, we never filed this case, and the Moultrie Court has denied the filing stamping of our answers and verified objections(App.228a;229a;240a) to the Court seizing our farm and trust money.

Because incarcerating us did not stop us from filing relevant appeals,(App.101a;220a), because filing a frivolous criminal case with no evidence did not get us to sell our farmland,(App.97a;Writ 17-8322), because sentencing Lyle to 211 days in jail did not get us to sell our farmland,(App.101a) because sending letters to get us to change the way we file the trust taxes did not get us to sell our farmland,(App.292a) because sentencing Lyle to 180 days in jail did not get us to sell our farmland,(App.96a) because setting excessive bail of \$500,000 for an alleged offense of \$10,500 did not get us to sell our farmland,(App.95a) because denying Lyle speedy trial for +5 years did not get us to sell our farmland,(App.94a) because threatening to deny our trust farmer his annual Federal FSA funds did not get us to sell our farmland,(App.294a;299a;301a) because the wrongful death of our father, Roger Sr. did not get us to sell our farmland, we now get to the last thing, the only thing left for the Court to take. Denial of the right to petition the government for redress by sanctions.(App.4a)

During these cases the Illinois Appellate Court 4<sup>th</sup> District and Moultrie County has sanctioned our family more than +\$15,000. The Harrison family has filed ARDC complaints on; Attorney Rollin Huggins, Attorney Craig Runyon, Attorney Robert V. Elder, Attorney Twila Jeannine Garrett and Duane Deters. Not to forget,

a JIB complaint and Mandamus on Judge Dan Flannell, a Mandamus on Judge Richard Broch, and a Mandamus on Circuit Clerk Cynthia Braden. Soon after the Mandamus was filed on Judge Flannell he retired. Soon after the Mandamus was filed on Clerk Braden, she retired. And after meeting with Illinois Attorney General lead investigator Attorney Ed Carter, he confessed before 4 witnesses that indeed, the Attorneys and Judges were committing crimes against the Harrison family. However, because the crimes were federal they were outside his jurisdiction. Judge Dan L. Flannell has much to lose, (+\$25 Million) were he to lose these Court Cases or were the Harrison Trustees to continue filing taxes in Trust. Therefore, he has sought by legal and illegal means to stop the filings and incarcerate the Harrison family. For example, when Lyle was first incarcerated by Court Order, (App.101a) he was in the Moultrie courthouse filing an appeal in case 13L7. Lyle was incarcerated and unable to file a brief so the Appellate Court sanctioned him, and dismissed his brief while he was incarcerated.

If this Honorable Court does not protect our 1<sup>st</sup> Amendment right to petition the government for redress, what court will?

## **II. Review is warranted because the Opinion below upends the Courts long standing Precedent.**

### **A. The General Constitutional rule is that Governments must provide due process before confiscating property And Plaintiff's failed to join all necessary and relevant parties.**

The Fourteenth Amendment states in relevant part that;

“nor shall any state deprive any person of life, liberty, or property, without due process of law”.

The Fourth Amendment states in relevant part that;

“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.”

It seems rather silly and frivolous that a court case can be filed against UNKNOWN OWNERS, doesn't it? Why would Attorney Keith Casteel and Attorney Craig Runyon file a case for +7.5 years against UNKNOWN OWNERS? This case was amended twice by these gentlemen, yet in +7.5 years, these esteemed Attorney's still profess they do not know who the owners of the real estate are. After +7 years, Plaintiff's Attorney's do not file any probate files, inheritance tax returns, Wills or Trusts from any of their five generations of ancestors. In fact, plaintiff's do not even file a family tree!(App.112a) The reason Plaintiffs' Attorneys have left out all family Estate plans is quite simple. Peter Lux Jr's Will(App.131a) and Inheritance Tax Return signed by all family members and Judge J. Grider is Claim Preclusion(**Res Judicata**). And the Agreed Order(App.271a) of Moultrie Case 36-CH-63 signed by Trustee Susan Myrtle, Beneficiaries Harry Harrison, Lyle L. Harrison and Judge J. Laughlin is Issue Preclusion(**Collateral Estoppel**).

The result of this +7.5-year case has been that the Court has filed deeds of partition on Trust farmland, that according to the Moultrie Case 36-CH-63 Agreed Order,(App.263a) was to be held in the Trust by Harry, Lyle, and Susan and their Heirs, Executors, and Assigns FOREVER.(App.271a) This has created a federal tax liability and has violated every civil right that Lyle and Roger Jr. have. If Moultrie County Court, the 4<sup>th</sup> Appellate District and the Illinois Supreme Court are not Reversed, this will create precedent and increase Federal Tax evasion. This case before this Court will be the landmark case used by Illinois lawyers to partition trusts without paying federal taxes ever again on Illinois farmland.

