

19-6240 ORIGINAL

No. _____

U.S. DISTRICT COURT, U.S.
IND.

AM 04 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

John Lee Norris

— PETITIONER

(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

EIGHTH CIRCUIT OF THE WESTERN DISTRICT OF MISSOURI

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

PETITION FOR WRIT OF CERTIORARI

All rights reserved, without prejudice

John Lee Norris

(Your Name)

PO BOX 33 FPC, TERRE HAUTE, IN 47808

(Address)

TERRE HAUTE, IN. 74808

(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED

Whether the United States Court's for the Eighth circuit has failed to to adhere to the accepted and usual course of Judicial proceedings established by the constitution, the Supreme court, the federal rules of procedure, and in the Universal declaration of civil and political rights (aka) The Universal rights act, as to call for an exercise of this court's supervisory powers, and or has decided important federal questions in a way that conflicts with relevant decisions of this court and other lower courts such as- Defendants right to beheard before a fair and impartial tribunal that adheres to the Constitution and Supreme Court precedent, that is decided by fact and law.

Whether the United States Court of appeals and District Courts, Government and Prosecutor lacked standing to bring federal criminal charges against petitioner who was innocent, without proving Subject Matter Jurisdiction, Federal Criminal Jurisdiction et al. When it was challenged and Supported by Supreme Court precedent and Affidavit and Motion on multiple times, as set forth in Art.3 , Art.4, 6,under the Supremacy Clause, and the 5th., 9th., & 10th. amendment.- thereby, violating the Constitutions, Due Process Clause and the Supremacy Clause And the Petitioners rights and the 9th and 10th amendments.

Whether the United States Court of Appeals demonstrated ex parte procedure in the upholding of the district Courts rulington the enforcing on remand a plea agreement that was breached by the Government and never repaired, resulting in the enforcement of a void contract and resulting in an illegal sentence, thereby violating- Art.3 and Art.6, the supremacy clause and the 5th Amend. Due Process rights of the petitionery and his civil rights

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ART 3
AMENDMENTS 1, 4, 5, 6, 8, 9, 10

COURT RULES

Supreme Court Rule 13.1

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: May 31, 2019, and a copy of the order denying rehearing appears at Appendix A.

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).

PETITION FOR A WRIT OF CERTIORARI

The Petitioner/ Movant- John Lee Norris in Pro Persona, in pro persolo not trained in law, Iam an indigenous American and am exerciing my rights at this time and all times, respectfully requests that a writ of certiorari be issued to review the opinions and jugements of the Eighth Circuit Court of Appeals,,1) Which denied Petitioners C.O.A. 2) Which affirmed Petitioners conviction and sentence form the Western District Court of Missouri.

OPINION BELOW

The Eighth Circuit Court af Appeals Denied all Petitioners motions, without ruling by fact and law. On June 6, 2019 and appears in Appendix #1,2,3,4

STATEMENT OF JURISDICTION

This Court's jurisdiction is invoked pursuant to, Art 3 and 28 usc §1254(1) The Eighth Circuit opinion was issued on June 6, 2019. This petition is timely under Rule 13

CONSTITUTIONAL PROVISIONS INVOLVED

ART.III sec 1 & 2; ART.VI para.2; Amendments- 1,4,5,6,8,9,10,13,14.

See APP. F-4

STATEMENT OF THE CASE

On 2/25/13 Movant and co-defendant wife were arrested. The arrest warrant returned 2/18/13 see(Doc.7) * The Movant filed a Pro Se Notice to quash the indictment on 03/01/13 (Doc.#12)*

On 3/7/13 (Doc #13) It is ordered that any relief sought by Def.Norris by Pro Se filing is to be denied."

A superceding indictment was returnedon 7/17/13.
A ProSe motions and complaint of witness tampering were filed to appoint new counsel Quash indictment and exceptions for failure to provide sufficient notice of crimes charged. on 3/5/14 (Doc.32) Accompanied by a letterto the judge apprising her of Witness tampering see(Doc.33 3/6/14 & 3/10/14) see APP. E)

On 3/12/14 (Doc.39) Ordered Def. Norris be allowed to go pro se, further ordered that any relief requested in defendants letter, 3/5/19(Doc.32) is moot, 3/12/14 (Doc.40)Criminal Complaint (32-2) is denied 3/14/14 (Doc.)46.

