

19-7423

No. _____

Supreme Court, U.S.
FILED

NOV 18 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Adam Lee Hamilton — PETITIONER
(Your Name)

VS.

Eileen Ramey — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Missouri Supreme Court

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

PETITION FOR WRIT OF CERTIORARI

Adam Lee Hamilton

(Your Name)

8200 No More Victims Rd.

(Address)

Jefferson City, Mo. 65101

(City, State, Zip Code)

N/A

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

Because Petitioner was charged, tried and convicted by a jury of first-degree robbery under Missouri law (Section 569.020 RSMo.) involving the forcible stealing of property (money, checks and/or food stamps) belonging to the United States Government but in possession of a private citizen, the question before this Honorable Court is

Do the provisions of 18 U.S.C. §2112, 28 U.S.C. §2114, 28 U.S.C. §8 and 7 U.S.C. §2024(D) reserve jurisdiction for the prosecution of such a criminal act exclusively for the United States and deprive the states of jurisdiction, or authority for such a prosecution?

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:

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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☐ is unpublished.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☐ is unpublished.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 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☒ is unpublished.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 Missouri Court of Appeals court appears at Appendix C 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 September 3, 2019. A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: September 17, 2019, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

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7 U.S.C. §2024(D).....	6
18 U.S.C. §8.....	6
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STATEMENT OF THE CASE

Petitioner is incarcerated at the Jefferson City Correctional Center in Jefferson City, Missouri after a jury convicted Petitioner of First Degree Robbery, First Degree Assault and two counts of Armed Criminal Action. On June 25, 1998 the Circuit Court of Pemiscot County, Missouri sentenced Petitioner as a prior and persistent offender to fifteen years incarceration for Robbery, five years for the Assault, ten years incarceration for one count of Armed Criminal Action and twenty five years for the other count of Armed Criminal Action. The Robbery and Assault sentences are consecutive to the Armed Criminal Action sentences.

The basis for the charges stems from a robbery of the Hays store in Pemiscot County, Missouri in which Loyd Avis had control of the governmental property, specifically Food Stamps and Checks. The charging instrument specifically articulated that Petitioner "forcibly stole good and lawful money of the U.S. Government in the possession of Loyd Avis."

Petitioner appealed the judgment of conviction, *State vs. Hamilton*, 966 S.W.2d. 758 (Mo.App.S.D. 1999), timely filed a Rule 29.15 post conviction motion which was denied without an evidentiary hearing. The denial of the post conviction motion was appealed and, subsequently, denied *Hamilton vs. State*, 31 S.W.3d. 124 (Mo.App.S.D. 2000). Petitioner timely filed a federal Habeas Corpus petition, U.S. Dist. Court, West. Dist. Mo. 4:01CV659TIA which was denied. The Missouri Supreme Court, in *Deck vs. State*, 68 S.W.3d. 418 (Mo. 2002) abrogated *Hamilton vs. State*, 31 S.W.3d. 124 (2000).

Petitioner then filed a Petition for Writ of Habeas Corpus pursuant to Rule 91, with the Circuit Court of Cole County, Missouri, 18AC-CC00413, which was denied.

Petitioner proceeded to the Missouri Court of Appeals, Western District, WD82679, with a Petition for Writ of Habeas Corpus, which was also denied.

Petitioner then sought habeas relief before the Missouri Supreme Court, SC97894, which also denied relief.

This petition follows.

REASONS FOR GRANTING THE PETITION

This Honorable Court should exercise it's discretion to entertain this action because the nature and circumstances of the question presented is of such public importance that resolution of the issue would not only clarify discrepancies between the federal and state court(s) as to federal question jurisdictional issues but also serve to instill faith in our system of justice, prevent double jeopardy and assure that congressional legislative intent is served.

Petitioner's position is that the State of Missouri, or any state, is barred from prosecuting citizens in cases involving the theft of property belonging to the United States Government, more specifically food stamps, checks and/or money and because of this lack of subject matter jurisdiction Petitioner's continued imprisonment is not just unlawful and illegal but contrary to the congressional legislative intent of 18 U.S.C. §2112, 18 U.S.C. §2114, 18 U.S.C. §8 and 7 U.S.C. §2024(D).

Subject matter jurisdiction is a courts statutory or constitutional power to adjudicate a case, *Verizon Md., Inc. vs. PSC*, 535 U.S. 635, 642-643 (2002), or deal with the general subject involved in the action, *Ins. Corp. of Ireland vs. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 (1982). The subject matter of this case is the states authority to try, convict and imprison individuals involving the theft of United States Governmental property and, thus, whether or not such a prosecution is reserved for the exclusive jurisdiction of the United States Judiciary or is shared with the states.

Article III §2 of the United States Constitution provides that the federal courts have judicial power over ALL cases arising under the Constitution, laws or treaties of the United States. The plain and ordinary wording of the applicable provisions in this case clearly establishes that Congress has provided for original federal court jurisdiction when the theft of such property as food stamps, checks and/or money because it is property belonging to the United States government and not citizens who may possess or enjoy the use of such property as a means of exchange or barter. Thus, the provisions are special (rather than general) statutory provisions that have specific purposes and intent and would require that federal principles control over the disposition of the criminal charges.

First, the United States and not the individual states, are better equipped to assure the vindication of federal interests in the securing of it's own property no matter where that property may be located or which task the alleged victim may have been engaged in at the time, see *Bent vs. U.S.*, 340 F.2d. 703 (8th Cir. 1965) and *U.S. vs. Dittrich*, 204 F.3d. 819 (8th Cir. 2000).

Second, because selection of federal judges ensures that the judges have a greater degree of competence and are consistently exposed to federal law they are more attuned to federal interests and constitutional rights than other judges, then adjudication of cases involving federal law and United States Constitutional provisions are better suited for the work of the federal courts rather than the state courts. This case presents just such a scenario. The States prosecution and subsequent imprisonment of Petitioner erodes the principles of Double Jeopardy and, if allowed

to stand, would subject United States citizens residing within the various states to illegal and unlawful imprisonment in both the state and federal penal system despite Congress having intended to prevent just such a scenario when implementing the statutory provisions.

In our dual state-federal system of government, erosion of the United States Constitutional rights and provisions and the Congressional authority, by the States, should not be allowed in such a manner and it is for this very reason that the ultimate review of cases is reserved exclusively for this Honorable Court which should exercise it's discretion so as to prevent the injustice that has occurred in this, and a variety of other, case(s).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Adam Hamilton

Date: *November 13 2019*

John C. Melzer 11/13/2019



JOHN C. MELZER
My Commission Expires
February 18, 2020
Maries County
Commission #11283544