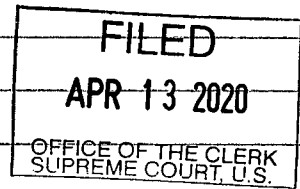


19-8357

ORIGINAL

IN THE SUPREME COURT OF
THE UNITED STATES
CAUSE NO: _____



Jeffery J. Lout, Pro Se Petitioner;
Appearing In Propria Persona; Sui Jurist;

VS.,

STATE OF MONTANA - Respondent(s);

ON PETITION FOR A WRIT OF CERTIORARI
FROM THE MONTANA SUPREME COURT.

PETITION FOR WRIT OF CERTIORARI

Jeffery J. Lout, AO# 45407
Montana - State Prison
700 Conley Lake Road
Deer Lodge, Montana 59722
(406) 846-1320 Main Control.

QUESTIONS PRESENTED

1) Did the Montana Supreme Court Fail to Address the 'CONSTITUTIONAL CANONS OF FAILING TO ADDRESS THE CONSTITUTIONAL QUESTION(S) UPON WHICH THE CASE IN ITS ENTIRETY MAY BE DISPOSED?

2) Did the Montana Supreme Court violate the Judicial CANONS OF ETHICS BY FAILING TO ADDRESS LOUIE'S FUNDAMENTAL RIGHT OF ADDRESSING THE BIAS, PREJUDICES; AND TAINTED INFORMATION BY THE RAVALLI COUNTY ELECTED OFFICIALS; (JUDGES) LANGSTON AND HAINES; COUNTY ATTORNEY OFFICIALS (MAHAN, CORN, FULLBRIGHT) AND THE INVESTIGATING OFFICERS (CHINN, JOHNSON, SQUIRES, LEETE); WHICH INVOLVED NUMEROUS "ILLEGAL ACTIVITIES" WHICH SAID ELECTED OFFICIALS WERE PERSONALLY INVOLVED WITH LOUIE?

3) Did the Montana Supreme Court FAIL TO ADDRESS LOUIE'S MOTION TO DISMISS AND EXONERATE UNDER "SUBJECT MATTER JURISDICTION" AND "JUDICIAL STRUCTURAL DEFECTS"; WHICH PROHIBIT A JUDGE FROM SITTING ON AND THROUGH THE ACCUSATORY INFORMATION PROCEEDING AND THEREAFTER PRESIDING OVER PRE AND POST SENTENCING TRIAL PROCEEDINGS WHICH HAS VIOLATED LOUIE'S DUE PROCESS (STRUCTURAL and PROCEDURAL) AND HAS VIOLATED LOUIE'S LIBERTY INTEREST?

4) Did the Montana Supreme Court VIOLATE LOUIE'S DUE PROCESS (STRUCTURAL and PROCEDURAL) WHEN THE (5) FIVE

JUSTICE PANEL FAILED TO REVERSE, REMAND OR SET LOUI'S CASE ASIDE AS VOID OR THEIR FAILURE TO EXONORATE LOUI DUE TO STATE DISTRICT COURT'S PERSONAL INTEREST, BIAS AND PREJUDICE TOWARDS LOUI?

5) DID THE STATE DISTRICT COURT LACK SUBJECT MATTER JURISDICTION TO PRESIDE OVER LOUI'S CASE(S) DUE TO ITS PERSONAL AND DIRECT INTEREST AND INVOLVEMENT(S) WITH LOUI RELATING TO LOUI'S ALLEGED ILLEGAL ACTIVITIES WITH (JUDGE LANGTON) THE COURT?

6) WAS THERE JUDICIAL BIAS AND PREJUDICES THROUGHOUT BOTH OF LOUI'S CASE(S) (DC:99-22 and DC:02-79) WHICH HAS VIOLATED LOUI'S FUNDAMENTAL LIBERTY INTEREST OF DUE PROCESS OF LAW TO BE TRIED / HEARD BEFORE AN IMPARTIAL TRIBUNAL AND/OR COURT?

7) DID THE STATE OF MONTANA FAIL TO ADEQUATELY ADDRESS, PLEAD OR DEFEND THEIR CASE AGAINST LOUI'S MOTION TO DISMISS AND EXONORATE...?

8) SHOULD LOUI'S MOTION TO DISMISS AND EXONORATE BE GRANTED DUE TO THE STATE'S FAILURE TO PLEAD OR DEFEND AND DUE TO THE STATE DISTRICT COURT, JUDGE'S LANGTON'S AND HAINES' PERSONAL AND DIRECT INVOLVEMENTS WITH LOUI WITH THE ILLEGAL ACTS TO WHICH LOUI HAS BEEN SENTENCED IN BOTH CASES (DC:99-22 and DC:02-79) TO LIFE IMPRISONMENT?

