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To : Debbie Thompson, CustomerID: 11503200
Date : 10/12/2019 9:46:25 AM EST, Letter ID: 664833607
Location : SECC
Housing : 17C17C00216

U.S. Supreme Court Motion 1.

SUPREME COURT OF THE UNITED STATES

RUBIN RURIE WEEKS,
Petitioner,

VS.

Case No. 19-5519

JASON LEWIS, Warden of the
Missouri Southeast correctional Center,
JIM HOOD, The Mississippi Attorney
General. Respondents.

MOTION FOR REHEARING IN AID OF THE COURT'S
JURISDICTION AND SUPREME CAPITAL/ COMPETENT
LAW AND FUNDAMENTAL RIGHTS OF PETITIONER

Comes Now petitioner Rubin Rurie Weeks, in pro se litigation and requests this Honorable Court to submit the motion to Justice B. Kavanaugh for review and grant permission to file the Motion for Rehearing, and, proceed in formar parperis, and, order Respondents to file an adequate response because it being uncontested that the Respondents have Petitioner restrained of his liberty under the Cape Girardeau County Circuit Court void judgment and the Mississippi DOC void parole detainer. Thereof, the Respondents are trespassing upon petitioner's liberty and at the same time, denying him the adequate medical treatments needed to save his life. Therefore, under "Supreme Court Capital and Competent Law, Petitioner is not barred from relief. Petitioner states unto the Court:

"I"

PROCEDURAL BACKGROUND HISHORY FACTS

On April 22. 1988, Petitioner was arrested in Forest, Mississippi (His home town) for an unviolent crime. On August 22. 1988, the Scott County Circuit Court rendered the judgment and sentenced petitioner to (4) years. Petitioner served the (4) year sentence on Probation statue in full and was unconditionally released on June 7. 1990. On November 2. 1991, Mississippi DOC officials arrested petitioner under the Scott County void warrant for alleged violation of parole and thereof placed petitioner in Mississippi DOC official custody. During the arrest petitioner was beaten by the MSDOC officials to the point it paralyzed him for life in torture pain by damaging his spine and brain. The Mississippi DOC officials ignoring their duty and without providing to petitioner the required 14th Amendment due process rights under the Miss. Code Ann 47-7-27 requiring parole hearing within 30 days after arrest and if probation or parole is revoked, requires the Board to order the parolee to serve the original sentence first in full or reconsider him for parole in the future. Thereof, Mississippi DOC officials unconditionally released petitioner to Missouri State/County law enforcement on November 5. 1991 without peteioner being charged with a crime in Missouri. Petitioner did not waive these fundamental rights. Thereby, Mississippi DOC/Parole Board officials waited until June 8. 2015 to revoke the Mississippi alleged parole and thereof on June 22. 2015 issued the MSDOC official warrant for Petitioner to return to Mississippi after released from Missouri custody. The Scott County, Mississippi August 22. 1988 (4) year sentence had been expired since April 22. 1991 by mandatory operation of law.

On February 13. 1992, without petitioner being charged by indictment or felony information with the Bollinger County rape charge. The Missouri government forced petitioner into the Cape Girardeau County Circuit Court, where the Court rendered the judgment without having subject matter jurisdiction over the Bollinger County rape cause and improperly and beyond the Court's authority under 558.019 RSMO sentenced petitioner as a prior and persistent offender. After the Court negotiated the plea of guilty in order to immediately place petitioner into the Missouri Department of Corrections due petitioner's significant injuries requiring major surgeries and to shield the government's wrongful conviction.

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"II"

By the government arbitrary acts to keep petitioner barred from the federal courts and state Courts. In order for petitioner have an fundamental fair remedy to challenge the government's arbitrary and capricious acts to imprisonment him without authority. The Respondents have used the procedural barred rule as the shield. See Weeks v. Bowersox, 119 F. 3d 1342 (8th Cir. 1997), cert. denied, 522 U.S. 1093 118 S. Ct. 887 (1998) and Weeks v. Mississippi, 689 Fed. Appx. 297 (5th Cir. 2017) and Weeks v. Nixon, 544 S.W. 3d 261 (Mo. App. W.D. 2017) and Weeks v. State, 139 So. 3d 727 (Miss. Ct. App. 2013). Each judgment was void.

