

19-5227 ORIGINAL
No. _____

FILED
JUN 03 2019
OFFICE OF THE CLERK
SUPREME COURT OF MICHIGAN

IN THE

SUPREME COURT OF THE UNITED STATES

JOHN FRANCIS LECHNER — PETITIONER
(Your Name)

vs.

SIXTH CIRCUIT COURT OF APPEALS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SIXTH CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JOHN FRANCIS LECHNER
(Your Name)

1418 HYDE STREET
(Address)

SAULT STE. MARIE, MICHIGAN 49783
(City, State, Zip Code)

906-203-9346
(Phone Number)

QUESTIONS PRESENTED

1. Did ATF Special Agent Timothy DeClaire misrepresent himself when he testified that John Lechner forged the explosives permit?
2. Did Melissa Alexander-Coleman, Supervisor of the Legal Instrument Examiner for the ATF, misrepresent herself when she testified that she did a diligent search of the Federal Licensing System and it did not reveal an issuance of any explosives permit to John Lechner?
3. Did ICE Special Agent Bruce Wagner misrepresent himself when he testified that John and Mark Lechner were flying their personal aircraft to Canada and Cuba? Also, it is believed that Mark Lechner is in the cocaine business?
4. Did Christopher Reeves misrepresent himself when he testified that FELC does not maintain copies of the permits previously distributed to federal explosive permittees?
5. Did Margaret Carvill misrepresent herself when she testified that you cannot get a license without an inspection of the facility?
6. Did Federal Prosecutor, Marteen Vermaat, abuse his power when he colluded with ICE Agent Wagner in creating the Criminal Intake Form?
7. Did Prosecutor Vermatt abuse his power of authority when he knowingly permitted these agents of the government to speak falsely?

8. Did AUSA Phillip Green abuse his power of authority by creating and delivering to Mark Lechner a threatening letter saying that if he testified on behalf of John Lechner that he would be arrested for conspiracy and that he would be investigated for drugs?

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 CONTENTS

I.	QUESTIONS PRESENTED.....	i
II.	LIST OF PARTIES.....	ii
III.	TABLE OF CONTENTS.....	iii
IV.	INDEX OF APENDICES.....	iii
IV.	OPINIONS BELOW.....	1
V.	JURISDICTION.....	1
VI.	CONSTITUTIONAL PROVISIONS INVOLVED.....	1
VII.	STATEMENT OF THE CASE.....	2
VIII.	REASONS FOR GRANTING THE WRIT	3
IX.	CONCLUSION.....	4

INDEX TO APPENDICES

APPENDIX A Order of the United States Court of Appeals for the Sixth Circuit Dated: March 6, 2019

APPENDIX B Order of the United States Court of Appeals for the Sixth Circuit Dated: October 29, 2018

APPENDIX C Order of the United States District Court for the Western District of Michigan Northern Division
Dated: July 25, 2018

APPENDIX D Order of the United States District Court for the Western District of Michigan Northern Division
Dated: June 15, 2018

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
-------	-------------

<i>United States v. Lechner, 806 F.3d 869 (6th Cir. 2015)</i>	7
---	---

<i>Bullock v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985)</i>	15
---	----

STATUTES AND RULES

27 CFR 555.205 Movement of Explosive Materials	3
---	---

27 CFR 555.216 Repair of Magazines.	4
--	---

OTHER

Exhibit A Letter to Mark Lechner from AUSA Phillip J. Green	
---	--

Dated February 8, 2012	9
------------------------	---

Exhibit B Model Criminal Intake Form Created by Bruce Wagner, ICE Special Agent, and signed by Maarten Vermaat AUSA	
---	--

Dated January 14, 2011	10
------------------------	----

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 A+B 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 C+D 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.

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: March 6, 2019, 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 _____. 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication. " Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

"Fraud upon the court" makes void the orders and judgments of that court.