Judge denies Pro Se motion to quash indictment for failure to provide sufficient Notice of crimes charged. 4/9/14(Doc.60) second Superseding indictment is issued. On 4/24/14 (Doc.69) Movants Bond revoked, due to conseal evidence of FBI and Prosecution. Movant is sent to a county Jail with no Law library to prepare for his court. Co-defendant Hatcher is sent to CCA in leavenworth. see 5/20/14(Doc.76) one week later Hatcher who was 6 months pregnant, was induced to labor and the children terminated against her will. On 5/20/19 5 motions are filed into the court see(Doc.77,78,79,80,81). On 5/21/14 Co-defendant Hatcher Movants wife was Sexually assaulted then tortured and beaten by Medical staff & Others See(APP.# C-1, 2 Hatchers Affidavit)

On 5/27/14 (Doc.84) Petitioner was coerced by Hatcher's attorney to take the Plea agreement. On 5/28/14 (Doc.83)At change of plea Movant is vocal about the conspiracy around them to violate their rights and how unfair it was and how it was impossible it was to have a fair trial. see 5/28/14 see(Chng Plea-Tran).

On 5/29/19 (Doc.87) Plea Agreement is signed under duress.

On 12/4/14 Government Breaches the Plea Agreement. see SentTrns.12/4/14 p. 10 Ln.11-24) Movant was sentenced to 108 months. Petitioner filed for appeal to Eighth Circuit. On 3/13/15 Government motioned to vacate and remand ref.case #15-1020. Supplemental brief was filed and never heard nor ruled on.

On 3/25/19 The motion was granted. On 8/10/15 Movant files ProSe motions (Doc.152,Leave to withdraw guilty plea;Doc.153 Motion to withdraw guilty plea;Doc 154,Motion to Re-assign. On 9/3/15 Movant was brought before Judge Wimes at 10am. where he stated he was there to rule in favor of the Government, Movant argued, the Wimes stated that he would go to recess and reconvene at 2:30pm. Judge rescheduled These events have been stricken from the record see.Doc.9/3/15 159,160)

On 9/3/15 Movant filed affidavit of prejudice (162). On 9/11/15 Movant is brought back for sentencing. Movant files a motion to dismiss for lack of Jurisdiction and Government restriction, accompanied by an affidavit of fact. This information is struck from docket. But is addressed in the 9/11/15 TRNS. P.3 Ln 17-20. 9/11/15 Judge/Court denies all motions(152 take back plea & go to trial; 153; 154 Motion to reassign.)and motion to assign new council.see 9/11/15SNTTRN. P.3 ln.5-7, 11-15, 17-21; p.10 ln.13-14;p.18 ln.15-17; p.19 ln.3-22; p.22 ln3-15. Movant is resentenced to 108 months while co-defendant is sentenced to 7.5 years. On 9/16/15 a motion to dismiss is received by mail Doc.168 and affidavit of fact Doc.168-1 mailed 9/10/15. from federal holding.see(APP.D-1 & D-2)

On 9/21/15 Movant files for timely appeal. On 10/26/15 movant files motion for Acquittal. see(App.D-3) On 6/10/16 Judge files motion denying the motions (168 &168-1) see(App.) Movants 2255 motion is dismissed. Stating it can be filed later. Movant is appointed "Burns" who files No ferretta hearing against the movants wishes. Movant motions the Appeals court to file a Supplemental brief, which is granted. The appellate court affirms conviction and sentence yet on Movants supplemental that argued nine grounds was denied stating no merit. (16-2698)9/16/17. Movant files for rehearing enbanc "Denied"

Movant files 2255 case #18-cv-00137/18-3354. On 10/9/18 Movant Receives Denial of his 2255 and C.O.A. Movant files Appeal for the C.O.A. "Denied"

Movant files Judicial Complaint. "Denial"

Movant files for rehearing enbanc "Denied as untimely" see APP.A-4 & A-3

Movant files rebuttal. citing Houston v. Lack and 8th circuit rules Courts file Denial. See App. A-2 & A-1.

