

18-8243 ORIGINAL
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
DEC 27 2018

OFFICE OF THE CLERK
SUPREME COURT U.S.

Andre D. Lefebvre — PETITIONER
(Your Name) (AKA; Charlie Kerr)

United States of America — RESPONDENT(S)
ON PETITION FOR A WRIT OF ~~CERTIORARI~~ TO
Habeas Corpus

U.S. Ct Appeals, 5th circuit.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Andre David Lefebvre
(Your Name)

Po Box 150160
(Address)

Atlanta GA 30315
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- ① Should The rules of The Fed. Rules of criminal procedure be followed?
- ② Should indictment(s) be signed By The Grand Jury foreman?
- ③ Should a person(s) (Defendant) mental Health be considered in a Trial?
- ④ Should The "Lack of Jurisdiction" be considered?
- ⑤ Should a "prior" conviction be used as evidence when there is no other evidence, be considered "Double Jeopardy" since The Jury hears it.
- ⑥ Should The Government be allowed To conspire with another district in a Trial and appeal of "Weapons charge"?
- ⑦ Should The defendant be allowed a Counsel in preparation of 28 USC 2255?
- ⑧ Should The Constitutional "Bill of rights" be violated, in order To get a win by The Government?
- ⑨ Should The court of Appeals be allowed

Question(s) Presented

not. To give a extention of
Time, in The preparation of
28 USC 2255, which resulted
in a dismissal of "COA"?

(10) Should The Department of Public
Safety, "not", follow procedure of
evidence, in which The weapon
in question, CARRied any DNA,
OR a GSR Test To attempt
To VARY, if it was The defen-
dants Weapon, if it had been
discharged, OR involved in a
assault and/or possible Homici-
de, since it was retrieved out
of The GRASS on I-10 at 12:00
AM.

(11) Is the side of I-10 Federal
Jurisdiction, OR A Territory? (Locat-
ed in The state of TEXAS, outside
The Houston city limits.)

(12) Does a prior conviction, (submitted
AS evidence), Constitue a form
of Double Jeopardy, being The
only form of evidence, submitted

Questions Presented

by the Government; in order
to prejudice the Jury, that
is on the same offense of
Title 18 USC 922(g)(1).

- (13) Is the Supreme Court, the true
jurisdiction/authority over a
private citizen/man?
- (14) Should relief be denied, any
American, who is and declares
himself a sovereign, private
party/man??
- (15) Should a petitioner be "denied"
an extension of time in order
to comply with the rules of
Court of Appeals for the 5th Cir.
- (16) Should the petitioner who is
indigent be "denied" transcripts
of trial, to review and
prepare in any and all
challenges, to case no. G-05-09?
of U.S. D.K. Ct. S. D.K. of
Tx. Gal. Division

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:

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
① <u>United States v. Adair</u> 436 F.3d. 520, 526 (5 th Cir. 2006), <u>United States v. Alarcon</u> 261 F.3d 411, 424 (5 th Cir. 2001)	
② <u>United States v. Garcia-Cantu</u> , 302 F.3d 308 (5 th Cir. 2002)	
③ <u>Paul v. United States</u> , 412 U.S. 245, 83 S.Ct 426 (1963) and <u>United States v. State Tax Commission of Mississippi</u> , 412 U.S. 363, 93 S.Ct 2183 (1973)	
<u>STATUTES AND RULES</u> , ① <u>Fed. Rules Criminal Pro. Rule 6</u> indictment(s), ② <u>Fed. Rule of evidence 404(b)</u> ③ <u>six(6) Amendment</u> , and <u>5th Amendment of</u> <u>The United States, Constitution</u>	
<u>OTHER</u> <u>Uniform Commercial Code (UCC)</u> <u>HJR-192 Commercial Discharge</u>	

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APPENDIX C	Court of Appeals "dismissal order" due To no extention of Time
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APPENDIX E	on The "mental" issue(s) of petitioner.
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix C to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
 is unpublished.

[] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

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JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 4th 2018 on 'COA' didn't receive a extension to file document. No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 1, 1968, and a copy of the order denying rehearing appears at Appendix 1.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) The Violation of amendment 1 (one)
The right To "Redress of grievance"
4, and "due process, of indictment".
- (2) Constitutional Amendment of 5
five" Due process of law."
- (3) The Violation of 6th Amendment
and counsel, (assistance) effectively.
- (4) Amendment five, in the form
of "Double Jeopardy",

STATEMENT OF THE CASE

① on The 24th of September 2004, The petitioner had a blow out on I-10 east, after a assistance of DPS Department of Public Safety, and a Breathalizer, He was released, and a Tow Truck was loading his Vehical, another DPS came along and started a secondary interview which lead up to a short fight and scuffle with said officer,

② due to The petitioner felt he had a warrant for Parole Violation, in the area where petitioner was cuffed, a weapon was found in the grass, in front of another sheriff and (2) Two Tow Truck drivers, at which Time the petitioner voiced his objection(s) to The DPS officers, statement, It belong to the petitioner, and "demanded" that finger print and DNA analalize be done on it, which they did not

Statement of Case

(3) petitioner, made bond, and thought it was over with until indictment and Trial (no. 6-05-09). The petitioner has always maintained his innocence, at which, at Trial, all the Government's witnesses testified, when the individual fled the DPS "there was no weapon in his hand", and the FBI firearm specialist testified it was too heavy to have in his belt and ran, if would've needed a holster, and the DPS didn't do the "forensics" in any shape, fashion, or form, which caused the petitioner to review the Jurisdiction and the Federal Rules of Criminal procedure, (Rule 6) due to the indictment number, wrote in hand and the Grand Jury foremans, signature were covered up by a black magic marker.

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Statement of Case

(5) I realized in my attempts to correct this "mistrriage of Justice", that rules and laws were being circumvented, and attempts to make me give up for relief, in the evidence of the innocent petitioners, denial of Trial Transcripts, the denial of Counsel-attorney when the petitioner is not trained in the law and the "denial" of "Grand Jury" minutes with the denial of jurisdiction, the petitioner now sees(s) that the government "guilty of Fraud" and Conspiracy on the part, which that prior 16 year old possession of a firearm was submitted in Trial to be the "only evidence" the Jury received, when no other evidence existed, in the Government's behalf, of 18 USC, 922 (g) (1),

Statement of case

(6) I tried to get my attorney Mr. Thomas Berg to enter the possibility of someone trapping the weapon, to set me up, as well, as enter my mental issue(s), and he refused saying it wasn't the issue but he felt we didn't need to because government had the burden of proof beyond reasonable doubt to prove that I exercised ownership, dominion or control over the firearm, which they didn't except to use the 16 yr. old prior Title 18 USC 925(g)(1), to prejudice the jury.

At no time did we have a breakdown, but it was his guilty continuous, but the fact is the petitioner did know of the motion to withdraw was submitted, but the petitioner has been denied counsel and transcripts of trial.

REASONS FOR GRANTING THE PETITION

(1) Due To The Violation(s) of The Federal Rules of Criminal Procedure (Rule 6) which created a fraudulent indictment in G-05-09, along with the actions of the "Denial" of Trial Transcripts to a indigent Defendant, and the "denial" of "Grand Jury" minutes, is evidence, to a fact of fraud, by the Government, which had no evidence of possession of a weapon (Title 18, USC 922(g)(1)) or even a charge of constructive possession, but had to create a multi-district action, with said firearm.

(2) The action carried out, in which the Court Judge Samuel R. Kent did allow a 16 (sixteen) year old prior, conviction of Title 18, USC 922(g)(1) created a cloak of prejudice in the Jury, with an attitude "He did it once, he did it again" equals plain error.

(3) The weapon picked up in the grass on the, did not support

Reason for Granting the petition

of indictment, 6-05-09 before a GRAND JURY, unless some-one lied Take gave false, Testimony equals "plain error".

(4) The fact that the Court has refused the petitioner/Defendant opportunity to review the Grand Jury minutes is a demonstration of a act of "TRACED", which would explain why a Black Serbile is in place of the Grand Jury formands signature "equals Plain error".

(5) It is blatantly apparent that the Court of the United States District Court of Southern District of Texas Galveston Division, has knowingly violated the Due Process of law, since the Courts have went far and beyond year after year, to deny the petitioner "relief" but to continue the miscarriage of Justice, and unlawful Detention.