STATEMENT OF THE CASE

HISTORY

On September 26, 2011 after Lechner was attacked by 5 ATF Special Agents and Sheriff Deputies. He was transported to Marquette Jail in Marquette Michigan and he was indicted on nine charges. These charges will be addressed later in this addendum. The Court stated during a hearing that Lechner would be transported back to Sault Ste. Marie, MI and housed in the Chippewa County Correctional Facility where he would be close to his attorney. Lechner was not sent back to Chippewa County Correctional Facility for 10 months making it very difficult to get the information that was needed to defend himself in court.

Lechner had many problems while housed in the Marquette Jail system.

Multiple pieces of mail went missing (Christmas cards, money, letters from friends and family. (See Affidavits Exhibit A)¹Parts of packages that were sent were never given to him. The mail was held in Lechner's personal Bag #124. Multiple friends and relatives mailed important papers, court rules, court laws, ATF rules and regulations and anything which would help in his research for proving his innocence was held and not given to him until he was returned to Chippewa County Correctional Facility on July 17, 2012. One month after his

¹ Affidavits Kenneth Lechner and Audrey Plastino

Federal trial he was transported to Sault Ste. Marie, MI. Upon his entrance into Chippewa County Correctional Facility the guard brought him a bag of mail and ask him if he wanted it. Most of the missing mail was in the bag #124. Four manila envelopes from Attorney Charles Malette with legal papers to help in Lechner's legal defense have never been found. This caused irreparable damage in the relationship between Lechner and Mr. Malette as Malette said he mailed them but Lechner never received them. Mr. Malette was released from his representation of Lechner because of this distrust caused by the Marquette Jail withholding these very important defense papers.

Defense Council Paul Peterson was given approximately 200 pictures depicting the operation of Lechner Construction to show the jury just exactly why they were in possession of explosives. These pictures were of all the equipment needed to do shore protection and build breakwaters. This consisted of drill rigs, blasting equipment, stone sorting equipment, loaders and trucks. These pictures also included rock quarries which were owned by Lechner Construction, pictures of shore protection jobs and pictures of breakwaters which Lechner Construction built over 20 plus years. Most of these 200 pictures disappeared and were never presented in court for the jury to see. Yet other pictures depicting explosions which had nothing to do with mining rock were shown to the jury.

Possibly, if the jury could have seen what a real mining operation looks like they would have been able to understand the scope of what is needed in this type of business?

REBUTTAL ON ALLIGATIONS

Page 1, line 6, the Court states... *"In July 2011, Lechner was arrested and arraigned in Michigan state court for false report of a felony; false pretenses; and assaulting, resisting, and obstructing a police officer."* Did the Court also notice that all these charges were nolle prosequi? A nolle prosequi puts a person in the same state that he was in before the government initiated prosecution. Like it never happened. Appellant does not believe the court has a right to keep bringing up these allegations again and again if the charges never happened. Appellant argued against the nolle prosequi. He refused to accept it but he had no say and the court dropped the charges

"Following his arrest, he (Lechner) told authorities that, in connection with his construction business, he had previously purchased a mixture of ammonium nitrate and fuel oil, known as "ANFO." If this were true why did Mr. DeClaire testify that he did not know why the Appellant had a vast amount of explosives?

Page 1, line 14: *...Lechner was subsequently arrested and charged in federal court with transportation of explosive materials, specifically ANFO (Counts 1 and 6);* Count 1 and 6 were for illegal transportation of explosives. If the court would look at **27 CFR 555.205 Movement of Explosive Materials** (Exhibit D)² it states that

² ATF Regulation CFR 555.205

“All explosive materials must be kept in locked magazines meeting the standards in this subpart unless they are: ...

(d) Being transported to a place of storage or use by a licensee or permittee or by a person who has lawfully acquired explosive materials under §555.106.” Appellant purchased the explosives legally for years.

Page 7, Line 1: The Court states:...

“ANFO is specifically identified by federal regulations as a material that may not be transported without a permit or license.”

Today there are thousands of truck drivers hauling explosives in the United States without a permit issued by the ATF to do so.

The Department of Transportation is responsible for explosives in transit, per page 10 and 11 of Appellants Request for En Banc Hearing which preceded this addendum.

Count 2 was filed against Kenneth Kassab with being a convicted felon in possession of explosives. Kassab was found innocent.

