

No. _____

In The Supreme Court Of The
United States

InRe: William W. Frey
Petitioner

VS

Lori Davis
Respondent

ON PETITION FOR A WRIT OF MANDAMUS
TO THE 5TH CIRCUIT COURT OF APPEALS

William W. Frey #1718159
Louis C. Powledge Unit
1400 FM 3452
Palestine Texas 75803
(903) 723-5074

~~Jurisdiction~~
In Compliance with Rule 20.1

Petitioner cites 28 USC 1651 writ gives this Honorable Court authority. Petitioner cites 28 USC 1361 action to compel an officer of the United States to perform his duty. Furthermore, this Honorable Court has the authority under Rule 20 of the Supreme Court rules. And under the least inferior rule, of Rule 60.D.3 Federal Rule of Civil Procedure is citing of jurisdiction by petitioner.

In Compliance with Rule 20.1

Rule 20.1

I, Issuance by the court of an extraordinary writ authorized by 28 U.S.C 1651 (a) is not a matter of right, but of discretion sparing gly exercised.

To justify the granting of any such writ the petition must show that the writ will be in aid of the court's appellate jurisdiction that exceptional circumstances warrant the exercise of the courts discretionary powers, and that adequate relief can not be obtained in any other form or from any other court.

1) The ~~petition~~ must show that the writ will be in aid of the courts appellate jurisdiction.

(Petioners Response)

the court refuses to take judicial notice of facts that the prosecutor committed fraud upon the court by the use of perjured testimony to obtain a conviction.

2) That exceptional circumstances warrant the exercise of the court's discretionary powers.

(Petioners Response)

The court is aiding the prosecution in withholding evidence favorable to the accuse and allowing the prosecution to use evidence that was not able to be use defense, interference by the prosecution tainted petitioners whole judicial process,

3) And that adequate relief can not be obtained in any other form or from any other court.

(Petioners Response)

the court refuses to take judicial notice of facts, (Supported Records) And correct perjured testimony of witness.

Questions Presented

(Questions are cited under Title 28 USC 1331)

- 1.) Can a conviction or civil judgment stand on Tainted/Perjury Testimony?
- 2.) Does the Court have a duty, too correct tainted testimony?
- 3.) Does tainted testimony constitute Fraud upon the Court?
- 4.) Does the Court have a Duty and must correct Fraud on the Court? (Where a conviction or summary judgment has been ill-gotten, through false means.)
- 5.) Can a Appeals Court, rule on evidence of Fraud upon the Court brought for the first time?
- 6.) Is it a Court's duty, too acknowledge and rule on Fraud upon the Court?
- 7.) Does the Appeals Court abuse its own authority, not following the doctrine of Stare Decisis and Horiizontal Stare when evidence supports party's standing?
- 8.) Is it mandatory, that at any stage of proceedings, a Court must perform its duty. Too, investigate Fraud upon the Court?

List of Parties

William W. Frey - Petitioner

Lori Davis - Respondent

Edward Larry Marshall
PO Box 12548
Austin TX 78711-2548

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In The
Supreme Court Of The United States
Petition for Writ of Mandamus

Opinions Below

State Court Trial No. 23030

United State District Court No. 4:12-cv-430

Previous 5th Circuit cause No. 13-40362

5th Circuit cause No. 16-41350

Jurisdiction of this Court is invoked under 28 USC 1254.1

Jurisdiction

Petitioner cites 28 USC 1651 Writ gives this Honorable Court authority. Petitioner cites 28 USC 1361 action to compel an officer of the United States to perform his duty. Furthermore, this Honorable Court has the authority under Rule 20 of the Supreme Court rules. And under the least inferior rule, of Rule 60.D.3 Federal Rule of Civil Procedure is citing of jurisdiction by petitioner.

IN COMPLIANCE WITH RULE 20.1

RULE 20.1

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To justify the granting of any such writ, the petition must show that the writ will be in aid of the court's appellate jurisdiction that exceptional circumstances warrant the exercise of the court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

1, The petition must show that the writ will be in aid of the courts appellate jurisdiction

(Petitioners Response)

the court refuses to take judicial notice of facts that the prosecutor committed fraud upon the court by the use of perjured testimony to obtain a conviction.

2) That exceptional circumstances warrant the exercise of the court's discretionary powers.

(Petitioners Response)

The court is aiding the prosecution in withholding evidence favorable to the accused and allowing the prosecution to use evidence that was not able to be used by defense, interference by the prosecution tainted petitioners while judicial process.

3) And that adequate relief cannot be obtained in any other form or from any other court.

(Petitioners Response)

The court refuses to take judicial notice of facts,

(Supported by the Record)

And correct perjured testimony of witness.

Constitutional and Statutory Provisions Involved

1. Title 28 USC 1651 Writ
2. Title 28 USC 1361 Action to compel an officer of the United States to perform his duty.
3. Title 18 USC 1623 False Declaration before a Grand Jury
5 or Court.
4. Rule 60.D.3 Federal Rules of Civil Procedure (Set aside Judgment)
5. Title 18 USC 1621 Perjury.
6. 14th Amendment Violation of Equal Protection.
7. 14th Amendment of Due Process.

