

19-7311
AMENDED

Supreme Court, U.S.
FILED

DEC 26 2019

OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Alphonso Vernell Frazier II

vs.

City of Omaha Police Department, et al,

ON PETITION FOR WRIT OF CERTIORARI TO

UNITED STATE COURT OF APPEALS for the Eighth Circuit

Alphonso Vernell Frazier II

PO Box 4891

Omaha, Ne 68104

(402) 609-9016

ORIGINAL

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

This case is here by upon writ of certiorari to the Supreme Court of the United States. Honoring the life, liberty and property of CORPORATION ex-rel [ALPHONSO VERNELL FRAZIER II] and "natural" person Alphonso Vernell Frazier II. The question is jurisdiction and deprivation of due process of law denied equal protection of the laws in violation of the Fourteenth Amendment. Obstruction of justice of the Fourth Amendment prohibiting unreasonable search and seizure rights protected under the U.S. Constitution "Bill of Rights." Secured rights that were interrupted by Omaha Police Officers and other government agents who operated "under the color of law" in a conspiracy of the "meeting of the minds" with private actors. The question is whether the authorities of the Municipal Government of the City of Omaha failed to properly train their officials and employees. Who operated outside their jurisdiction in a "willful" act of unreasonable search and seizure without a search warrant. Taking personal property from my home without good cause. That led to me being unlawfully incarcerated twice for the same fabricated criminal charges. A double jeopardy case of involuntary servitude that maliciously deprived me of my freedom. Corruption executed by the defendant's who "knowingly" targeted me in a premeditated conspiracy of extortion.

Allowing me the right to sue for monetary damages under the federal law of Section 1983. Against unreasonable search and seizure. The fourth amendment of the Constitution protects American citizens from police officers or other government agents from searching your home, car or other personal property without good cause. Without a search warrant they do not have consent to infringe upon my personal property. The fifth and the fourteenth amendments of the Constitution protect every citizen from being treated differently by the federal or state governments due to aspects of their person they cannot change. The government can not discriminate, or treat you differently, based on the factors of race, gender or nationality. The purpose of the equal protection clause of the Fourteenth Amendments is to secure every person within the state's jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents. In regards to intentional inflection by state officials.

Jurisdiction is the power to exercise authority over persons and things within a territory. The jurisdiction of a legal case depends on both personal jurisdiction and subject matter jurisdiction. A court must have both subject matter jurisdiction and personal jurisdiction over the matter to hear a case. Therefore it is no doubt the enforcement of this case lies in the jurisdiction of the Supreme Court of the United States.

Questioning the elements behind the dilemma of the massive crimes committed in this case:

1. The question is jurisdiction and deprivation of due process of law denied equal protection of the laws in violation of the Fourteenth Amendment?
2. Did defendants violate obstruction of justice of the Fourth Amendment prohibiting unreasonable search and seizure rights protected under the U.S. Constitution "Bill of Rights" Secured rights that were interrupted?
3. Did Omaha Police Officers and other government agents operate "under the color of law" in a conspiracy of the "meeting of the minds" with private actors?

4. Did the authorities of the Municipal Government of the City of Omaha fail to properly train their officials and employees?
5. Did Omaha Police Officers and government agents operate outside their jurisdiction in a "willful" act of unreasonable search and seizure without a search warrant.?
6. Why did Omaha Police Officers take personal property from my home without good cause?
7. Why was I unlawfully incarcerated twice for the same fabricated criminal charges?
8. Is this not to be considered a double jeopardy case of involuntary servitude that maliciously deprived me of my freedom?
9. Was corruption executed by the defendant's who "knowingly" targeted me in a premeditated conspiracy of extortion?
10. Does violation of the U.S. Constitution allow me the right to sue for monetary damages under the federal law of Section 1983. Against unreasonable search and seizure?
11. Does the fourth amendment of the Constitution protect American citizens and corporations from police officers or other government agents from infringing upon personal property, searching your home, car or other personal property without a search warrant.?
12. Does the fifth and the fourteenth amendments of the Constitution protect every citizen from being treated differently by the federal or state governments due to aspects of their person they cannot change?
13. The government can not discriminate, or treat you differently, based on the factors of of race, gender or nationality?
14. Is it true the purpose of the equal protection clause of the Fourteenth Amendments to secure every person within the state's jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents in regards to intentional inflection by state officials?
15. Jurisdiction is the power to exercise authority over persons and things within a territory?
16. Jurisdiction of a legal case depends on both personal jurisdiction and subject matter jurisdiction?
17. A court must have both subject matter jurisdiction and personal jurisdiction over the matter to hear a case?
18. Therefore is it no doubt the enforcement of this case lies in the jurisdiction of the Supreme Court of the United States?
19. What was the elements behind the dilemma of the massive crimes committed in this case?