Count 3 and 9 were for improper storage. If the court would look at **27 CFR 555.216 Repair of Magazines.** (Exhibit E)³

³ ATF Regulation CFR 555.216

(b) Placed a safe distance from the magazines under repair where they are to be properly guarded and protected until the repairs have been complete.

Count 4 possession of explosives while under indictment.

This alleged State indictment was initiated on May 26 2010 and **nolle prosequi** on December 13, 2012 after it was assured that Appellant was charged to the fullest degree in the Federal Court system. The normal effect of *nolle prosequi* is to leave matters as if charges had never been filed.

Page 2, line 8: *On appeal, Lechner challenged the constitutionality of the statutes under which he was convicted, the nexus of his crimes to interstate commerce, the jury instructions, and the sufficiency of the evidence. This court found no error and affirmed. United States v. Lechner, 806 F.3d 869 (6th Cir. 2015).*

The Department of Transportation has jurisdiction of transportation of explosives and they found no fault with Lechner in the way they were transported. The ATF has no authority over the transportation of explosives.

Count 5 making a false statement to ATF:

DISMISSED on Feb 21, 2012 by Hon Robert Holmes Bell (Exhibit F)⁴

Count 7 distributing explosive materials without a license.

ACQUITTED

⁴ Order Granting Motion to Dismiss

Count 8 distributing explosive materials to a convicted felon.

ACQUITTED

Page 3, Line 16: *Lechner did not demonstrate that he was maliciously prosecuted by the State of Michigan. See Newman v. Township of Hamburg, 773 F.3d 769, 772 (6th Cir. 2014). Consequently, “counsel cannot be found to be ineffective for ‘failure to raise an issue that lacks merit.’”*

Lechner believes that Mr. Peppler, (Chippewa County Prosecutor), worked in tandem with the federal prosecutor for almost 3 months to create these 5 fictitious felonies against Lechner and held on to them for approximately 16 months then nolle prosequre all the charges after using them to assure a conviction in the Federal Court. **This is malicious prosecution.**

Page 3, line 21: *Lechner next claimed that counsel was ineffective for failing to submit evidence that he had valid permits to transport explosives that were issued to him between 2003 and 2006 for his construction business.*

There is no such thing as an ATF permit to transport explosives. Lechner had a permit to purchase explosives.

Lechner next claimed that counsel was ineffective for failing to submit evidence that he had valid permits to transport explosives that were issued to him between 2003 and 2006 for his construction business. Reasonable jurists would not debate the district court’s conclusion that Lechner was not prejudiced by any failure by counsel because this court assumed, without deciding, on appeal that “Lechner’s facially valid permits enabled him to lawfully acquire explosives from 2003 to

2006.” Lechner, 806 F.3d at 874 n.1. Nevertheless, this court upheld his conviction for unlawfully transporting explosives because he did not have a permit to do so in 2010 or 2011, when he was charged.

Council was ineffective because they should have been knowledgeable of the ATF Rules and Regulations to be able to counter the allegations of illegal transporting of explosives as there are no rules or regulations in the ATF pertaining to transportation except to say that all explosives are to be kept under lock and key unless they are being used or transported to a place of use or storage. They should have spent time exploring all avenues to find these very important regulations to counter these allegations. Council should have spent time looking thru the ATF and DOT rules about transporting also, as there are no specific rules or regulations in the DOT to address this matter either except basic common sense rules pertaining to securing the load and placard placement. If council did have this knowledge then he is most definitely ineffective in his representation of Lechner.

There is no such thing as a permit to transport explosives. Lechner had a permit to purchase explosives.

Line 1, Page 4: Because Lechner’s prior permits did not affect the charges against him, he did not make a substantial showing that counsel was ineffective in this regard.

If council would have shown the jury that the permits did exist, instead of doing nothing when special agents from ATF and agents from Home Land Security testified falsely under oath that the permits never existed, that Lechner forged the permits and Mark and John Lechner were flying their private plane from Cuba to Canada. And it is believed that Mark is in the cocaine business. This trial should have been a thrown out because of the Fraud on the Court.