It was the famous 1765 British court case *Entick v. Carrington* which decision of the Court was the forerunner of our 4<sup>th</sup> Amendment;

“Our law holds the property of every man so sacred, that no man can set foot upon his neighbors close without his leave.”



The problem for Americans in 1750, was that they did not enjoy the benefits of this law, but were instead subject to General Warrants/Writ of assistance. The General Warrant gave the British Government the right to enter any man's home and property at any time and take what they wanted. President John Adams said this very abhorrent evil was;

**"The spark in which originated the American Revolution."**

American Lawyer James Otis attacked the Writs of assistance so much, he was elected to represent the Massachusetts colonial legislature. Later in 1776, the Virginia Declaration of Rights explicitly forbade the use of general warrants, and this was the precedent for the 4<sup>th</sup> Amendment.

If land and property can be seized by simply filing a case against "UNKNOWN OWNERS", the 4<sup>th</sup> Amendment is nothing more than a piece of meaningless paper or a paper tiger with no teeth and no meaning. The purpose of a Republic is to protect the rights and property of the individual from the masses. We are not protected. In fact, at the April 2015 Moultrie County Court hearing, Judge Richard Broch said this to Lyle's Attorney;

"Lyle does not have the right to file.... And the Constitution is a document that has no bearing, place or relevance in my courthouse."(App.303a)

If a judge can overrule probates and Orders signed decades ago giving property to children, what purpose is the law? What purpose is a probate proceeding if a man/woman who is not an heir and has been excluded can simply file a court case decades later against the Estate or Trust calling it an UNKNOWN OWNER, and then be awarded millions of dollars in property which they could not obtain in the probate and does not belong to him?

The real reason Plaintiff's Attorney never sue the Estate of Peter Lux Jr.,(App.113a) the 1924 Declaration of Trust,(App.212a) or the Trust of 36-CH-63,(App.263a) is that the Plaintiffs are not heirs or beneficiaries. Therefore, they do not want to sue an entity and admit they were never heirs or eligible to receive.

Plaintiff's failed to join all necessary and relevant parties.

They failed in +7.5 years of court. They failed when amending twice. And they failed to obtain signatures for their theft in the probate of Roger Sr.(13-P-26) Now the cases are ending, so Plaintiffs are still trying to obtain fee simple signatures from the Harrison family by holding federal FSA/USDA funds hostage unless the Harrison family signs outside of Trust.(App.299a;301a)

The Bank's Attorney's, David Y. Eberpacher's firm, also sent fake 1099's to all 9 of the Harrison children.(App.292a) The Harrison family has never signed a contract, received a check for \$20,000 from the bank, or ever entered into any agreement with Hardware State Bank n/k/a First Community Bank of Moultrie County. There were never any checks sent to the Harrison Children, and the letter sent by the Bank with the 1099's is fraud.(App.292a) Plaintiff's never joined the right parties to the case, but if the Constitution was abolished in central Illinois, was there a need to? Will there ever be a need again?

This Court has long held due process requires governments to provide an opportunity to be heard before confiscating property unless an exigent circumstance requires immediate confiscation. Allowing the government to confiscate first and provide process later puts innocent people in the position of having to prove their entitlement to their own property. The Illinois 4<sup>th</sup> District Appellate Courts opinion turns this established constitutional rule on its head. Rather than require pre-deprivation process as this Court has long required, the Illinois 4<sup>th</sup> District Appellate Court dissented. That is wrong. The requirement that governments must generally provide process before confiscating property is a rule, not a suggestion that is up for case-by-case reevaluation. The Illinois Appellate 4<sup>th</sup> Districts decision discards many decades of this Court's precedent, while eradicating a core constitutional protection found in the 4<sup>th</sup> Amendment. Relevant quote of that law is, "the right of the people to be secure in their persons,... against unreasonable search and seizure, shall not be violated, and no warrants shall issue but on probable cause." Trust real estate was seized 2 years BEFORE the trust was even sued. Currently, they NEVER named the parties which own the real property; Estate of Peter Lux Jr., 1924 declaration of Trust, and the Trust of Case 36-CH-63.(App.113a;212a;263a)

Lyle was appointed as successor Trustee and farm manager, by his father, Trustee Roger Harrison Sr.. In lawful possession of his ancestor's farm. Moultrie County Court seized, under color of law, Trust farmland and Trust property from him, 2 years BEFORE the trust was even a party to the case. The Trust that holds the ownership has STILL never been added as a party. This is not Due Process, it is wrong.