20. What was the defendant's **means** for needing my money and personal property?

What was the ulterior **motive** behind the defendants criminal conspiracy?

Did abuse of power give them the **opportunity** to commit these crimes or is it part of their training?

21. Which Omaha Police Officer or Officers went up into my attic and removed the DVR and stole the black bag with the \$50,000.00 in cash?

22. Where is the DVR?

23. Where is the Money?

24. Who set the Fire at the Dental Office?

25. How much money did the Dentist and the Police Officer receive from the filing of the two insurance claims?

26. Is the Nebraska Medical Licensing Board aware the dentist is self medicating off his own supply of laughing gas for sexual pleasure?

27. Is the Nebraska Board of Health aware of the sexual activity going on inside the dentist office?

28. Is the Nebraska Health Department aware of the infectious environmental public health risk that could be transferred after being treated inside the dental clinic?

29. Did Douglas County Attorney Donald Kleine operate outside the scope of his work when he instructed the Omaha Douglas County Police Officer to rearrest me as a way to regain entrance back inside my home to steal the DVR that showed the Omaha Police Officers stealing out of my home?

30. Why did State Prosecutor Julie Medina fabricate the Child Neglect and Abuse charges?

31. Why did Divorce Attorney Andrea McChesney fabricate the delinquent attorney fees?

32. Why did Fire Fighter Scott Fox choose to impersonate and pose as an Omaha Police Officer?

33. Why would Omaha Police Officer Angie Circo a child sexual assault cop be involved in a criminal case speaking to Omaha Fire Fighter Scott Fox about not having a search warrant to be in my home making an arrest?

34. Who ideal was it to terrorize me with the threat of a 10 to 60 year prison sentence?

35. Why is the Douglas County Municipal Corporation trying to hide the crimes committed in this case?

36. Who ideal was it to SEAL the case?

LIST OF ALL PARTIES

Defendant No. 1

The Omaha Police Department (Government Agency)
505 S. 15th Street Omaha, Nebraska 68102
(402) 444-5600

Submit to:

City Clerk's Office
1819 Farnam Street Suite LC-1
Omaha, Nebraska 68183
cityclerk@cityofomaha.org
(402) 444-5550

Defendant No. 2

The Omaha Fire Department (Government Agency)

Submit to:

City Clerk's Office
1819 Farnam Street Suite LC-1
Omaha, Nebraska 68183
cityclerk@cityofomaha.org
(402) 444-5550

Defendant No. 3

Douglas County Attorney Civil Division (Government Agency)
Donald W. Kleine (County Attorney)
Julie L. Medina (County Attorney)

Submit to:

Theresia Ulrich (Deputy County Attorney)
1819 Farnam Street Civic Center Suite # 909
Omaha, Ne 68138
(402) 444-7622

Defendant No. 4

Judge Gary B. Randall (Government Official)
Judge Craig C. McDermott (Government Official)

Submit to:

State Administrative Office of the Courts
1445 K. Street # 1220
Lincoln, Ne. 68508
(402) 471-3730

Defendant No. 5

Submit to:

Dentist Peter C. Jessen, DDS (General Dentist/Private Actor)
51546 North 90th Street (Business address)
Omaha, Ne 68134
(402) 451-3126
(Peter Jessen Residential address)
12612 IZARD Street
Omaha, Ne 68154

Defendant No. 6

Submit to:

Jennifer Simms (Ex-wife/Private Actor)
14108 Manderson Plaza Apt#306
(402) 968-8173

Defendant No. 7

Submit to:

Attorney Andrea McChesney (Divorce Attorney)
McChesney & Farrell Law Firm
The Douglas Bldg
209 South 19th Street
Omaha, Ne 68102
(402) 934-4884
amechesney@mflOmaha.com