Page 4, Line 4: Lechner *next alleged that counsel was ineffective for failing to argue that the Bureau of Alcohol, Tobacco, and Firearms (“ATF”) never examined the facility where he stored the ANFO, although it could have done so. Lechner appears to argue that, if the ATF had done so, its agents would have explained the rules and regulations for storage and transportation of explosives; because they did not, he could not have been liable for violating rules that he did not know existed.*

Lechner believes that if the agents of the ATF were doing their job correctly his storage facilities would have been examined. Never once in 30 plus years did they ever inspect his storage facilities. ATF has the right to inspect the operation without notice during working hours. There are no rules for transporting explosives with the ATF. The only mention of transporting is concerning storage under lock and key unless the explosives are being transported. And that is where the DOT takes over. So when the Judge told the Court we have to stop people from running around with explosives did the Judge think he was being unbiased? Was he also being unbiased when he allowed Mr. Vermaat to accept testimony from Mr. DeClaire, Mr. Wagner, Ms. Carvill and Ms. Coleman when he knew they were not telling the truth?

Page 4, Line 12: *Further, evidence at trial indicated that Lechner was aware there were regulations regarding the transportation of explosives, but he did not make himself familiar with them. Lechner, 806 F.3d at 875.*

Lechner told Mr. Peterson that he had been hauling explosives since the 1970's. Lechner told Peterson that typically he would put the explosives on a pallet, shrink wrap the pallet, take the fork lift and load the pallet on the truck, put your cargo straps over the load, and place your placard on the front, back and both sides of the vehicle. That is the law unless you are loading the explosives at the explosive plant then you are required by the plant to file a route as to what highways you will be using from the plant to the destination.

Page 4, Line 21: *Lechner was “always under the assumption that he could possess the explosives because the ATF sent him a permit to purchase them”*

Lechner believes he has the right to possess the explosives because he legally purchased them and nowhere in the ATF, DOT and DHS rules and regulations does it state the explosive have to be destroyed because the permit to purchase has expired. This would be like equating a deer hunter having to dispose

of his deer he legally shot during hunting season (November 15 thru 30) and on December 1 he must destroy any meat not used up.

Page 6, Line 12: Lechner next asserted that counsel was ineffective for failing to argue that Lechner's prosecution for the transportation crimes under 18 U.S.C. § 842 violated the Commerce Clause.

Lechner has been transporting explosives since the 1970's and never once in those years has anyone asked him about a permit to transport. The truth is that there is no permit to transport. Lechner has talked to about 50 tucking companies and drivers and no one knows anything about a permit to transport. The Department of Transportation governs the transportation of hazardous materials which in turn makes this 18 U.S.C. §842(a)(3)(A) a conflicting regulation and also untrue because when they say "other than a licensee or permittee knowingly to transport". That would stop all explosive transportation in the United States right now.

INTIMIDATION OF WITNESS

Page 4, Line 26: Mark's testimony would not have changed the outcome of the Proceedings.

Knowing that Mark Lechner was going to testify at John Lechner's (father) trial. Defense attorney, Paul Peterson, told John Lechner, that if Mark showed up at trial he would be arrested for conspiracy.

The government, just prior to trial, sent Mark a letter saying he was the target of a drug investigation. (*Exhibit B*)⁵ This was nothing more than a under handed way for the government to prevent Mark from testifying.

As soon as the trial was completed Mark's investigation went away. Mark saw what took place with his father and the federal government and was not about

⁵ Exhibit A Letter to Mark Lechner from AUSA Phillip J. Green Dated February 8, 2012

to upset someone in the Justice Department knowing that he was the only person to keep the company going. Even for the sake of his own father. This is how scared he was and still is to this day of the government and its power.

The Court claims that the testimony Mark would have provided would not have resulted in a different outcome at the trial. The appellant disagrees. If this was true why would the federal prosecuting attorney have this fraudulent threatening letter made up and hand delivered to Mark? If Mark would have told the jury that he owned the company and that John legally possessed the explosives and had every right to transport the explosives to a place of use or storage.