REASON FOR GRANTING THE WRIT

The Movants Rights Held within the Constitution and the Universal Rights act,held in the Supremacy clause,Art.6 and the Due Process clause 5th Amendment And the Constitutions ART.III, ART.VI, Amendments 1,4,5,6,8,9,10,13, have been egregiously, and unconscionably violated by the lower courts and their players.

Under Art.III. Establishes that the Supreme Court shall have original Jurisdiction, appellate jurisdiction, both to fact and law, and all other courts are inferior courts.

Art.VI. Establishes that the Constitution and the laws of the United States which shall be made in persuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land; and all Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding. ...and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to Support this Constitution;

The Movant does assert that the lower Court have failed to adhere to the Supreme Court Precedent and the Constitution, exceeding their Jurisdiction

This is upheld in *McQuiggins v. Perkins*, 569 US 383, 398, Ac3 1335 S.Ct. 1924, 185 LED 2d. 1019(2013) that held "Appellate courts have an independent duty to review the facts and laws in the case that come to them."

It is also held in *Aron v. US* "That a lower court decision cannot conflict with the Supreme law, And Judges and Prosecutors are bound by the Supremacy Clause of Article 6.

see also *Feltrop v. Missouri*, 501 US 1262(1991) (APPENDIX.F-2 for all citings)

* *Sibron v. New York*, 392 US 540, 392, 540, 392, 540, 40, 51-52 (1968)

* *Cooper v. Arron*.

* *Marbury v. Madison*

In the Petitioners case these were never afforded to him. All Rulings and decisions by the courts were in conflict with the Supreme Precedent.

Firstly- a right is exercised when it is not prevented. According to Black law dictionary 3rd.Ed. 2. Something that is due to a person by just claim, legal guarantee, or moral principle<the right of liberty>; under Webster's the word 'right' means ...the power or privilege to which one is justly entitled.

The petitioner has the right to a fair and impartial tribunal, that protects Constitutional rights. And to be informed of the nature and cause of the accusation. This was never afforded to the Movant nor his co-defendant wife. Any and all motions and briefs and complaints and unrebutted affidavits see(APP.A-1) were denied without ruling by fact and law, Thereby depriving Petitioner of his rights, supported in *MCQUIGGINS V. PERKINS*, S.CT 569 US 383. And held within the constitution, ART III and ART 6 in the Supremacy Clause, and the 5th amend.

Secondly- As to Question #2. The Eighth circuit has violated the Movants rights held within ART.6 and the IV, V, VI, VIII, IX, X. Amendment. The Appeals Court as well as the District court or the Western District of Missouri; failed to prove Jurisdiction when challenged as required by fact and Supreme Court law supported in *HAGANS V. LAVINE*, 415 US 528; AND *STANDARD V. OLSEN* 74 S.CT 768 see also *MORRISON V. NAT'L AUSTRALIA BANKS LTD,CIR* 2008 AFF'D 130 S.CT 2869 and supported by Unrebutted Affidavit and Motion to dismiss, The Court demonstrated Judicial Bias and abuse of discretion, Towards a ProSe Movants Motions the Court stated on the record that the Court did not know what the motion to dismiss was, See(SNTTRNS 9/11/15 P.3 LN. 17-21. The Court waited til the end to rule on the Motion challenging jurisdiction. Denying it See(SNTTRNS.P.22 Ln3-15)

The Petitioner raised these issues with the Appeals court more than once and they have still yet to rule upon anything proffered. The actions and Decisions of both lower courts conflict with Supreme Court Precedent, and the Constitution..and the 9th and 10th Amendment *Pennhallow v. DOANES ADMINISTRATOR* held Courts were foreclosed from seeking and attaining parity with the tangible. *BOND V. US.*; *RANKINS V. HOWARD*. (1980) 633.fsd 849.cert denied.; *KELLER V. RANKIN*, 101 S.CT 2020.SEE(APP.F-2) for the complete list of citations. The Supreme Court In *INDUSTRIAL ADD. ASSOC. V. C.I.R.* 323 US 310,313 held "Want of Jurisdiction may not be cured by consent of the parties." But the Panel did not rule violating Rule 52(a) and 54(b) *Lucia v. SEC* 138 S.Ct.2044 4/21/18 and *MCQUIGGINS V. PERKINS*, s.ct 1924, 185 led 2D.1019 2013. Supports Movants Position.