RELATED CASES

- *Lu Ann Buffkins v. CITY OF OMAHA, NEBRASKA, a Municipal Corporation*, No. 90-1319 United States Court of Appeals for the Eighth Circuit. Judgment entered on December 28, 1990
- *Langford v. City of Omaha*, No. CV 86-0-331 United States District Court of Nebraska. Judgment entered on February 17, 1989
- *Fields v. City of Omaha*, No. 86-1293 United States Court of Appeals for the Eighth Circuit. Judgment entered on February 9, 1987
- *Wagner v. City of Omaha, et. al.*, No. 8:2012CV00392 United States Court of Appeals for the Eighth Circuit. Judgment entered on February 9, 1987. Entered March 20, 2014
- *Georgette Tadros v. City of Omaha, a Municipal Corporation*, No. S-05-1538 Supreme Court of Nebraska. Judgment entered on July 13, 2007

- *Kelly Jean Connelly and Timothy James Connelly v. City of Omaha*, No. S-08-1011 Supreme Court of Nebraska. Judgment entered on August 7, 2009
- *Shelby v. City of Omaha*, No. 8:14CV000379 United States District Court for the District of Nebraska. Judgment entered on December 19, 2016
- *Fields v City of Omaha*, No. 86-1293 Eighth Circuit Court of Appeals. Judgment entered on October 13, 1986
- *KNIGHT v. City of Omaha*, Tort Claim **HAND DELIVERED** January 11, 2012, Clerk of Douglas County Thomas Cavanaugh, Agenda date January 24, 2102
- *State of Nebraska v. Cotrell T. Knight*, No. CR 16-22397 County Court of Douglas, County, Judgment entered on October 30, 2017
- *State of Nebraska v. Cotrell T. Knight*, No. CR 16-3336 DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA, Judgment on October 17, 2019, (Black man dictated to prison without the state case every going before his jury trial set for September 5, 2017, even after several Habeas Corpus filings he has not yet brought before court he is still in prison for a robbery committed by a European man)
- *Knight et. al., v. STATE OF NEBRASKA*, 8:19CV224, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA. Judgment under review
- *Knight et. al., v. STATE OF NEBRASKA*, 8:19CV347, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA. Judgment under review
- *Knight et. al., v. STATE OF NEBRASKA*, 8:19CV579, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA. Judgment under review
- *STATE OF NEBRASKA v. Carmen Crawford*, CR 19-8718, DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA. Judgment on August 20, 2019
- *STATE OF NEBRASKA v. Carmen Crawford*, CR 19-15291, DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA. Judgment on September 24, 2019

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APPENDIX D.....	STATE OF NEBRASKA ordering case sealed entered on February 8, 2019
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United States v. Peterson, 887 F.3d 343, 347 (8th Cir. 2018)
United States v. Lanier, 520 U.S. 259, 264 (1997)
West v. Atkins, 487 U.S. 42, 48 (1988)
Crawford v. Van Buren Cty., 768 F.3d 666, 670-71 (8th Cir. 2012)
Dossett v. First State Bank, 399, Fd 940, 951 (8th Cir. 2005)
W. Cong. St. Partners, LLC v. Rivertown Dev., LLC, 739 F. App. x778, 784-85 (6th Cir.)
Mireles v. Waco, 502 U.S. 9, 11-12 (1991)
Stump v. Sparkman, 435 U.S. 349, 356-57 (1978)
Leonard v. Dorsey & Whitney LLP, 553 F.3d 609, 628 (8th Cir. 2009)
Bond v. United States, 529 US 334 – 2000 – Supreme Court – Cited by 761 litigants in other cases.
Bond v. US, 131 S. Ct. 2355 – 2011 – Supreme Court – Cited by 306 “ “
Bond v. US, 1 F. 3d 631 – 1993 – Court of Appeals, 7th – Cited by 66 “ “
922 F2d 565 *Buffkins-v-city-of-omaha-douglas-c922*
Adickes v. H.S.Kress & Co., 398 U.S. 144, 152 (1970)
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Miranda v. Arizona 1966
State v Miller, 216 Neb. 72, 341 N. W.2d 915 (1983).
Meyer v State of Nebraska citation 262 US 390 (1923)

SIOUX CITY BRIDGE CO. v. DAKOTA COUNTY, NEB. 260 U.S. 441 (43 S.Ct. 190, 67 L.Ed. 340)
Dover Elevator Co., 64 F.3d at 44
Nevel v Hanlon, 656, F.2d 372, 377-78 (8th Cir. 1981)
Kelly v. City of Omaha, 813 F.3d 1070, 1075 (8th Cir. 2016)
Bolderson v. City of Wentzville, Missouri, 840 F.3 982, 985 (8th Cir. 2016)
Jane Doe A v. Special School Dist., 901 F.2d 642, 645 (8th Cir 1990)
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First National Bank of Boston v. Bellotti, 435 U.S. 765

STATUTES AND RULES

Nebraska Constitution of 1875

Nebraska Revised Statutes

We, the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government, as the Constitution of the State of Nebraska. All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

Nebraska Constitution of 1875 Art. I, § 2. Slavery prohibited

Nebraska Constitution of 1875 Art. I, § 3. Due process of law; equal protection

No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws.