This Motion being in aid of this Court's principals concerning void judgments in that pasture. The power of the Court to vacate void judgments is inherent in the Court's supreme law and independent of any statutory authority or rules fixing periods of time within which applications to vacate void judgments must be presented. As such void judgment having no legal force or binding effect, ineffectual and constitutes no jurisdiction to restrained petitioner from his liberty. Respondents being considered as trespassers under "Supreme Authority Law" and having obtained the conviction by torture and under arbitrary action in which is in violation of "Supreme Authority Law". As such, under "Supreme Court Competent Law" this Court must exercise the Court's mandatory authority and grant review of the Writ of Certiorari petition because the relief petitioner seeks is not discretionary but mandatory relief. In which the State governments have used the procedural Rule to barred the mandatory relief in the Courts below and the Federal and State Courts that are bound by Supreme Court Competent Law have ignored the principal authority and summary denied the habeas petitions. The actions of Respondents violate Supreme Court law and the authority set forth in Yick Wo v. Hopkins, 118 U.S. 356, 367-374 (1886) and its following principal.

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Supreme Court Motion 2.

"III"

**AUTHORITIES OF SUPREME COURT
CAPITAL AND COMPETENT LAW**

The forefathers of the United States Supreme Court set the principles of upholding Supreme Court "Capital and Competent Law". In those authority duties, the highest Court in American cannot turn an blind eye to the States' arbitrary deprivation of life, liberty and acts of torture. Especially, where as here, when the States actions are in transformation without authority. No Court above can restore such lack of power. Affirmatively, when these lack of powers presents themselves to this Court, the Supreme Court must act upon the Court's independent powers embedded by the United States Constitution Supreme authority which cannot be waived. This Court in the year of 1828, ruling upon a State Court lack of power issue, the following principal authority on void judgments were stated in Elliott v. Lessee of Peirsol, 26 U.S. 328, 340- 342 (1828) under authority law held: "When the Court acts without authority, its judgments and orders are regarded as. nullities. They are not voidable, but simply void, and form no bar to recovery sought, even prior to a reversal, in opposition to them. They constitute no jurisdiction and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." Accordingly, this Court ruled in Fay v. Noia, 372 U.S. 391, 423 (1963), "If the petition discloses facts that amount to a loss of jurisdiction in the trial court, jurisdiction could not be restored by any Court decision above. It is of the historical essence of the habeas corpus that it lies to test proceedings so fundamental lawless that imprisonment pursuant to them is not merely erroneous but void".

Fundamental fair due process cannot begin under the lack of power of either a federal or state Court to try and enter the conviction and impose the sentence. If it was otherwise, the government arbitrary act would be free to imprisonment an person without an Court system any time it please. See Jones v. Helms, 452 U.S. 412, 423-424 (1981) citing Yick Wo v. Hopkins, 118 U.S. 356, 367-374 (1886), Held: "When the States' actions are outside the State's authority, it is purely arbitrary and acknowledges neither guidance nor restraint. When the States' actions are void or expired, the State's actions are not confided to the State's Actors discretion". See United States v. Mississippi, 229 F. Supp. 925, 944 (S.D. March 6. 1964) quoting Yick Wo v. Hopkins, 118 U.S. 356 (1886). See Pollock v. Williams, 322 U.S. 4, 64 S. Ct. 792, 88 L. Ed 1095 (1944), Held: Guilty plea entered under a void judgment cannot be sustained".

"VI"

THE COURT'S LACK OF DISCRETIONARY POWER

The Court on October 8, 2019, summary denied the Writ of Certiorari petition which disclosed the lower trial Court lack of authority to enter the February 13. 1992 judgment and the MSDOC administrative official lack of authority to issue the parole detainer on June 22. 2015 hold upon the August 22. 1988 expired sentence . The Court's order is contrary to Supreme Court law and the Court was bound by mandatory authority law to assure the void judgment claim. See Phillbrook v. Glodgett, 421 U.S. 707, 44 L. Ed. 2d 525. 95 S.Ct. 1893 (1975) and City of Kenosha v. Bruno, 412 U.S. 507, 37 L.Ed. 2d 109, 93 S.Ct. 2222 (1973) "A federal court not only has the power but the obligation at any time to inquire into jurisdiction whenever the possibility that jurisdiction dose not exist arises".

By the manner in which this Honorable Court has turned the blind eye to the Court's mandatory by supreme law and its obligation duties, demanded upon this Court by fundamental due process authority. Has allowed the Respondents to continue the State's torture upon Petitioner and unjustly end his life. while at the same time restraint petitioner of his liberty under a void judgment for want of subject matter jurisdiction. In which was lacking in the very Court that negotiated the plea while the prosecutor withheld material and exculpatory evidence which ruled petitioner out as the rapist. See Weeks v. State, 140 S.W. 3d 39, 41-43 and 47-49 (Mo. banc 2004), Held: "Identity was at issue. Before February 13. 1992, Mr. Weeks declined to plead guilty. On February 12. 1992, the prosecution received the SEMO Crime Lab report showing none of the tested items conclusively identified Mr. Weeks as the rapist. (eliminated from fingerprints, hair, cigarettes saliva and seminal fluid found in the motel room and victim car and underpants Id at 41-43 no. 2 and 47) (Prosecutor deliberately mislead the Court about the rapist did not ejaculate "no semen sample to test" Id at 49) (Prosecutor deliberately mislead the Court about SEMO employee C.R. Longwell being certified in DNA testing Id at 48 no.10). Accordingly, the same Prosecuting Attorney and State

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Attorney General officers of the court committed fraud on Weeks V.

