

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Frank D. Monsegue sr
Petitioner

vs.

United States of America
Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE 11th CIRCUIT

No. 18-14483-F

MOTION TO PROCEED AS VETERAN

Petitioner, pro se Frank D. Monsegue sr., moves the court for an order permitting Monsegue to proceed in this court as a veteran with his motion on appeal in forma pauperis to the U.S. Court of Appeal Eleventh circuit, Atlanta Georgia and to proceed on paper prepared under superme Court Rule 33.2, as authorized by Superme Court Rule 40.

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Grounds for Relief

Petitioner should be permitted to prepare paper under Supreme Court Rules 33-2 because:

1. This is an action for up-holding the petitioner's rights under the Fourth, 5TH, 6TH, 8TH and 14TH amendment, Rights of the Constitution of the United States of America, that I have taken an oath to "defend", through-out my military career, as I have done so proudly for 20 years.

2. By statute and under Supreme Court Rule 40-1, petitioner is excused from payments of fees and costs. SEE 38 U.S.C. 4323(h)(1).

3. Petitioner's veteran status is established in the accompanying affidavit set out below, as required by Supreme Court Rule 40-1.

4. Movant Motion to proceed as a veteran is being filed with this motion and affidavit.

Dated: 26 February 2019

Signature: Frank (L) Mansagne Jr.

AFFIDAVIT OF Frank D. Monsegue

State of Georgia

County of Wayne

Frank D. Monsegue, being duly sworn, deposes and states:

1. My name is Frank D. Monsegue, I am over 18 years of age, I reside at 2600 S Hwy 301 in Jesup, GA 31599 I am fully competent to make this affidavit and I have personal knowledge of the facts stated in this affidavit are true and correct.
2. I am a veteran within the meaning of 38 U.S.C. 4323 and supreme court Rule 40.1 as established by the notarized copy of defendant Monsegue's Presentence Investigation Report Page #18, Item 64 dated 13 Jul 2015 verified his Military Status, Active duty Feb-1978-SEPT-1998 (Retired US Army).
3. I believe that I am entitled to the redress I seek by petition for certiorari to the United States Court of Appeal for the 11th Circuit, and that the petition presents substantial questions.

a. The nature of the questions to be presented by such an appeal is as follows:

i) Whether evidence used to secure a True Bill from a defective summons/subpoena (No Authorizing Authority Name or Signature) attached hereto render the indictment defective?

2) Whether appointed counsel in a Federal Criminal case, who specialize in "Family Law" meet the requirements of the 6th Amendment "To have the assistance of Counsel for his defense" and 18 USC 3006A, Adequate representation with investigative, expert and other services necessary for adequate representation?

3) Whether money and property referred to under 18 USC 641 are the same and if established ownership by the government can be transferred to victims under 18 USC 1028A for mandatory and enhancement of sentencing Constitutional valid?

4) Whether a warrantless arrest, without search or arrest warrant to enter a home without exigent circumstances is a constitutional violation under the 4th Amendment?

5) Whether the absent of a Plea Agreement under Rule 11(c)(2)(A) is constitutionally valid to up-hold a Guilty Plea?

6) Whether the court finds that the moving party did not receive notice under Federal Rule 77(d) of the entry of the judgment or Order sought to be appealed within 21 days after entry; and the failure by Defense Counsel to inform the defendant of his right to appeal and his right to have counsel appointed on appeal, is in violation of the defendant Constitutional rights under the 6th Amendment?

7) Whether a plea agreement/contract that do not exist waives Constitutional Rights and continue to waive Constitutional Rights under the 4th, 5th, 6th, 8th and 14th Amendment, after the date of a Guilty Plea and the No Plea Agreement constitutionally Valid?

4. This petition is presented in good faith and not for any improper purpose.

I signed this affidavit on 17-DEC-2018 at Jesup Georgia.

2-26-19 Leanne B. Morgan signature: Leanne B. Morgan

In my presence 17 Dec, 2018 5 Wendy N. Howell Notary
Georgia/WaCoSS



Employment Record

63. The defendant has been self-employed as the owner of a landscaping business, Prime Cut Landscaping, since 1996. Since 2011, the defendant has also owned and operated several taxi cabs. The defendant estimates that the combined income from both of these businesses is approximately \$900 per month. This information was verified by the probation officer during the home inspection on July 18, 2014. The probation officer observed the taxi cabs and the landscaping equipment at the residence.

64. As verified by military records, Monsegue enlisted in the U.S. Army on February 8, 1978. Monsegue was awarded the following decorations and awards: Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Army Retired Lapel Button, Southwest Asia Service Medal with Bronze Service Star, Noncommissioned Officer's Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon, Kuwait Liberation Medal, Expert Badge (rifle), and Driver and Mechanic Badge. He retired from the U.S. Army in September 1998 at the rank of staff sergeant.

65. It is noted, not all of the information contained in the defendant's military records is favorable. On March 22, 1985, Monsegue escaped from the custody of the Military Police (the records do not indicate why the defendant was in police custody). On April 18, 1985, the punishment imposed was a forfeiture of \$243, 14 days restriction, and 14 days extra duty. In July 1995, Monsegue was released from the United States Army Transportation Center Advanced Noncommissioned Officer Education System course because he cheated on an exam. Monsegue appealed that decision; however, his appeal was denied.

66. A current detailed earnings history report as to this defendant cannot be furnished free-of-charge by the Social Security Administration, nor can that agency be compelled to furnish such report, according to the Administrative Office of the U.S. Courts.

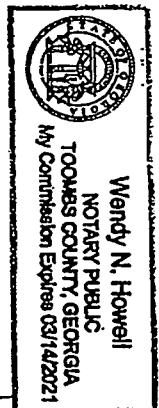
Financial Condition: Ability to Pay

67. The following information was obtained from Monsegue in a sworn financial statement and has been verified by the probation officer. This information was verified through an interview with the defendant, and reviews of his Equifax credit report and the U.S. Bankruptcy Court National Case Index.

68. On July 22, 1998, the defendant filed a voluntary petition for bankruptcy under Chapter 13 in the United States Bankruptcy Court, Southern District of Georgia (Docket Number 98-42167). The bankruptcy petition was discharged on November 11, 2003. On August 30, 2013, the defendant again filed a voluntary petition for bankruptcy under Chapter 13 in the United States Bankruptcy Court, Southern District of Georgia (Docket Number 13-41615). The defendant has been ordered to make monthly payments of \$1,197 and he is currently in arrears that same amount. His total balance on the bankruptcy case is \$54,689.82 I signed this document on 17-DEC-2018

Wendy N. Howell
signature

In my presence 17th of Dec 2018 Wendy N. Howell / Notary
Georgia #55
Wendy



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