

19-6578

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

SCOTUS CASE NO. _____

in re: John Garrett Smith v. State of Washington

Clark Co. Superior Court # 13-1-01035-6 / Court of Appeals # 53445-2-II / SCOTSCW # 97380-6

PETITION FOR WRIT OF CERTIORARI

Comes Now Petitioner, in Good Faith, duly filing this Petition for Writ of Certiorari in accordance with Supreme Court Rules Part III. This Petition for Injunctive Writ is based on the following Constitutional Argument where Perjury and breach of Due Process violated the 4th Amendment in order for State to secure a fraudulent and ultra vires restraint that is herein challenged.

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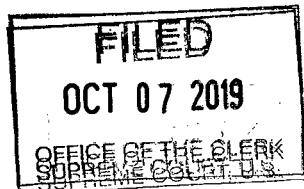
1. QUESTIONS INVOKING WRIT
2. BASIS FOR JURISDICTION
3. STATEMENT OF THE CASE
4. ARGUMENT AMPLIFYING REASONS FOR WRIT
5. SYNOPSIS

EXHIBITS: 1-7
Submitted by:

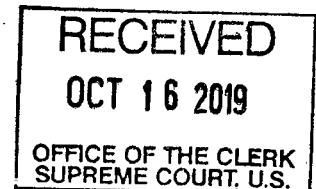

J. Garrett Smith, ALB, CC, PE

6 October 2019

DATE
JOHN GARRETT SMITH CERTIORARI



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No. _____

(in re: WASC No. 97380-6)

IN THE
SUPREME COURT OF THE UNITED STATES

John Garrett Smith — PETITIONER
(Your Name)

vs.

State of Washington — RESPONDENT(S)

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
(Your Name) # 351176

FILED
OCT 07 2019
OFFICE OF THE CLERK SUPREME COURT, U.S.

191 Constantine Way

(Address)

Aberdeen, WA 98520

(City, State, Zip Code)

503.816.2933 (Ben Smith
(Phone Number) oldest son)

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22 October 2019 • 1457

1. QUESTIONS INVOKING WRIT

A. Is it legally permissible for a State Superior Court to acknowledge that State's witness is openly committing multiple counts of "perjury worthy of impeachment", and yet each time rule to strike the testimony from the record in order to sustain an ensuing jury-less trial based upon averred fraud?

B) Is it legally permissible for State Courts to fail to follow Constitutional Due Process (4th Amendment) by failing to ratify Probable Cause et indictment for want of legitimate evidence, and yet adjudicate anyway in the absence of jurisdiction that can ONLY be obtained by ratification of Probable Cause?

C) Is it legally permissible for State Courts to excuse a reasonable cause for injustice, namely bias, in order to then totally ignore the devastating EFFECTS of that manifest injustice in the forms of Perjury and Fraud to obtain false conviction?

2. BASIS FOR JURISDICTION

This Petition is timely based upon State of Washington Supreme Court's Order to Dismiss on 9.26.19, and the Washington Court of Appeals' Order of Transfer dated 7.2.19.

Because all levels of State Courts have completely refused / failed to even address the severe Constitutional breaches of germaine Law regarding Due Process, Petitioner stands on this rightful appeal to simple Justice to the Supreme Court of the United States.

3. STATEMENT OF THE CASE

Petitioner is serving a 12 year sentence for 2nd degree attempted murder. In a bench trial conducted by a Superior Court Judge with a recent history of spurious rulings in favor of the complaining witness, that complaining witness openly committed at least 49 consecutive counts of Perjury that were immediately acknowledged, and immediately dismissed by the Superior Court judge because they were "worthy of impeachment". Not only were the complaints by the complaining witness actually contrary to 100% of all professional testimony and even State's own records, but State even failed to ratify the indictment of the Petitioner due to knowingly illegitimate evidence in the form of knowingly fabricated police "evidence". In essence, and proven unanimously by fact in evidence, Petitioner is restrained based on evidence that does not exist for a crime that did not happen.

Nevertheless, in this appellate proceeding, all levels of State courts utterly refused to even address the issues raised by Petitioner, namely how Perjury can be excused, and how unratified, illegitimate, fraudulent police evidence can be used to obtain ultra vires conviction.

In its 9.26.19 banal order of dismissal, State merely denied the existence of its own evidences (many that are provided as Exhibit to this Petition as reference of just how juridically senseless this dismissal is) and then excused the blatant prior bias of the Superior Court judge while totally ignoring the manifestations of what can only be considered malicious, anti-Constitutional prejudice.

QUESTION(S) PRESENTED

See Attached Petition, page 2, Article 1,
"Questions Invoking Writ", A,B & C.

~~JNC~~

~~The Gist~~

Is it legally permissible for
State Courts to conceal the
criminal theft ~~by~~ St. officials
of a US Citizen's identity
and property ~~by~~ willfully
excusing perjury in a
jurisdictionless jury-less trial
held without judicially-ratified

Probable Cause?