Nebraska Constitution of 1875 Art. I, § 4. Religious freedom

All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious beliefs; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Nebraska Constitution of 1875 Art. I, § 5. Freedom of speech and press

Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth when published with good motives, and for justifiable ends, shall be a sufficient defense.

Nebraska Constitution of 1875 Art. I, § 6. Trial by jury

The right of trial by jury shall remain inviolate, but the Legislature may authorize trial by a jury of a less number than twelve in courts inferior to the District Court, and may by general law authorize a verdict in civil cases in any court by not less than five-sixths of the jury.

Nebraska Constitution of 1875 Art. I, § 7. Search and seizure

The right of the people to be secure in their persons, houses, papers, and effects against

unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Nebraska Constitution of 1875 Art. I, § 8. Habeas corpus

The privilege of the writ of habeas corpus shall not be suspended.

Nebraska Constitution of 1875 Art. I, § 9. Bail, fines, imprisonment, cruel and unusual punishment

All persons shall be bailable by sufficient sureties, except for treason, sexual offenses involving penetration by force or against the will of the victim, and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Nebraska Constitution of 1875 Art. I, § 10. Presentment or indictment by grand jury

No person shall be held to answer for a criminal offense, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in case of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury; *Provided*, That the Legislature may by law provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may by law, abolish, limit, change, amend, or otherwise regulate the grand jury system.

Nebraska Constitution of 1875 Art. I, § 11. Rights of Accused

In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of accusation, and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Nebraska Constitution of 1875 Art. I, § 12. Evidence against self; double jeopardy

No person shall be compelled, in any criminal case, to give evidence against himself, or be twice put in jeopardy for the same offense.

Nebraska Constitution of 1875 Art. I, § 13. Justice administered without delay; Legislature; authorization to enforce mediation and arbitration

All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.

Nebraska Constitution of 1875 Art. I, § 16. Bill of attainder; retroactive laws; contracts; special privileges

No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.

Nebraska Constitution of 1875 Art. I, § 19. Right of peaceable assembly and to petition government

The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

Nebraska Constitution of 1875 Art. I, § 21. Private property compensated

The property of no person shall be taken or damaged for public use without just compensation therefor.

Nebraska Constitution of 1875 Art. I, § 25. Rights of property; no discrimination; aliens

There shall be no discrimination between citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or descent of property. The right of aliens in respect to the acquisition, enjoyment and descent of property may be regulated by law.

Constitution of 1875 Art. I, § 26. Powers retained by people

This enumeration of rights shall not be construed to impair or deny others, retained by the people, and all powers not herein delegated, remain with the people.

Nebraska Constitution of 1875 Art. I, § 28. Crime victims; rights enumerated; effect; Legislature:

(1) A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have: The right to be informed of all criminal court proceedings; the right to be present at trial unless the trial court finds sequestration necessary for a fair trial for the defendant; and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) The Legislature shall provide by law for the implementation of the rights granted in this section. There shall be no remedies other than as specifically provided by the Legislature for the enforcement of the rights granted by this section.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge.

Nebraska Constitution of 1875 Art. II, § 1. Legislative, executive, judicial

(1) The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.

(2) Notwithstanding the provisions of subsection (1) of this section, supervision of individuals sentenced to probation, released on parole, or enrolled in programs or services established within a court may be undertaken by either the judicial or executive department, or jointly, as provided by the Legislature.

Nebraska Constitution of 1875 Art. III, § 18. Local or special laws prohibited

The Legislature shall not pass local or special laws in any of the following cases, that is to say:

- 1.) For granting divorces.
- 2.) Changing the names of persons or places.
- 3.) Regulating the practice of Courts of Justice.
- 4.) Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.
- 5.) Providing for changes of venue in civil and criminal cases.
- 6.) The sale or mortgage of real estate belonging to minors, or others under disability.
- 7.) Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; *Provided*, that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted.

Nebraska Constitution of 1875 Art. IV, § 6. Supreme executive power

The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed and the affairs of the state efficiently and economically administered.