9) DID THE STATE DISTRICT COURT IMPOSE EXCESSIVE SENTENCES IN BOTH LOUT'S CASE(S) (DC: 99-22 and DC: 02-79) WHICH ARE IN VIOLATION OF LOUT'S EIGHTH AMENDMENT UNDER EXCESSIVE SANCTION(S) AND CRUEL AND UNUSUAL PUNISHMENT AND LOUT'S FOURTEENTH AMENDMENT OF EQUAL PROTECTION OF SIMILARLY SITUATED PERSONS UNDER LIBERTY INTEREST AND DUE PROCESS OF LAW?

10) DID THE STATE DISTRICT COURT VIOLATE LOUT'S DUE PROCESS BOTH STRUCTURAL AND PROCEDURAL WHEN IT FAILED TO ALLOW LOUT TO CHALLENGE HIS LEVEL III TIER DESIGNATION BY A LICENSED PSYCHOLOGIST IN HIS PSYCHOSEXUAL EVALUATION?

LIST OF PARTIES

ALL PARTIES APPEAR IN THE CAPTION OF THE CASE
ON THE COVER PAGE

RELATED CASES

The following are the cases which relates to Lant's cases) (DC: 99-22 and DC: 02-79) in which the STATE DISTRICT COURT (Judge Langton) has sat or Presided over each all who are the Alleged Victims or in Relation with the Alleged Victim(s)' Families (Father or Mother or brothers); Where Judge Langton too was also involved in the same Illegal Activities with Lant or was involved with the same Alleged Victims or their Family Members after the Sentencings of Lant in both Lant's Unlawful Sentences. The Importance is Langton as the Sitting Judge in Ravalli County - Sat on the Bench, Past Judgements down on each Party while He himself was involved in the same Illegal Activities while Actively Sitting on the Bench.

State v. Andrew Gollie: (Cite Unknown)

State v. Charles C. Walker (DC: 00-22, DC: 02-72 & 106)

State v. Howard Hansen (Cite Unknown)

State v. Rex E. Walker (2005 MT 10) DC: 03-185

State v. Samuel A. Honey (DC: 03-809) (DC: 02-300)

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46-11-302:5(3): CHALLENGES TO GRAND JURY

46-11-310: DUTIES OF GRAND JURY

46-11-311: CHARGES TO GRAND JURY

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§ 22: EXCESSIVE SANCTIONS.

§ 24: RIGHTS OF THE ACCUSED

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RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL.

RIGHT TO "CONFLICT FREE" ASSISTANCE OF COUNSEL

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DUE PROCESS OF LAW - PROCEDURAL

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LIBERTY INTEREST -

IN THE SUPREME COURT FOR
THE UNITED STATES

PETITION FOR A WRIT OF CERTIORARI.

Lout, Pro Se Petitioner hereby respectfully prays
that a WRIT OF CERTIORARI be issued to Review
the Judgements, Memoranda's and Orders below.

OPINIONS BELOW

The Opinion of the Montana Supreme Court, the
Highest State Court to Review the Merits on PETITION FOR
A REHEARING ON APPEAL of Lout's Motion TO DISMISS AND
EXONERATE per MCA 46-13-401 and 46-13-402 Appear at
Appendix 1 of this Petition and is cited as: Lout vs.
STATE: 2019 MT. 251 N. Mont. , P.3d , as
an UNPUBLISHED CLASSIFIED CASE.

Lout's NOTICE OF OBJECTIONS and REQUEST FOR A
REHEARING ON THE FACTS AND QUESTIONS OF LAW... WITH HIS
MEMORANDUM IN SUPPORT... Appear at Appendix 2 of this
Petition.

The Opinion of the Montana Supreme Court, The
Highest State Court's Review of Lout's APPEAL FROM the (21st)
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13-401 and 46-13-402 For the State Judicial District Court's
LACK OF SUBJECT MATTER JURISDICTION, JUDICIAL STRUCTURAL
DEFECTS, PERSONAL INTEREST, BIAS AND PREJUDICES TOWARDS LOUT

IN REGARDS TO THE OUTCOME OF LOUIE'S CASE(S) (DC:99-22 and DC:02-79) AS WELL AS (LANGTON'S) THE STATE COURT'S PERSONAL AND DIRECT INVOLVEMENTS WITH LOUIE AND LOUIE'S CASE(S), which has been CLASSIFIED pursuant to SECTION I, PARAGRAPH 3 (C) MONTANA SUPREME COURT INTERNAL OPERATING RULES AS NONCITABLE PUBLISHED.