Thirdly - as to Question #3, The Fifth Amendment Due Process Rights were violated, and 6 Amendment in that Movant was unduly coerced into a Plea agreement. Through the threatening of movants witnesses by FBI and Public Defenders Officers see(APP.B-3) All motions to find relief were denied. Never investigated

The concealment of exculpatory evidence to have Movants bond revoked, and the murder of Movant(s) unborn Children, followed by the Sexual Assualt of Mov-

ants Co-defendant wife by Medical Staff and others at C.C.A. federal Holding See(APP.C), While Movant who was ProSe was sent to a county holding with no Law library to prepare for the case. These actions and others were used to coerce the Movant to unduly sign the Plea Agreement. Of which the Government Breached the Agreement. The Movant was vacated and remanded for resentencing and brought before the same judge contrary to Supreme Court Precedent, 8th circuit 2nd, 10th circuit rulings. The following cases sufficiently support the facts- see. KERNAN V. CUERO, 138 S.CT, 4;199 L.Ed 2d 236; 2017

NEW YORK V. SANTABELLO, 404 US 257 (1979)

UNITED STATES V. MCCRAY, 849 F.2d.. 304, 306(8th cir. 1988)

UNITED STATES V. MCLLUNE, 338 F.3d 847 (8th. cir. 2003)

UNITED STATES V. GRIFFIN, 510 F.3D. 354, 360-367 (2d cir 2007)

UNITED STATES V. VILLA-VAZQUEZ 536, f.3d 1189-1196-1202(10th cir. 2008)

EDWARDS V. BALISOK, 520 US 641

MARBURY V. MADISON

US. V. TOSCININO, 500 f.2d, 267

WOLFF V. MCDONNEL; AND MARSHALL V. JERRICO S.CT.

US V. YAH 8th. cir. 2007)

Secondly- as to the questions et al proffered to this Supreme Court Concerning a §2255 proceeding the rule violation must amount to "a fundamental defect which inherently results in a complete miscarriage of Justice or "an omission inconsistent with the rudimentary demands of fair procedure. The Supreme court has supported these facts proffered in BOYD V. US,116 US 616 "The duty of the Court is to insure the Constitution is construe in favor of the [c]itizen. Quoting S.CT BYARS V. US,273 US 28. AND IN MERRITT V. HUNTER, C.A.KANSAS see(APP.F-2)

Finally- This petition for a writ of certiorari should be granted, because The United States Courts of appeal for the Eighth circuit and the District Court has failed to adhere to the accepted and usual course of Judicial Proceeding Established by the Constitution, Supreme Court, Federal rules of procedure, and the Universal declaration of civil and political rights and freedom, and laws of contract. as to call for an exercise of this Courts Supervisory powers, and or has decided important questions in a way that conflicts with the Constitution and relivant decisions of the Supreme Court and other lower courts. These facts and issues are not barred No Rez Judicata.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted. For the movant has never been heard.

Dated 8/30/19

ALL RIGHTS, RESERVED WITHOUT PREJUDICE
John Lee Norris 1-308.

Respectfully, John Lee Norris
suri /uris/not skilled in law
#25155-045

P.O. BOX 33 TERRE HAUTE, IN
47808

PRISON MAIL BOX RULE/ CERTIFICATE OF MAILING

I John Lee Norris certify that the above document petition for writ of certiorari was handed to prison officials at the Federal Prison Camp at Terre Haute, in on 8/30/19 for deposit in the mail first class, which creates a timel;y filing pursuant to Houston v. Lack, 487 us 266,101 L. ED 2d 245, 108 S.Ct