Nebraska Constitution of 1875 Art. V, § 1. Power vested in courts; Chief Justice; powers

The judicial power of the state shall be vested in a Supreme Court, an appellate court, district courts, county courts, in and for each county, with one or more judges for each county or with one judge for two or more counties, as the Legislature shall provide, and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof.

Nebraska Constitution of 1875 Art. V, § 19. Practice of all courts to be uniform

The organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law and the force and effect of the proceedings,

judgments and decrees of such courts, severally, shall be uniform.

Nebraska Constitution of 1875 Art. V, § 22. State may sue and be sued on Westlaw

The state may sue and be sued, and the Legislature shall provide by law in what manner and in what courts suits shall be brought.

Nebraska Constitution of 1875 Art. V, § 24. Style of process

All process shall run in the name of "The State of Nebraska," and all prosecutions shall be carried on in the name of "The State of Nebraska."

Nebraska Constitution of 1875 Art. V, § 30. Judges; discipline; removal from office; grounds; procedure on

A Justice or Judge of the Supreme Court or judge of any court of this state may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, or (f) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent. Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the

masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case

may be.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law, and (b) may

suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the commission or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or formal open hearing shall be confidential. The filing of papers with and the testimony given before the

commission or masters or the Supreme Court shall be deemed a privileged communication.

When the Commission on Judicial Qualifications determines that disciplinary action is warranted, whether it be a reprimand or otherwise, the Commission on Judicial Qualifications shall issue one or more short announcements confirming that a complaint has been filed; stating the subject and nature of the complaint, the disciplinary action recommended or reprimand issued, or the date of the hearing; clarifying the procedural aspects; and reciting the right of a judge to a fair hearing.

When the Commission on Judicial Qualifications determines that disciplinary action is not warranted, and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.

The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, or as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.

cumulative

These amendments are alternative to and cumulative with the methods of removal of Justices and judges provided in Article III, section 17, and Article IV, section 5, of this Constitution, and any other provision of law relating to the methods and manner of the removal of Justices, Judges, and judges of the courts of this state.

Nebraska Revised Statutes Chapter 20. Civil Rights

Article 1. Individual Rights

a.) person with Disabilities

Article 2. Rights of Privacy

- NE REV ST § 20-202. Invasion of privacy; exploitation of a person for advertising or commercial purpose
- NE REV ST § 20-203. Invasion of privacy; trespass or intrude upon a person's solitude
- NE REV ST § 20-204. Invasion of privacy; place person before public in false light
- NE REV ST § 20-206. Right of privacy; defenses and privileges
- NE REV ST § 20-209. Libel, slander, or invasion of privacy; one cause of action

Article 3. Housing

- NE REV ST § 20-309. Discriminatory housing practice, defined
- NE REV ST § 20-310. Dwelling, defined
- NE REV ST § 20-314. Person, defined
- NE REV ST § 20-318. Unlawful acts enumerated
- NE REV ST § 20-501. Racial profiling; legislative intent
- NE REV ST § 20-502. Racial profiling prohibited
- **NE STATUTE 28-907 False reporting; penalty. (e) Furnishes material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.**
- **NE STATUTE 28-314. False imprisonment in the first degree; penalty.**

(1) A person commits false imprisonment in the first degree if he or she knowingly restrains or abducts another person (a) under terrorizing circumstances or under circumstances which expose the person to the risk of serious bodily injury; or (b) with intent to hold him or her in a condition of involuntary servitude.

- (2) False imprisonment in the first degree is a Class IIIA felony.

Nebraska code 25-480, which covers **libel** and **slander**, states that in a **defamation** case, the plaintiff must prove that the written or spoken statement was made with "actual malice" or that reasonable care was not taken by the defamer to find out if the statements were false.

Nebraska Statute

25-839 Libel or slander; how sufficiently pleaded; burden of proof. In an action for a libel or slander it shall be sufficient to state, generally, that the defamatory matter was published or spoken of the plaintiff, and if the allegation be denied, the plaintiff must prove on the trial the facts, showing that the defamatory matter was published or spoken of him.

Nebraska Revised Statutes Section 42-361. Although it is not required to find or determine fault, the court can take into consideration things such as infidelity, drug addiction, alcohol and sexual abuse, and other evidence.

28-513.

Theft by extortion.