Reason for granting the petition

(6) The United States Court of Appeals for the Fifth Circuit, is and has always created a area of ~~hard~~ hardship for all pro'se litigates, which is evidenced by Their rulings is further evidence in the denial of a extension in seeking a "COA",

(7) due to all The Violations of The Federal Rules of Criminal Procedure, and The Constitutional Violations carried out by The Government Should bring a ruling which said guilty Verdict is Vacated, along with the sentence, in said G-05-09, in The District Court of The Southern District of TEXAS,

(8) The other fact is the petitioners mental issues(s) That The attorney Thomas Berg in said Trial failed To give notice To the Judge Samuel B. Kent, Should also result in Vacated Verdict due To plain error.

Reasons for Granting The Petition

(9) The Indictment wasn't sealed and with all the violations to the Constitutional amendment(s) and only evidence, a 66 year old conviction of same charge of Title 18 USC 922 (g) (1) in front of the Jury, it alone became a form of "perjury" to "prejudice" so created which was the only evidence of possession, due to fact, the Government used to violate due process of law, as a means to create a multidistrict issue, surrounding the weapon, and the attorney MR. Thomas Berg, his failures to bring to the Jury, the possibility of a set-up, and the mental issues his defendant, was suffering demonstrates a self-activeness, and sufficient, representation.

Reason for Granting the Petition

(10) The writ of habeas corpus was filed on the 27th of December 2018, in which its jurisdiction of said sovereign American, knows the only true jurisdiction is the Supreme Court, and the District Courts, are established as Bankruptcy courts, for corporations. The jurisdiction in which the Clerk of the Supreme Court under Rule 28.1 and Rule 20.4(a) none of the District Courts has authority over any private citizen or sovereign American, who declares by "oath of office", understands this, in which every District Court and the Appeals Court have knowingly committed violation(s) in their Oath of Office Declaration, to the Constitution of the United States of America.

(11) The acts of violation to the indictment, "That does not carry the Grand Jury forward is a pure faulty indictment that the Government and the in violation of the United States of America constitution and the Federal Rules of Criminal Procedure, Rule 6,

(12) It 6-05-09, does not carry a rule of secrecy, and never has, and the fact is that is why the Judge has "denied" the minutes of Grand Jury CASE NO. 6-05-09, due to fact it was never taken to a Grand Jury due to fact at no time could any witness say I possessed the firearm in question, or there was any DNA, or forensics done to the firearm, that the Government used as a means to carry out a fraud in the United States District Court, Eastern District of Texas, Beaumont Division,

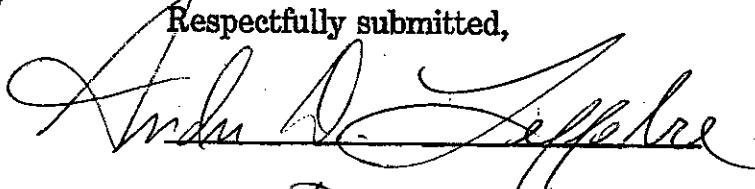
(13) "Did use", said weapon as a means to open a door and obtain a indictment, and once indictment was obtained, using said Verdict of G-05-09 indictment Verdict, on Trial day did dismiss said part of indictment and issue a superceding indictment to attempt to cover-up the fraud and conspiracy, carried out by the Government, and the violation of the oath of office by all involved, in both Districts. Due to the acts of treason which is what a violation of their oath represents, does the true jurisdiction and territory of the Supreme Court, the Justices and the Clerk's who serve under the authority of Scott S. Harris to see the truth of what has occurred and is ongoing a illegal detention, and unjust miscarriage of justice.

for the so Discribed Violation(s)
stated and evidence, with the
ongoing unlawful Detention, The
petitioner calls for a Vacated
Verdict in The U.S. Courts, Southern
District and indictment no. G-05-09
Galveston Division.

CONCLUSION

Hab eas Corpus
The petition for a writ of ~~certiorari~~ should be granted, in The 'Relief'
of vacated Guilty Verdict and sentence

Respectfully submitted,



Date: December 19th 2018