Bowersox, 119 F. 3d 1342 (8th Cir. 1997) Held: "Review of the facts sustaining (Weeks') conviction is barred unless (Weeks) actually makes the requisite showing to excuse (his) failure to develop exculpatory evidence in State Court. Mr. Weeks must bear the responsibility for failing to present the district court with any evidence upon which the district court could hold (Weeks') procedural default waived". Id at 1354-1355 and 1356-1358.

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Supreme Court Motion 3.

VOID JUDGMENT CLAIM NOT FRIVOLOUS
OR MALICIOUS AS SUMMARY DENIAL OF
THIS COURT ORDER SUGGESTED

The Eighth Circuit Court of Appeals in Weeks v. Bowersox, 119 F. 3d 1342 (8th Cir. 1997) Affirmed the State Court's void judgment and the government's torture wrongful conviction in violation of Brady v. Maryland, 373 U.S. 83 (1963) and Brady v. United States, 397 U.S. 742 (1971). This Court upheld such violation of Supreme Court law in Weeks v. Bowersox, 522 U.S. 1093, 118 S.Ct. 887 139 L.Ed 2d 874 (1998). As such. each judgment was in direct violation of due process clause of the 14th Amendment and contrary to the Court principal authority under the void judgment doctrine. Thereafter, all Courts below have hid behind the states' procedural barred void argument, allowing the government to imprisonment an born American without authority to restraint petitioner of his liberty. See Ex parte Milligan, 71 U.S. 2 (1866) "the authority of the Great Writ has always been primarily Supreme law to examine the State's jurisdiction to imprison a person". Therefore, the United States Congress nor the State Congress have the powers to imprisonment an born American person under a State court void judgment or federal court void judgment by any statutory power. See Yick Wo v. Hopkins, 118 U.S. 356 (1886) Id at 374 "Imprisonment by Public authority with an evil eye and the administration which enforced it is a denial of equal protection of the law and protection of equal law and in direct violation of the Fourteenth Amendment of the Constitution and being illegal confined. The denial of equal justice is still within the prohibition of the Constitution". This Court ordered the State Courts below to discharge Yick Wo from custody and imprisonment. (Note: the same prosecutor Merloy Swingle who withheld the Exculpatory Evidence for 13 years, was left in control of the 2004 DNA test sample which had been tainted by C.R. Longwell, the 2004 lab report is not notarized signed under oath by the Analyst and petitioner has never been allowed to cross examine the results in court of law).

WHEREFORE, for all the fundamental reasons shown above, Petitioner respectfully requests this Court to grant the motion, and issue the Writ of Certiorari, and, order Respondents to answer the Writ, and, allow petitioner to proceed in forma parperis, and, appoint counsel to brief the issues and thereof order and direct the courts below to discharge petitioner from Respondent's custody and imprisonment where petitioner is dying from lack of adequate medical care in torture conditions.

RESPECTFULLY SUBMITTED THIS 11TH DAY OF OCTOBER 2019.

Rubin Rurie Weeks

RUBIN RURIE WEEKS, # 184303
300 EAST PEDRO SIMMONS DRIVE
SOUTHEAST CORRECTIONAL CENTER/4A-101
CHARLESTON, MISSOURI 63834

VERIFICATION OF THE MOTION
OCTOBER 11. 2019

I, RUBIN RURIE WEEKS, being the petitioner do here by pursuant to the 28 U.S.C and 1746 declaration under penalty of perjury, being competent to make this declaration and having the personal knowledge of facts stated herein and belief he is entitled to relief by his oath declares the matters to be true.

CERTIFICATE OF SERVICE

PETITIONER dose hereby certify that the motion for rehearing, an true and correct copy was served upon Respondents' attorneys this 13th day of October 2019 by U.S. first class postage prepaid mail to:

ERIC SCHMITT, MISSOURI ATTORNEY GENERAL
JULIE MARIE BLAKE, DEPUTY SOLICITOR GENERAL
P.O. BOX 889
JEFFERSON CITY, MISSOURI 65102 and to

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P.O. BOX 220
JACKSON, MISSISSIPPI 39205 and to

Kevin L. Schriener, requested appointed attorney for petitioner
141 North Meramec Avenue/ suite 314
Clayton, Missouri 63105

**Additional material
from this filing is
available in the
Clerk's Office.**