As a result of OPERATION GREYLORD, in 1982, the IRS and the FBI indicted 101 Officers of the Court in Cook County, Illinois. Of these, 79 were convictions, 22 of which were judges. These Judges were employing the same tactics as Judge Flannell and Judge Broch. Incarceration of Heirs, employing GENERAL WARRANTS, fake criminal cases against heirs, assault, murder, federal tax evasion, money laundering, and fraudulent receiverships. If the U.S. Supreme Court fails to act, honest people will lose confidence in the entire court system, not just Illinois.

**B. Judge Dan L. Flannell should have recused himself from the case because he was the former "Of Counsel" of Hardware State Bank, was the Guardian Ad Litem for the Harrison Children and is a current common stock shareholder.**

The Fourteenth Amendment states in relevant part that;

"nor shall any state deprive any person of life, liberty, or property, without due process of law".

The US Supreme Court has long ruled the Due Process Clause requires judges to recuse themselves in cases where the judge has a conflict of interest. For Example, in *Caperton v. A.T. Massey Coal Co.(2009)*, The US Supreme Court ruled that a justice of the Supreme Court of Appeals of West Virginia had to recuse himself from a case involving a major contributor of his campaign for election to that court. SCOTUS Justice Anthony Kennedy recused himself in 2018 from ruling on the case *Washington v. United States*, because he had been involved with one the of the parties 33 years previously. SCOTUS Chief Justice, John Roberts, recused himself in 2018 from the *Wyckoff v. Commissioner of Baseball* case, because he owned between \$100K and \$250K of stock in one

of the parties. Yet Illinois Circuit Judge, Dan L. Flannell, presided in this case; July 2011 to January 2017. Judge Flannell signed the final Order and the Deeds of Partition.(App.10a) The entire time Judge Flannell presided in this case, Judge Flannell owned common stock in Hardware State Bank.(App.275a)

Illinois Supreme Court Rule 68 states;

“A judge shall file annually with the Clerk of the Illinois Supreme Court(the Clerk) a verified written statement of economic interests and relationships of the judge and members of the judge’s immediate family(the statement).”

We included in this Writ Appendix(App.275a) only the 2014 statement of financial disclosure Judge Flannell filed with the Illinois Supreme Court, because Judge Flannell filed the identical forms for 6 years 2011-2016. The Appellate Court 4<sup>th</sup> District said its okay for Judge Flannell to preside, because Judge Flannell’s shares were “di minimus”. How do they know his shares are di Minimus? According to the 4<sup>th</sup> District Illinois Appellate Court, they don’t know how many total shares are in the bank, and they don’t know the “value” because Judge Flannell never disclosed this to the Illinois Supreme Court.(App.275a) Judge Flannell never disclosed how many shares he had in Hardware State Bank, anywhere on these forms.(App.275a) We can prove Judge Flannell lied for +3 years, when he told the Illinois Supreme Court no cases were pending(App.275a) against Hardware State Bank, while he signed an order incarcerating Lyle for filing Counterclaims against Hardware State Bank.(App.101a) If Judge Flannell followed the law, why did he lie? If Judge Flannell will lie to the Illinois Supreme Court, what else is he lying about?

Judge Flannell confessed in open court March 27, 2012 he was the “Of Counsel” for Hardware State Bank at the time Lyle Lux Harrison died.(App.112) When we informed the Appellate Court 4<sup>th</sup> District Judge Flannell had previously been the Guardian Ad Litem for the Harrison Children, they were silent. The entire time Judge Flannell represented the Bank, the +\$22 Million in the Children’s Trust Accounts disappeared.

A Judge should not preside in cases where he has an economic interest in the outcome or has been in court with one of the parties. This entire case is tainted because Judge Flannell presided in this

case, when he knowingly, intentionally, and deliberately had a conflict of interest. This is not due process. Obviously though, the Illinois Supreme Court and the Illinois Appellate Court 4<sup>th</sup> District have blessed this regime regardless of Due Process.

### **III. Review is warranted because the Opinion below upends the Courts long standing Precedent.**

#### **A. The General Constitutional rule is that Governments must provide due process before confiscating property or Federal FSA/USDA funds**

The Fourteenth Amendment states in relevant part that;

“nor shall any state deprive any person of life, liberty, or property, without due process of law”.

The Fourth Amendment states in relevant part that;

“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.”