The Opinion of the UNITED STATES DISTRICT COURT, TO which STEMS from Louie's July 19, 2019 MOTION TO COMPEL FOR PRODUCTION OF PUBLIC RECORDS, DOCUMENTS, RECORDS, INFORMATION, REPORTS AND EVIDENCE OF The State District Court; LANGTON'S ILLEGAL ACTIVITIES disclosed per ROBERT MYERS vs. Langton, et, al. and LOUIE'S SEPTEMBER 27, 2019 MOTION FOR PRODUCTION OF LOUIE'S WITNESS DEPOSITION OF AUGUST 3, 2018 REGARDING LOUIE'S INVOLVEMENTS WITH (LANGTON'S) The State Judicial District Court OF THE PERSONAL AND DIRECT ILLEGAL ACTIVITIES OF LANGTON AND LOUIE'S REGARDING THE SAME ALLEGED VICTIMS, Parents of the victims and Personal Illegal Activities Involved with the Above appear at APPENDIX'S 7, 8A, 6, 6A, 1, 2, 2A, and 10, and are published at Louie v. State; DC:02-79 and DC:99-22; Twenty-First Judicial District Court, Ravalli County, Montana and Robert C. Myers v. Jeffrey H. Langton CV:17-157-M-DLC and CV:17-59-M-NWM-JCL.

Louie's REPLY BRIEF AND OBJECTIONS TO STATE'S RESPONSE TO LOUIE'S APPEAL FROM FINAL JUDGEMENT AND ORDER OF LOUIE'S MOTION TO DISMISS AND EXONERATE BASED ON SUBJECT MATTER JURISDICTION, JUDICIAL STRUCTURAL DEFECTS, COURTS FAILURE TO RECUSE OR DISQUALIFY BASED ON BIAS AND PREJUDICES TOWARDS LOUIE, appear at Appendix 12 of this Petition

JURISDICTION

On December 3, 2019 the Montana Supreme Court, the Highest State Court decided my case and Denied my Direct Appeal from the State Judicial District Court. A copy of that decision appears at Appendix 3.

On December 20, 2019: I timely filed a PETITION FOR REHEARING and HIS SUPPORTING MEMORANDUM which was thereafter Denied on January 14, 2020. A copy of that order Denying a Rehearing Appears at Appendix 3 and 2A.

This Court has Jurisdiction pursuant to 28 U.S.C. §1257 (a).

Pursuant to: HECK v. HUMPHREY: 512 U.S. 477 (1994)

"On certiorari the U.S. Supreme Court will accept the FACTUAL CHARACTERIZATION of the Petitions claimed by the Lower Courts as CHALLENGING THE LEGALITY OF HIS CONVICTION"

CONSTITUTIONAL AND STATUTORY CRIMINAL PROVISIONS INVOLVED

"Both the 14th Amendment of the U.S. Constitution and Article II § 17 of the Montana Constitution Guarantee: "NO PERSON SHALL BE DEPRIVED LIFE, LIBERTY or PROPERTY WITHOUT DUE PROCESS OF LAW." DUE PROCESS Includes both; A PROCEDURAL and a SUBSTANTIVE COMPONENT. "PROCEDURAL DUE PROCESS; Requires A Party to make a Showing that a Property or a LIBERTY INTEREST EXISTS." (See: State v. Egardt; 2003 Mt. 264)

"A [LIBERTY INTEREST] is at stake whenever a sex offender Risk Assessment is conducted." (Brummer v. Iowa Dept. Corr.; 661 N.W. 2d 167, 175 (Iowa 2003))

"The very Heart, Meaning and Definition of the United States Constitution; IS THAT EVERY INDIVIDUAL BE TREATED EQUALLY." (U.S. Constitution's 14th Amendment and Montana Constitution Art. II § 3 and § 4)

"When this Constitutional Guarantee Falls short and does Not Occur, Then an Individuals Constitutional Right to [EQUAL PROTECTION and DUE PROCESS] is violated." (Griffin v. State of Montana)

"The (8th) EIGHTH AMENDMENT PROHIBITS IMPOSITION OF A SENTENCE THAT IS [GROSSLY DISPROPORTIONATE TO THE SECURITY OF THE CRIME]. (U.S. v. HOLLIS; 718 F.2d 277 (8th Cir. 1983) and (SOLEM vs. HELM; 463 U.S. 277 (1983))