(1) A person commits theft if he or she obtains property, money, or other thing of value of another by threatening to:

- (a) Inflict bodily injury on anyone or commit any other criminal offense;
- (b) Accuse anyone of a criminal offense;

Nebraska Accountability and Disclosure Act § 49-1401 et seq. ... or the occasional provision of transportation within the State of Nebraska. Bribery ... A public official, public employee, or candidate;; A member of the immediate family of an ...

Nebraska Revised Statute **7-104.**

Admission to bar; oath; form.

Every attorney upon being admitted to practice in the Supreme Court or district courts of this state, shall take and subscribe an oath substantially in the following form: You do solemnly swear that you will support the Constitution of the United States, and the Constitution of this state, and that you will faithfully discharge the duties of an attorney and counselor, according to the best of your ability.

OTHER

THE SOVEREIGN CITIZEN by: Judge Dale, retired

Our federal government has instructed our federal, state and local police agencies that everyone who purports to be a SOVEREIGN should be TREATED as a TERRORIST! They have also brainwashed the American public into believing that being a SOVEREIGN is anti-American and unpatriotic! Perhaps this is: "*The POT calling the KETTLE black?*"

WHAT IS SOVEREIGNTY? It is the inherent right and prerogative of a civilized people to rule itself, and to dictate all of the forms and conditions of the institutions it sets up to carry out this rule. Ironically, the U.S. SUPREME COURT agrees with those people who claim to be SOVEREIGN citizens of the American Republic!

Bond vs. UNITED STATES, 529 US 334 – 2000, The Supreme Court held that the American People are in fact Sovereign and not the States or the Government. The court went on to define that local, state and federal law enforcement officers were committing unlawful actions against the Sovereign People by the enforcement of the laws and are personally liable for their actions.

Enforcement of these corporate statutes by local, state and federal law enforcement officers are unlawful actions being committed against the SOVEREIGN public and these officers can be held personally liable for their actions. [Bank v. U.S., 529 US 334-2000]

The Moroccan-American Treaty of Friendship was a treaty between Morocco and the United States. It was signed in 1786. By signing it, King Mohammed III began diplomatic relations with the newly independent United States. The treaty agreed that free Moors of North Africa

The treaty agreed that free Moors of North Africa would remain free and not be classified as Negroes, blacks, or slaves.

treaty was sealed at Morocco with the seal of the Emperor of Morocco June 23, 1786 (25 Shaban, A. H. 1200), and delivered to Thomas Barclay, American Agent, June 28, 1786 (1 Ramadan, A. H. 1200).

Treaty of Peace & Friendship Treaty of Peace & Friendship 1787 Between Morocco and The United States Between Morocco and The United States To all persons to whom these presents shall come or be made known-WHEREAS the United States of America in Congress assembled by their Commission bearing date the twelfth day of May One Thousand, Seven-

treaty with morocco. 1787 Now, KNOW YE, That we, the said John Adams and Thomas Jefferson, Ministers Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same nevertheless to the United States in Congress assembled, for their final ratification.

CASE BLOG REVIEWS

The District Court request to redact the last 144 pages of the 168 pages submitted upon review of this case title under 8:18CV539 lacks legal merit due to the fact this case lost its sanitization sense of secrecy once it was published/blog to the public on November 19, 2018 one day after its initial filing.

Frazier v City of Omaha - Fire Law Blog

[www.firelawblog.com > frazier-v-city-of-omaha](http://www.firelawblog.com/frazier-v-city-of-omaha)

Nov 19, 2018 - Share. Previous: Frazier v City of Omaha. About Curt Varone. Curt Varone has ... 3 days ago. NJ City Settles Suit Over Retaliation. 6 days ago ...

You've visited this page 2 times. Last visit: 6/7/19 www.firelawblog.com

FRAZIER v. CITY OF OMAHA | No. 8:18CV539. | 20190214e80 ...

<https://www.leagle.com/decision/infdco20190214e80>

ALPHONSO VERNELL FRAZIER II, Plaintiff, v. THE CITY OF OMAHA POLICE DEPARTMENT, OMAHA FIRE DEPARTMENT, DOUGLAS COUNTY ATTORNEY OFFICE, DONALD W. KLEINE, Individual and Official Capacity, JULIE MEDINA, Individual and Official Capacity, GARY B. RANDALL, Judge, Individual and Official Capacity, CRAIG Q ...

1.Frazier v. City of Omaha Police Dep't | 8:18CV539 | D. Neb ...