Statement of Case

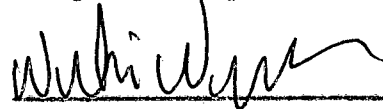
In State Court Trial No. 23030, the state witness committed perjury. In violation of title 18 USC 1621 perjury and title 18 USC 1623 False Declaration before a Court.

The state witness committed perjury on the stand, by first falsely testifying that she seen Petitioner William Frey hit the victim Chastity Hanson. Reporter Record Volume 2 page 69 line 1-12. Yet, in Reporter Record Volume 2 page 2 line 4-5, prosecutor's witness Cheryl Timms, answers the prosecutor's question about seeing petitioner Frey hit the victim with (No, Sir). See Reporter Record Volume 2 page 68 line 4-5.

Reporter Record Volume 68 line 6-10 prosecution witness testifies again (No, she didn't see him [Petitioner]) Mrs Timms testifies to only seeing the red truck. And in Reporter Record Volume 2 page 69 line 1-19 prosecutions witness Cheryl Timms completes the most blatant form of perjury, because witness Timms testifies to seeing petitioner Frey hit the victim. Yet, in the same above citing, prosecution witness Timms also testifies that she didn't see petitioner in the truck.(Which means prosecutions witness testified could not have possibly seen or had no personal knowledge of.) Finally, prosecution, the judge, and defense attorney all conspired and violation petitioner's 14th Amendment and 5th Amendment right of petitioner Frey's due process rights. By not correcting the perjury and using the false testimony to obtain a ill-begotten Judgment.

and the precedent of this Honorable Court. Courts are about justice, not the states of any other interest. Most importantly, Exodus 23 chapter, versus 6-7 (Do not deny justice to your poor people in their lawsuits. Have nothing to do with a false charge and do not put an innocent or honest person to death. For I will not acquit the guilty) Prosecution's witness Cheryl Timms and the prosecutor violated Exodus chapter 23 verse 1 by spreading false report, and being a malicious witness. Leviticus chapter 19 verse 15 (Do not pervert justice. Do not show partiality to the poor or favoritism to the great. But judge your neighbor fairly) This is what I and petitioner Frey ask of this Great and Honorable Court. Common-Law supports the citations of the Bible.

Respectfully Submitted



William Frey

I William Wallace Frey 1718159 being incarcerated at the Pawledge Unit in Anderson County Declare under Penalty of Perjury that the Above Facts of testimony are of Personal Knowledge and are as they appear in the Court Reporters Record 1-5* Are true and correct.

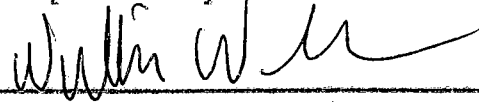
Executed Jan 19, 2018



CONCLUSION

The petition for a writ of certiorari should be granted

Respectfully Submitted,



Date: 1-19-2018

No. _____

In the Supreme Court of the United States

Declaration

my name is William W Frey # 1718159. I am over 18 years of age, and capable of making this Declaration. The facts stated in this Declaration are of my personal knowledge of some of the conversations between myself and the alleged victim Chastity Hanson that are recorded on the two (2) unreviewed Audio CDs these facts stated below are true and correct under the penalty of Perjury

1) Chastity Hanson Apologized for lying and in Remorse.

2) Chastity Hanson stating she told the Prosecution I was Innocent and that she fabricated the charges to maintain a relationship.

3) Chastity Hanson's Recantation with Apologies for lying but that she told me what she will do if I ever tried to leave her. And stating if she can't have me she'll make sure no one will.

4) Chastity Hanson stating she's sorry for what she's about to do but she's getting all her friends and there going to the Hearing and lie for her

5) Chastity Hanson stating that she told everyone that she made up the Assaults to keep me with her and if she loses me at least she will always know where I'm at.

I William W Frey # 1718159 Being incarcerated at the Pankake Unit in Anderson County Texas Declare under Penalty of Perjury that the facts stated above are some of the conversations between myself and the alleged victim Chastity Hanson they are of personal knowledge and are true and correct

Executed on this 19th day of January 2018

William W Frey
William W Frey

In THE Supreme Court of the United States.