CONSTITUTIONAL LAWC: NON-VIOLENT FELONY § 81(1)(a)(b) & (c):

"The 8th Amendment Prescribes a "LIFE SENTENCE" WITHOUT Possibility of Parole for a Seventh NON-VIOLENT Felony where the offender Received the PENULTIMATE SENTENCE for Relatively minor Criminal Conduct; He HAS BEEN TREATED [MORE HARSHLY] than other ^⑩ criminals in the State who have committed MORE SERIOUS CRIMES AND HE HAS BEEN TREATED MORE HARSHLY THEN HE WOULD HAVE BEEN IN ANY OTHER JURISDICTION WITHIN THE EXCEPTION OF A SINGLE STATE." (Solem, Supra)

CRIMINAL LAW: § 78³ (2) DISPROPORTATE SENTENCES:

"The Final Clause of the 8th Amendment; Which PROHIBITS "CRUEL and UNUSUAL PUNISHMENT"; PROHIBITS [NOT ONLY] BARBARIC PUNISHMENT, [BUT ALSO SENTENCES THAT ARE DISPROPORTATE TO THE CRIME COMMITTED]."

CRIMINAL LAW: § 78³ (10): REVIEW OF SENTENCES:

"A Courts PROPORTIONALITY ANALYSIS of a CRIMINAL SENTENCE to Determine the Sentence Propriety under the 8th Amendment Should be GUIDED BY OBJECTIVE CRITERIA; Including: 1) THE GRAVITY OF THE OFFENSE and HARSHNESS OF THE PENALTY; 2) THE SENTENCE [IMPOSED ON OTHER CRIMINALS IN THE SAME JURISDICTION]; and 3) THE SENTENCE IMPOSED FOR THE COMMISSION OF THE SAME CRIME IN OTHER JURISDICTIONS."

CRIMINAL LAW: § 76³ (13): MAGNITUDE OF CRIMES:

"The Absolute MAGNITUDE OF THE CRIME May be Relevant in Assisting Courts to [MEASURE THE HARM CAUSED OR THREATENED TO THE VICTIM; or SOCIETY] in determining whether a Sentence violates the CONSTITUTIONAL PROHIBITION AGAINST CRUEL and UNUSUAL PUNISHMENT."

CRIMINAL LAW: § 76³ (20)(a) and (b): SENTENCE OF IMPRISONMENT:

"There is a [CLEAR LINE] Between Sentences^① of Imprisonment and Sentences Involving [NO DEPRIVATION OF LIBERTY] IN DETERMINING WHETHER A SENTENCE VIOLATES THE CONSTITUTIONAL PROHIBITION AGAINST "CRUEL and UNUSUAL PUNISHMENT"."

STATUTORY CASE AUTHORITIES

Pursuant to MCA 46-11-301 and 46-11-302; Petitioner is entitled to be prosecuted by a GRAND JURY INDICTMENT, and because the Montana Legislature has FAILED to specifically provide that by Statute, An INFORMATION could be used to prosecute a Felony, and said Statute is currently written; "INFORMATION CAN ONLY BE USED TO PROSECUTE MISDEMEANORS." Furthermore; Montana Per State statute (MCA 1-1-108) a "Common Law" State, WITHOUT SPECIFIC STATUTE, THE INFORMATION FOR USE; IS RESTRICTED TO MISDEMEANORS.

"The Grand Jury is a part of the Government's 'ACCUSATORY PROCESS'; The 'INFORMATION PROCESS' In Montana has the same Function and Result as the GRAND JURY; Thus, IT IS AN 'ACCUSATORY PROCESS' of the Montana CONSTITUTION (ARTICLE II § 20 INITIATION OF PROCEEDINGS: Wherein the 'DISTRICT COURT' Judge does the "SIFTING OF CRIMINAL CHARGES" against people... (HARTMAN V. LARCHE; 363 U.S. 480 (June 1960)) "The "SIFTING OF 'CRIMINAL CHARGES' Against people for GRAND JURIES and JUDGES..., and for them alone under our Constitution."

"A JUDGE WHO SITS AS PART OF THE "ACCUSATORY PROCESS" [CAN NOT] BE IN THE VERY NATURE OF THINGS, WHOLLY DISINTERESTED IN THE CONVICTION OR ACQUITTAL OF THE ACCUSED;" (See: CHESTER V. CALIFORNIA; 355 F.2d 778, 786 (9th Cir. 1966) and also IN RE: MURCHISON; 379 U.S. 137 (1955).)