The government essentially took away any supporting facts and testimony John had towards his argument when they unethically notified Mark he was a target of a cocaine investigation. There was no investigation and it was nothing more than a ploy to rid John of a material witness that would have changed the minds of the jury and given his counsel support to make his argument.

The government went so far out of its way to prevent the testimony of Mark they presented him with a Model Criminal Intake Form (*Exhibit C*)⁶ filed by ICE Special Agent Bruce Wagner and signed by AUSA Maarten Vermaat stating the defendants (John and Mark Lechner) are flying their personal aircraft to Canada and to Cuba. (John and Mark Lechner have flown their personal plane into Canada one time and have never flown their personal plane to any other country.) And, “*also, it is believed Mark Lechner is in the cocaine business.*” This is so far from the truth yet they make this up with no other investigation or evidence prior to this to scare Mark into not testifying. This is the only report made and given to him,

⁶ Exhibit B Model Criminal Intake Form Created by Bruce Wagner ICE Special Agent and signed by Maarten Vermaat AUSA Dated January 14, 2011

there was no follow up investigation. It was a scare tactic by the government as there was no investigation. Proving that the prosecution was afraid to let Mark testify in that it would have helped the jury make an informed decision.

FRAUD ON THE COURT BY WAY OF FALSE TESTIMONY

Page 5, line 19:

Fifth, the inspection of Lechner's storage facility, like the valid permits he obtained between 2003 and 2006, was not relevant to his unlawful transportation and storage of ANFO in 2010 and 2011.

Here the Court admits that Lechner did have valid permits.

Ask yourself, did DeClaire lie when he testified in court when he said,

"He presented them (Pepin-Ireco) with his then license, that looked like a real license. It was not the right color. They did not know it was not a real license at the time."

If any of this were true, why wasn't Lechner charged with forgery? The reason that Lechner was not charged with forgery is because everything DeClaire testified to, was a lie.

Ask yourself this, when Melissa Alexander-Coleman testified was she being truthful:

"To Whom It May Concern:

I, Melissa S. Alexander-Coleman, certify that I am a Supervisory, Legal Instrument Examiner, Federal Licensing Center, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States of Department of Justice, Martinsburg, WV, and that in my official capacity, I have immediate legal custody of the records of the Bureau of Alcohol, Tobacco, Firearms and Explosives, pertaining to explosives licenses and permits within the United States to engage in business as explosives importers, manufacturers, dealers or users.

I do hereby certify that I have made a diligent search of the Feral Licensing System (FLS) for said records and as of October 24, 2011 two applications for explosive permits were found for John Francis Lechner, Lechner Construction, DOB: March 20, 1947, SSN: 371-50-0316 however the permits were never issued. A diligent search of FLS did not reveal an issuance of any explosives license and/or permit to John Francis Lechner at any address in the 50 States of the United States and its Territories.

Dated: 10/25/2011

*Melissa S. Alexander-Coleman
Supervisory, Legal Instrument Examiner”*

Ask yourself, Did Bruce Wagner lie when he said:

“Defendants are flying their personal aircraft to Canada and Cuba. On their return trip in March, defendants admitted to the Inspector that they knew they were not supposed to go to Cuba because of US restrictions. Also, it is believed that Mark Lechner is in the cocaine business.”

And was AUSA Maarten Vermaat complicit in this lie when he signed this false report?

Ask yourself, did Christopher Reeves lie when he wrote Lechner this letter dated November 4, 2016? Lechner asked the ATF for a copy of these permits and a copy of the responsible person letter in the year 2012, 2013, 2014, 2015 and 2016 Lechner received copies from the court and sent copies to the ATF after 5 years this is the response from Mr. Reeves.

In May 2003, following passage of the Safe Explosives Act, the FELC temporarily permitted all explosive permit applicants to operate under their applications if they were received by May 10 2003. The final approval and continued validity of these permits was contingent upon an ATF inspection

A Type 33-USER OF HIGH EXPLOSIVES permit number 4-MI033-33-6f-00605 was issued in your name on May 19, 2003

A Type 35-USER OF BLASTING AGENTS permit number 4-MI033-33-6f-00606 Was issued in your name on May 19, 2003

On August 13/2003 you were issued a RESPONSIBLE PERSON LETTER OF CLEARANCE

Mr. Christopher R. Reeves, (Chief, Federal Explosives Licensing Center) states that the FELC does not maintain copies of the permits previously distributed to federal explosives permittees. Additionally, the FELC cannot reproduce explosive permits after the date of expiration.

