

18-8457

(new)

IN THE
SUPREME COURT OF THE UNITED STATES

John Garrett Smith — PETITIONER
(Your Name)

FILED
FEB 20 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

vs.
State of Washington

— RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the State of Washington
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John Garrett Smith, PE
(Your Name)

P.O. Box 185

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Yachats, OR 97498

(City, State, Zip Code)

541.547.5189

(Phone Number)

QUESTION(S) PRESENTED

"Is it lawfully permissible for a State's officials to execute imprisonment of a US Citizen in the sheer absence of jurisdictional authority, and then call the 4th & 14th Amendments to the U.S. Constitution, and this Court's 1980 Ruling in 'US v. Will' "frivolous"?

~~XXXXXXXXXX~~

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:

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
• 'US v. Will', 449 US @ 200, 66 L. Ed. 2d, S. Ct. @ 471 (1980)	
STATUTES AND RULES	
• US Const., amends. IV & XIV	<u>§ 87(2)</u>
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• FRCP 60(b)(4), 4.1(6)(A), 4(b)(1)(D)	
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• CR 3.2.1(a), (b), (f)(1)(2), 2.2(a)(f)	
OTHER	
• RCW 4.24.350, 4.32.170, 9.98.020, 9.94A.585(5), 10.73.100(5)	
• 18 USCS § 1030	

IN THE
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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 _____ 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[] is unpublished.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 _____ 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[] is unpublished.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 A/One to the petition and is

reported at Olympia on 1.28.19; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the WA ST Crt A, Div. 2 court appears at Appendix B/Two to the petition and is

reported at Tacoma on 11.14.18; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

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: _____, 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 _____.

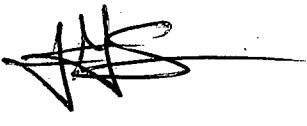
The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was 1.28.19. A copy of that decision appears at Appendix A/ONE.

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). 

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Probable Cause Due Process
(US Const., amends. IV & XIV), specifically its denial in the form of ultra-vires imprisonment carried out without legal authority due to sheer failure to obtain "court determination" (i.e. judicial ratification) to charging instruments on account of scienter of fraud in that indictment.

~~XXXX~~

STATEMENT OF THE CASE

Plaintiff is currently serving a 12 year sentence for a crime that did not happen and based on evidence that does not exist. State of Washington failed to secure valid Probable Cause ratification EVER since charging on 12.10.13 for ~~Attempted Murder~~. Therefore, the ensuing T&S is "void ab initio", without force or effect, and dissolution of the nullified case is non-discretionary.

REASONS FOR GRANTING THE PETITION

State of Washington has
NEVER established legal
jurisdiction over Plaintiff
or subject-matter for the
police-fabricated ruse of
attempted murder, staged as
a cover-up of State's
initial theft of his Property
(corporate, personal, physical + intellectual),
in cascading violation of US
Const., amends. 4, 8 + 14.

Not only are State's actions
violative of the Computer Fraud
& Abuse Act (18 USC 1030),
but also they are TREASONOUS
per 'US v. Will' (1980).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature, appearing to read "J. M. S.", is written over a horizontal line.

Date: 3.6.19

IN THE SUPREME COURT OF THE UNITED STATES

Case No. _____ [by SCOTUS]

John Garrett Smith, Plaintiff

v.

State of Washington, Defendant

in re: Wash St. S.Ct. No. 96615-0, Wash CoA No. 51955-1-II
and Wash Superior Ct. in Clark Co. No. 13-1-01035-6

PETITION FOR WRIT OF CERTIORARI

In Good Faith, COMES NOW Plaintiff to Petition The Court for this extraordinary writ in compliance with Parts III & IV of Court Rules because an "exceptional circumstance warrants the exercise of The Court's discretionary powers".

A. QUESTION PRESENTED FOR REVIEW

Is it lawfully permissible for a State's officials to execute imprisonment of a US Citizen in the sheer absence of jurisdictional authority, and then call the 4th and 14th Amendments to the US Constitution and this Court's 1980 Ruling in 'US v. Will' "frivolous"?

B. BASIS FOR JURISDICTION IN THIS COURT

Pursuant to Rule 13, this Petition is filed in a timely manner within 90 days after entry of State of Washington Supreme Court's order of denying discretionary review (1.28.19, Exhibit ONE) following the State of Washington Court of Appeals' dismissal (11.14.18, Exhibit TWO) of Plaintiff's Petition for Habeas Corpus regarding Washington Superior Court's 1.30.15 ultra-vires Judgment and Sentence for a spurious crime alleged to have occurred on 6.2.13.