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:



RELATED CASES

Clark Co. Superior Court # 13-1-01035-6

St. of WA Crt # 53445-2-II

St. of WA Supreme Court # 97380-6



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TABLE OF AUTHORITIES CITED

CASES

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See "Authorities Cited"
in Exhibit 1

STATUTES AND RULES

US Const., Amend. 4 - Due Process
814 - Probable Cause p. 3/4

CrR 7.8 (b)(5) Exh. 1

RPC 8.4 - Misconduct Exh. 1

CJC 2.11 - Disqualification Exh. 1

OTHER CrR 3.2.1 (a), (b), (f)(1)(2), 2.2(a), (f).
FRCP 60(b)(4), 4.1(6)(A),
4(b)(1)(D), Exh. 1

CR 12(b)(1)

42 CIS §8



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 _____ 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 5 to the petition and is

reported at 9.26.19; 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: _____, 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 9.26.19.
A copy of that decision appears at Appendix 5.

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

See 'Petition for Writ' Received
by SC of USA on 10.16.19,
pages 2 & 3.

summary

State's own records prove
its jurisdictionless adjudication
re: attempted murder conviction and
purposely excused over 4
dozen documented counts of perjury
by complaining witness who has a
history of similar chicanery with
grossly biased Superior Court judge.



AK

4. ARGUMENT AMPLIFYING REASONS FOR WRIT

The reasons "WHY" the State Courts have ruled in such anti-Constitutional fashion would be considered as prejudicial bias by ANY reasonable person, but even if the States's purposes are obfuscated, the State courts' actions to openly excuse Perjury in a conviction that was simply and irrevocably obtained without jurisdiction for want of ratified probable cause are undeniable manifestation of unlawful decisions by "WHAT" can only be viewed as a rogue set of State judges who are operating in complete disregard of seminal law.

This grave matter now before this Supreme Court is really as simple as "A-B-C":

(A) Perjury and its cavalier acceptance that completely injured the Petitioner prevented any semblance of justice in at least 49 consecutive instances that are succinctly documented in the initial filing that is included in the attached Exhibits that are not "conclusory allegations" - the State has ignored the blatantly unlawful Effects of Perjury and Fraud, for whatever reason, and it is these Perjuries and Frauds that are unlawful and warrant Order of Writ;

(B) It is unlawful for an individual to be attacked by a drunken, mentally-ill woman and then be charged and convicted for assault charges that the State's medical records prove were NOT really sustained by that woman ... this is prohibited in RCW 9A.16.090 but was sanctioned lawlessly by the State;

(C) State completely refused to address the 'White Elephant' of "NO JURISDICTION BECAUSE OF NO PROBABLE CAUSE BECAUSE OF NO LEGITIMATE EVIDENCE" that, again, for WHATEVER REASON, is plainly manifest in the completely unratified amended arraignment record from 12.11.13 (6 months AFTER the alleged incident on 6.2.13) when Petitioner was arbitrarily restrained for a charge that was so outlandish (attempted murder) that no Court found Detective Sandra Aldridge's now-proven-to-be-Fraudulent affidavit worthy of ratification within the Mandatory time limit as required by dozens of laws that have been duly noted and cited ad nauseum by the Petitioner (also included in the Exhibit of this filing for ease of reference related to these axiomatic breaches of core law).

So, in effect, State courts have completely refused to address the core issues raised by Petitioner, but instead chose to only scratch the surface premise that the judge most certainly acted with bias because "no reasonable person" could possibly have dismissed Perjury in a Court of Law, acted in the absence of legitimate evidence, and condoned Fraud upon the State as Clark County did in the case of John Garrett Smith.

5. SYNOPSIS

Petitioner does therefore beseech this Court to actually consider the simple but powerful merits of his rightful claims to Justice under Law, and not merely seek out ways to affirm a completely illegitimate and illegal conviction.

Sincerely submitted under penalty of perjury on this 6th Day of October, 2019
by:

JOHN GARRETT SMITH CERTIORARI

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JGS

STATEMENT OF THE CASE

See p. 2 of attached

Petition received by SC of USA

on 10.16.19.

+ State has averred its cover of
perjury to frame Petitioner and
Steal his ID & IP in absence
of satisfied probable cause, based on evidence
that does not exist for a crime that
did not happen.

~~AHC~~

REASONS FOR GRANTING THE PETITION

The State of Washington is knowingly & willfully stealing Petitioner's Liberty to conceal their theft of his Property (personal, corporate & intellectual).

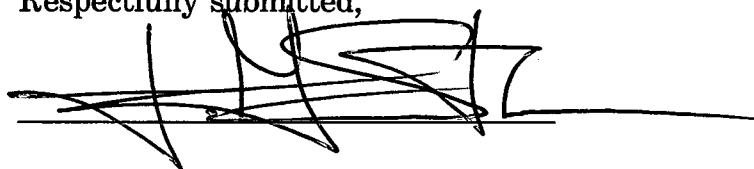
See. p.3 of attached Petition
(received by SC of USA on 10.16.19)
for "Argument Amplifying Reasons
for Writ"



CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature is written over a horizontal line. The signature consists of several loops and strokes, appearing to be in cursive script.

Date: 22 October 2019