<https://www.casemine.com/judgement/us/5c6642c9342cca09342e4b77>

Feb 13, 2019 · A. Defendants City of Omaha Police Department, City of Omaha Fire Department & Douglas County Attorneys' Office. Plaintiff has failed to state a claim as to these Defendants because they are not suable entities. De La Garza v. Kandiyohi Cty. Jail, Corr.

2.FRAZIER v. CITY OF OMAHA | No. 8:18CV539. | 20190424b77 ...

<https://www.leagle.com/decision/infdco20190424b77>

RICHARD G. KOPF, Senior District Judge. This matter is before the court on its own motion. On February 13, 2019, after an extensive initial review of the Plaintiff's 169-page Complaint 1, the court dismissed "[a]ll Defendants" against which Plaintiff had asserted claims and ordered

1. Plaintiff to ...

1. Frazier v. City of Omaha Police Dep't | 8:18CV539 | D. Neb ...

<https://www.casemine.com/judgement/us/5cc179dc342ccald77579820>

Frazier v. City of Omaha Police Dep't. Richard G. Kopf Senior United States District Judge. MEMORANDUM AND ORDER. This matter is before the court on its own motion. On February 13, 2019, after an extensive initial review of the Plaintiff's 169 ...

2. Frazier V. The City Of Omaha Police Department Et Al - D-NE

<https://www.open-public-records.com/court/nebraska-15340510.htm>

View **frazier v. the city of omaha police department et al: district of nebraska** various court filings, court venue of filed actions, upcoming trials or motions on ...

1.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that the writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from the **federal courts**:

The opinion of the United States court of appeals at Appendix A 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 court of appeals at Appendix B to
the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished

☐ For cases from the **state courts**:

The opinion of the United States court of appeals 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 court of appeals 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 case from **federal courts**:

The date on which the United States Court of Appeals decide my case was September 27, 2019.

☐ 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: October 31, 2019, and a copy of the order denying rehearing appears at Appendix C.

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 decide my case was February 8, 2017.
A copy of that decision appears at Appendix D.

☐ 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 writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

This jurisdiction of this Court is invoked under 28 U.S.C § 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(view Appendix (G))

1. The Bill of Rights
2. Separation of Powers
3. Judicial Review
4. Checks and Balances
5. Popular Sovereignty
6. Republicanism
7. Federalism
8. Supremacy Clause
9. Judiciary Act of "1789"
10. Judiciary Act of "1925"
11. Breach of Peace
12. Violation of the Constitutional Rights
13. Violation of the Peace Treaty
14. Violation of Fourteenth Amendment
15. Violation of Fourth Amendment
16. Violation of Fifth Amendment
17. Patriot Act
18. District of Columbia Act 1871?
19. Civil Rights Act 1871?
20. Declaration of Independence
21. Title 18, U.S.C., Section 241 - Conspiracy Against Rights
22. Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law
23. Treaty of Peace & Friendship Treaty of Peace & Friendship 1787
24. Magna Carta

STATEMENT OF THE CASE

This is a case of Omaha Police Officers and other government agents who operated "under the color of law" in a conspiracy through "meeting of the minds." Who unlawfully arrested me twice incarcerating me for 133 days on false charges. On behalf of a local dentist who was having an affair with my wife. After I confronted the dentist about their affair and the sexual acts my wife was performing on him. He began to harass me by way of physically following me in traffic; asking to pull over so he could explain himself. Moving forward he started making false reports against me. Later finding out my wife was cheer leading his false claims. Which led to me being unlawfully arrested on five counts of false charges, Omaha Police Officers entering my home without a warrant and officers caught on my DVR robbing my home. I bond out of jail and show the county attorney DVR footage of Omaha Officers robbing my home. That led to Omaha Police Officers rearresting me again at the order of the County Attorney, officers going back into my home to retrieve my DVR of them on film robbing my home, prosecuting attorney files false charges of child abuse, threatens me with a 10 to 60 year sentence, my wife files for divorce while I am incarcerated, my divorce hearing is held with out me, the judge awards a divorce decree and a ex-parte order awarding her access into my home; a home she had not lived in for four years, allowing her to take custody of our son who remained in my custody when she left the marriage for the dentist four years prior, the judge awarded her the home, my son and my belongings, my divorce attorney attempts to extort me out of money for services she did not perform. After I refuse to fall victim to their unlawful claims; requesting a separate jury trial for all five charges. The charges were later drop and case order seal to the public. (signing off by three judges on three different dates)

(view Appendix (D), (G8) and (G13))