C. CONCISE ARGUMENT AMPLIFYING GROUNDS FOR INJUNCTIVE WRIT *(per RULE 14.1(h))*

Very specifically, the Supreme Court of the State of Washington has decided an important question of federal law in a way that is diametrically opposed to a relevant decision made by this Court. *(reference RULE 14(c))*

The grave matter of "imperative public importance" is jurisdictionless adjudication, which has been deemed treacherous in 'US v. Will', 449 US @ 200, 66.L.Ed.2d, S.Ct. @ 471 (1980), that "Whenever a judge acts where he does not have jurisdiction to act, the judge engages in an act of Treason".

Since 2013, the Defendant sardonically persists in mocking both this ruling as well as Due Process & Equal Protection of Law founded in US Const., amends. 4 & 14. Accordingly, this Court's injunction is vital to the correction of Anti-Constitutional public policy and ultra-vires hostility in the State of Washington.

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The critical issue is that Probable Cause remains a Paramount Antecedent of US Law & Justice. In accordance with abundant Rules, Codes, and Statutes provided and expanded upon ad nauseum by Plaintiff in State Courts to no avail (including, but not limited to, FRCP 60(b)(4), 4.1(6)(A), 4(b)(1)(D), CR 12(b)(1), 42 CJS §8, CrR 3.2.1(a),(b),(f)(1)(2), 2.2(a),(f), RCW 4.24.350, 4.32.170, 9.98.020, 9.94A.585(5), 10.73.100(5), etc., et. al.), "court determination" via "judicial ratification" of charging instruments is "mandatory, without exception", in order for ANY court to lawfully establish jurisdiction of Subject Matter or Person. These and other laws generally allow 48-72 hours for procedural logistics of arraignments for courts to acquire ratification of Probable Cause or indictment documents.

However, in the case now before This Court, NO COURT anywhere has EVER obtained such authority, thereby rendering ALL subsequent court actions "null and void ab initio, without force or effect" per 42 CJS §8 (1991), et. al.

Furthermore, of primal significance, State's sheer failure to acquire judicial ratification of Probable Cause indictment papers against the Plaintiff in this case is not mere clerical oversight (which case precedent makes allowance for corrective amendment). On the contrary, State's legal failure evinces what has been made manifest as the main undisputed reason why affirmative determination was never made: because of the incompetence of police-manufactured, fake "evidence" of a crime, attempt to kill, that factually never really even happened according to all forensic proofs. In other words, the "im"probable cause of the ensuing void judgment and sentence has been unanimously established as a police-fabricated scandal, and that is why NO COURT has ever granted approval for the fraudulent charge.

The criminal nature of the State of Washington's use of ultra-vires theft of Plaintiff's Liberty to conceal its initial and ongoing thefts of his Property (Physical, Corporate & Intellectual) remains the subject of supplemental court actions.

But, regardless of the State's purpose for abrogating germane Due Process Law, the undisputed, simple, binary fact is that Probable Cause has NEVER been ratified over 5 years after the jurisdictionless restraint commenced. Therefore, resolution to this matter is very simple: there is nothing to show, and State cannot produce the mandatory ratified documents because THEY DO NOT EXIST.

D. SYNOPSIS

This is a remarkably important matter with far-reaching consequences for all US citizens.

Neither the 4th nor the 14th Amendments can tolerate the ultra-vires, treasonous theft of Liberty as a weapon - ever - but especially as a weapon to conceal the criminal theft of Property.

The breaches of seminal law are mounting daily and The Power of This Court is desperately needed to restore Justice in the Northwest United States. The cavalier disregard of 'US v. Will' (1980) is the tip of an iceberg that can easily be melted by This Court.

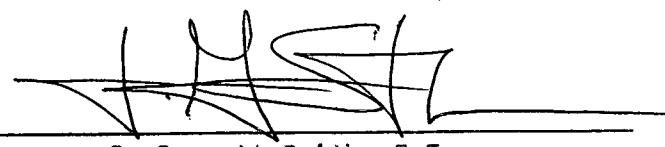
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Because of the State of Washington's systemic and jurisdictionless persistence in the denial and dismissal of standards that are legally undeniable and indissimissable, This Court's Power is hereby invoked to uphold Justice and Equal Protection Under Law.

Respectfully & Earnestly Submitted Under Penalty of Perjury under the Laws of the United States of America on this 7th Day of February, 2019.



J. Garrett Smith, P.E.
Plaintiff Pro Se

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