Every year since the 1960's the United States government has been giving farmers a federal subsidy. Some years the subsidy is higher than others, but the subsidy amounts annually to about \$10,000 for every 300 acres farmed.

July 10, 2018, a trade war broke out between the USA and China. Trump issued tariffs on some Chinese goods. China retaliated by putting a moratorium on buying agricultural products from the USA, and stopped buying soybeans and corn. Prices fell on soybeans by 25%. The country of China accounts for at least 50% consumption of the annual US export for soybeans. After this happened, the Trump administration stepped in and signed a \$10 Billion USDA/FSA agricultural subsidy to help farmers and farms. Because Judge Flannell and Judge Broch had failed to get any signatures from the Harrison family allowing them to steal trust

funds from the Trust, they now transferred their battle to obtain signatures to the USDA office in Moultrie County, Illinois.

Judge Broch signed a third “final” order the day Lyle and Roger Jr. appealed to SCOTUS, February 20, 2018.(App.8a) March 20, 2018, Lyle received from the Farm Services Administration (FSA) a CRP contract for the years 2008 – 2018.(App.295a) What was particularly interesting about this contract is the owner listed was, The Roger L. Harrison Revocable Trust.(App.295a) The problem with the contract was that the listed farmer was Robert Kauffman.(App.295a) Firstly, Robert Kauffman only custom farmed for the Trust for 2 years, 2011 & 2012. Secondly, a custom farm contract doesn’t give any FSA funds to the farmer, the owner gets 100%. The FSA form listed farmer Robert Kauffman as getting 100% of the FSA funds for 10 years.(App.295a) This is wrong. When the 2018 Trust farmer, Tim Schable, pointed out this discrepancy, the Moultrie FSA office refused to sign the corrected contract. The FSA told Tim Schable, Lyle does not have authority to sign and refused FSA funds to the Trust.(App.294a) The FSA sent official NOTICE to Trustee Roger Jr. July 11, 2018(App.299a) stating the Peter Lux Jr. Estate farmland was in fee simple which contradicted their March 2018 contract they mailed out.(App.295a) Trustee Roger Jr. sent an official Response to the FSA NOTICE informing the FSA office the entire farm was in Trust, and would stay that way FOREVER.(App.301a)

The Harrison family has been denied FEDERAL funds because of Judge Flannell’s WILD deeds of partition. If the Supreme Court denies our Writ, Moultrie County will continue to deny and steal Federal funds from our Trust. This is a crime. We have filed our Trust tax returns from 2012 – 2018 and will continue to file all income from this whole farm(+1440 acres) in Trust. Lyle filed Federal Case #18-C-0957(App.302a) against Moultrie County and Judge Broch for violations of his civil rights and for withholding his federal funds of \$10,000 - \$50,000 annually. Although Lyle filed Federal case #18-C-0957 and Mandamus #123568 against Judge Broch, he still is presiding in criminal case 13CF47. Lyle also filed Federal Case #16-C-4831 against Public Defender Twila Garrett, but she still remains on the criminal case. If this Court denies this Writ of Cert, the Federal Government stands to lose Billions in Trust Tax Revenue, and the Harrison family will have to file at least 2 more federal cases, and 2 more Mandamus’ against US

Senators, Judges, and Officers of the Court.

Because Judge Dan L. Flannell and Judge Richard L. Broch have employed the illegal and unlawful use of General Warrants, the Harrison family has been denied their lawful federal subsidies every year for the last +45 years. The only court that has the moral fortitude or power to fix this mess, is this Honorable Court.

Kentucky Judge Tim Nolan was sentenced in 2018 to 20 years in a State prison for his ongoing role in sex trafficking. Judge Nolan pled guilty to 21 counts of trafficking (Minors) girls and women. Apparently, Judge Nolan was signing Orders for 5 years, ordering women and minor girls to be incarcerated unless they had sex with him. Decent people applaud the Kentucky Supreme Court for this Justice. If only Justice like this was possible in Illinois.

### CONCLUSION

For the foregoing reasons, the petition for certiorari should be granted. But in the alternative, and at the least, this Honorable Court should reverse the lower courts sanctions and rulings refusing to accept Lyle and Roger Jr. as Indigent.

Respectfully submitted,

Roger L. Harrison Jr.  
Lyle R. Harrison  
1223 Allen Street  
Manitowoc, WI 54220  
(920)629-0771  
rlhpastor@gmail.com  
Lharrison@global.t-bird.edu

*As Men*

January 22, 2019

---

## **APPENDIX**