This is a case of, Sexual Scandal, Illegal Search and Seizure, Politics, Premeditation, Porn, Greed, Adultery, Lies, Insurance Fraud, HIPPA Violations, Invasion of Privacy, Theft, Extortion, Racial Hate Crime, Corporate Bullying, Child Endangerment, Intentional Infliction and Emotional Duress, Intentional Arson, False Impersonation, False Imprisonment, Abuse of Power, and Criminal Conspiracy manufactured by the Municipality of Douglas, County city employees and state officials who joined together in the extortion of false criminal citations issued by the City of Omaha police officers. Who were the mediators and administrators headlining this intentional, malicious, and sexually impacted extortion scandal? Incriminating me falsely by the acts of Human Trafficking that was Dehumanizing, Defaming and Discriminating. Detaining me during the time of my divorce process, isolating me physically and mentally, taking away my Son, Family, Freedom and Liberty to exercise my Constitutional and Natural Rights? Causing severe violations of:

- | | |
|--|--|
| 1. Racial Discrimination | 15. Violation of the "Moroccan Treaty of Friendship" |
| 2. Invasion of Privacy | 16. HIPPA Violation |
| 3. Abuse of Power | 17. Theft/ Burglary |
| 4. Defamation of Character | 18. Child Endangerment |
| 5. Harassment | 19. Intentional Arson |
| 6. False Imprisonment | 20. False Impersonation |
| 7. Human Trafficking | 21. Malpractice |
| 8. Hate Crime | 22. Lack Jurisdiction/Operating Out of Jurisdiction |
| 9. Bullying | 23. Malicious Prosecution |
| 10. Extortion | |
| 11. Illegal Search and Seizure | |
| 12. Due Process | |
| 13. Intentional Inflection | |
| 14. Emotional Distress (Tort of Outrage) | |

REASON FOR GRANTING THE PETITIONER

The reasons for granting a writ of certiorari review in this case should be recognized under the independence of Article III jurisdiction "made or which shall be made to have the authority" arising from Constitutional and Treaty issues. Honoring national and international significance which the lower court lack subject matter jurisdiction. (explained in *The Federalist No. 80*)

Arguing judges have to consider laws afresh, without participating in making them. Reflecting my incarceration was politically incorrect. I come now asking the higher court to enforce the civil and criminal laws established to prosecute and file suit against those who injure the law.

This case lack jurisdiction and due process under the initial review of the District Court. Therefore showing nothing on record that the State of Nebraska waived or that Congress overrode sovereign immunity in this case. Recognizing a judge is not immune from liability for non judicial actions taken in the judges judicial capacity. In additional a judge is not immune from actions, though judicial in nature, taken in the absence of jurisdiction. Making a judge liable if they act in the clear absence of all jurisdiction. When operating outside the scope of their duties as members of the Nebraska Judiciary.

The Omaha Police "acted under the color of law" in violation of state and federal laws guaranteed under the Constitution. While taking part in a criminal conspiracy with other government officials, employees and private citizens in a "willful" joint activity of criminal acts. Causing a deprivation of my civil rights and deception of government duties. The Douglas County Municipal CORPORATION failed to train and supervise it's officials and employees. Therefore holding their CORPORATION liable for constitutional violations attached to the municipality. In which their officials and employees chose not to follow the courses of action established in government policy.

The complaints of the case alleges severe premeditate acts of criminal conspiracy involving municipal officials and employees who operated in the "meeting of the minds" together with private citizens in a sexual scandal of secrecy, greed, corruption and lies. That has yet to be heard, tried and prosecuted under the proper jurisdiction of the Supreme Court of the United States which holds the legal power to grant a favorable vote to be reviewed byway of the legal principles of the Rooker-Feldman Doctrine enunciated by the United States Supreme Court to hear appeals that deprive federal courts subject matter jurisdiction. When suing for remedy, restitution and resolution for injuries caused by the state.

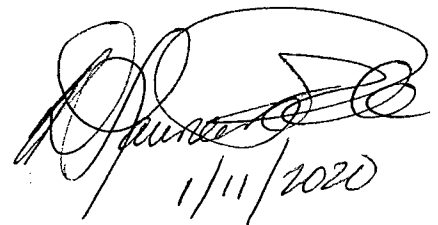
CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Alphonso V. Frazier, Jr.

Date: 1-11-2020


1/11/2020

D. LAUREEN PICKLE
General Notary State of Nebraska
My Commission Expires
May 29, 2023.