During the search authorized by Robin Lechner, Mr. DeClaire special agent ATF and Mr. Bruce Wagner, DHS took the **original permits plus all the records** pertaining to Lechner Construction and to this date have never returned any of these records to Mark or John Lechner.

Lechner contacted the department of ATF September of 2016 and talked to a lady by the name of Sandy Curtis. On October 18, 2016 Sandy sent this letter:

Dear Mr. Lechner, You sent me a note requesting a copy of your letter of clearance but you did not give me a permit number that you are listed on. If you can get this for me them I can give you a new letter of clearance.

Lechner responded with this letter on October 24, 2016.

Dear Sandy Curtis,

In response to your letter dated October 18, 2016, 901090: CRR, 5441, you requested the permit number for the letter of clearance. The permit number is 4-MI-033-33-6F-00605 which the letter of clearance is attached to. The File Number: 4MI00605 is also on the Letter of Clearance. If you are in need of further information or need further clarification please feel free to contact Mr. Lechner.

Ms. Curtis called Lechner on October 31, 2016 and said her supervisor Christopher Reeves told her that she could not talk to him anymore.

Does the court believe that Mr. Reeves did this in good faith?

Does the Court believe Margaret Carvill when she testified?

“Some of her duties include application inspections for people applying for various licenses, for firearms and for explosives, to possess them, to deal in them, to manufacture them. I also conduct compliance inspections of the licensees to make sure they are following the rules and regulations.”

Q Is it a requirement for any license, that you go out and inspect the facility that's going to hold the explosives?

A Yes.

Q Can someone get a license if they – if that inspection is not done?

A No.

Yet Lechner has been purchasing and using explosives since the 1970's. With no inspection. How is this possible?

Since the Court does admit that there were valid permits issued would the Court concede that there is a possibility that these officers of the court misspoke when they testified.

Federal trial transcript Page 595:

Mr. Vermaat: Can I bring up one issue when the jury leaves, Your Honor?

The Court: Do you want to do in on the record?

Mr. Vermaat: I would, Your Honor.

The Court: Okay. You all are excused.(jury)

Mr. Vermaat: This licensing stuff is, unfortunately, much ado about nothing. And I know Mr. Peterson desperately wants to get in these old expired licensees from 2004 and 2005 or 2006. I don't think they are admissible,...

The Court: I am not going to tell Mr. Peterson he can't produce any evidence. If he wants to produce old licenses, he can do that. I mean but I can't say -- I mean I can't say they are irrelevant. I mean, I don't think they really carry the day but that's not my decision, that's the jury's decision, so –

Mr. Vermaat: Okay. Thank you, Your Honor.

Mr. Peterson: Thank you, Your Honor.

The Court: This Court is now finally in adjournment.

These 3 men deliberately withheld evidence from the jury which would have had a direct impact upon the outcome of the case because they never released this information to the jury.

Fraud on the court occurs when the judicial machinery itself has been tainted, such as when an attorney, who is an officer of the court, is involved in the perpetration of a fraud or makes material misrepresentations to the court. **Fraud upon the court makes void the orders and judgments of that court.**

In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function -- thus where the impartial functions of the court have been directly corrupted."

REASONS FOR GRANTING PETITION

John Lechner believes that these agents and employees of the government did 'FRAUD ON THE COURT' in their testimony during his trial. That the Prosecutor knowingly allowed this false testimony and colluded with ICE and ATF to convict an innocent person.

The District Court ignored these Fraud on the Court allegations as these government employees are part of that court system and refuse to find any wrong doing as they are a closely knit group of people who systematically collude together to falsely convict innocent people.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: _____

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


John D. Leshner

Date: June 3 2019