IN RE: William W Frey

vs

LORI DAVIS

Evidence to be Judicially Noticed that Factually
Support William W Frey Claim

William W Frey comes before this Honorable Court asserting the following:

- APPLICANT William W Frey cites Rules of Evidence 201 (A) SCOPE (B) Kinds of Facts that may be Judicially Noticed (C) CAN be ACCURATELY and readily Determined from sources whose ACCURATELY cannot be Reasonably Questioned. (D) TAKING NOTICE Court must take Judicial Notice if A PARTY Requests it and the Court is supplied with the NECESSARY information (E) TIMING Court may take Judicial Notice at any stage of the Proceedings (F) OPPORTUNITY to be heard on timely Request a Party is entitled to be heard on the propriety of taking Judicial notice and the nature of facts to be noticed. See Rivera v. Phillip Morris Inc. 395 F.3d 1142, 1151.
- (A High Degree of indisputability is the essential Prerequisite to taking Judicial notice of adjudicative facts')

Evidence Exhibit A

Reporter's Record Volume 2 Page 92 Line 25 (the line 25 Proves the existence of all the CDs).

Reporter's Record Volume 2 Page 92 Line 15-25 (Shows that the Prosecution had alleged victim Chastity Hanson listen to the 3 CDs all the CDs were material, but the fact is William W Frey never had an opportunity to be heard by the Court listening to them, and not being

Able to Prepare a meaningful Defense or Appeal to the CDs

William W Frey Ask the court to take (Judicial Notice) of the fact there were / and are 3 Audio CDs with over 67 Phone calls, 3 hours of calls, between myself and the alleged victim. That was favorable to me. See Reporter Record Volume 2 Page 92 Line 25, and Reporter Record Volume 2 Page 93 Line 4-7 (Chastity Hanson talks to the court about listening to conversations on the 3 CDs and she explains that she listened to 67 Phone calls 50 minutes a piece.. About 3 hours of calls Frey cites to the court.. That there is evidence on the CDs that proves this Grave miscarriage of Justice.

Frey cites he is innocent on the fact of the Perjured testimony alone to which law states the conviction should not stand.

Frey cites that one of the 3 CDs. (Reporter Record Volume 2 Page 92 Line 19-25 and Page 93 Line 1-25.) Alleged victim Chastity Hanson clearly states that she completely fabricated the original and the revocation charge against Frey. The state has withheld the CDs from Frey that will clearly prove his innocence. Yet the state used one of the CDs that benefits them. In a fair and impartial trial evidence is to be used fairly not to the benefit of prosecution but the benefit of all in the spirit of justice the recording that the alleged victim Chastity Hanson testifies to lying will prove the innocence of Frey. The fact that Chastity Hanson states she's gonna get all her friends to gether and go to the hearing and lie. The fact that the alleged victim Chastity Hanson apologizes to Frey for fabricating the charges on him is and should be enough to reverse this case.

Revocation of Freys Probation was Based Solely on Perjured Testimony

Facts undisputed

Reporter record Volume 2 Page 99 Line 6-7, (Chastity

Hanson tells the court under oath that Frey hit her at the Family Dollar store. Also see Reporter Record Volume 2 Page 89 Line 23. (Chastity Hanson testifies to the court within the same testimony that Frey assaulted her on the way to Dollar store.). Frey ask the court to take Judicial notice to the two Declarations of Chastity Hanson line 67 she stated I hit her at the Dollar store, and in line 23 she Chastity Hanson claimed I hit her on the way to the Dollar store (A Defendant under oath was made 2 or more declarations which are inconsistent to the degree that one of them is necessarily false need not specify which Declaration is false.

1. First, Chastity Hanson testifies, I hit her at the Dollar store.
2. Second, Chastity Hanson testifies I hit her on the way to the Dollar store.

Factual Testimony

Chastity Hanson's own son testifies that I did not hit his mom see Reporter Record Volume 3 Page 24- Line 1-2 (Did you Dad hit your mom?) (A) NO. (Sire) Frey cites that this not only cast doubt on the state's case but shows fabrication. Brought before the court to obtain a conviction and a violation of the statute see Reporter Record Volume 3 Page 22 line 17-19 furthermore it shows that I did not know the little boy out the truck like was fabricated - Because the boy testified that the event never occurred. Frey was showed that there were 3 people in the truck when the alleged incident occurred Frey and the alleged victim's son both testified that nothing happened. NO assault took place yet the alleged victim Chastity Hanson is the only one saying something happened.

conclusions

Frey William Prays Mrs Honorable Highest Court will call up the two (2) unreviewed Audio CDs that show

that show the alleged victim Chastity Hanson fabricated the original charge and the charge the prosecution used to have his Probation revoked. I ask this Honorable Court to take Judicial notice of these undisputed facts and grant the relief I am entitled to according to law. And that this court will appoint an Attorney who will draft writs on his behalf to correct the injustice that has befallen William W. Frey

Respectfully submitted

William W. Frey
William W. Frey

I William W. Frey # 1718159 being incarcerated at the Powledge Unit in Anderson County declare under Penalty of Perjury that the testimony given in the foregoing was truly copied as they appear in Reporter's Records Volume 1-5 and the CD's conversations stated in the above Judicial Notice are of Personal Knowledge are true and correct

Executed on this 19th day of Jan 2018

William W. Frey

I William W. Frey certify that a true and correct copy of the foregoing was sent to Attorney for the State of Texas. Executed on this 19th day of Jan 2018.

William W. Frey