"SUPREME COURT PRECEDENT" Reveals only Three (3) Circumstances in which an "APPEARANCE OF BIAS"; as opposed to evidenced 'ACTUAL BIAS'; NECESSITIES OF RECUSAL; The Third; When a JUDGE ACTED AS A PART OF THE ACCUSATORY PROCESS". (Carter v. Galaza; 491 F.3d 1119, 1131 (9th Cir. 2007) quoting: WITHROW V. LARKIN; 421 U.S.

"The DISTRICT COURT in holding the Petitioner to Answer or [PLEAD] for a FELONY, and SENTENCING HIM TO IMPRISONMENT, WITHOUT A PREDICATING DETERMINATION OF PROBABLE CAUSE; [EXCEEDED ITS JURISDICTION and HE IS THEREFORE ENTITLED TO DISCHARGE]." (Ex Parte Willson: 114 U.S. 414.

"THE [PROHIBITIONS] of the 14th Amendment Refer to All of the [INSTRUMENTALIZES] of the State - LEGISLATIVE, EXECUTIVE and JUDICIAL; and therefore; Whoever by Virtue of PUBLIC POSITION under a STATE GOVERNMENT; Deprives another OF ANY RIGHT PROTECTED BY THAT AMENDMENT AGAINST DEPRIVATION BY A STATE, Violates the Constitutional INHIBITION; and ^{he} as He Acts IN THE NAME and For the State; and is clothed with the STATES POWER; HIS ACT IS THAT OF THE STATE." (Frank v. Mangum: 59 L. Ed 969; 273 U.S. 309; see also: Chicago B & O R. Co. vs. Chicago: 166 U.S. 226.

"A STATUTE need not Provide Perfect Clarity and precise guidance; but it [must] give a person fair Notice that his Conduct is forbidden. To prove a STATUTE IS VAGUE on its face, a party must show it is IMPERMISSIBLY VAGUE IN ALL ITS Application. A statute may be challenged as a violative ~~of~~ THE RIGHT TO [DUE PROCESS] for its vagueness on (2) two different basis: (1) "The statute is so VAGUE that it is VOID on its face;" or (2) "The statute is VAGUE AS APPLIED in a Particular Situation." The Void for Vagueness Doctrine Requires a CRIMINAL STATUTE TO DEFINE THE OFFENSE WITH SUFFICIENT DEFINENESS THAT [ORDINARY PEOPLE] can Understand WHAT CONDUCT IS PROHIBITED IN A MANNER THAT DOES NOT ENCOURAGE ARBITRARY AND DISCRIMINARY ENFORCEMENT. A statute that Fails to meet this Standard is VOID FOR VAGUENESS". (State v. Torchville: 2003 MT. 340; citing: State v. Britton: 2001 MT. 141 and State v. Larrison: 2003 MT. 354.)

@ 47; IN RE MURCHISON Spina; TAMM V. OHIO: 273 U.S. 510, 523 (1972).

"Our system of Laws has Always ENDEAVORED TO PREVENT even 'THE PROBABILITY OF UNFAIRNESS'; To this end NO MAN CAN BE A JUDGE... [and] PREMITTED TO TRY CASES WHERE HE HAS AN INTEREST IN THE OUTCOME." (Pacides v. Arave: 20 F.3d 950, 958 (9th Cir. 1994))

ASA MATTER OF FACT: In Montana it's a common BASIC KNOWLEDGE within the Judicial system, the Judges in Montana's District Courts have and Continue to be a PART OF THE SETTING OF CRIMINAL CHARGES AGAINST THE ACCUSED" who therefore are ACTIVELY INVOLVED IN THE [INFORMATION PROCESS]; who have gone forward to PRESIDE OVER THE SENTENCING and TRIALS OF CASES BROUGHT before them. These Acts of "SETTING" in INFORMATION PROCESS is a direct Violation of the Petitioners Constitutional Protected Rights of the 14th Amendment of DUE PROCESS and LIBERTY INTEREST NOT TO BE TRIED or SENTENCED BEFORE A BIAS or PREJUDICE JUDGE; which is a [BASIC FUNDAMENTAL RIGHT] for the Accused which lie at the Base of All our civil and JUDICIAL INSTITUTIONS. (Hebert v. Louisiana: 272 U.S. 312, 316; 71 L.Ed 270, 272; 47 S.Ct. 103; (A.L.R. 1992))

"The 5th and 6th Amendments of the U.S. Constitution's GRAND JURY CLAUSE: Provides; "NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL, or OTHERWISE 'INFAMOUS CRIME'; UNLESS ON A PRESENTMENT or INDICTMENT OF A 'GRAND JURY'". (U.S. vs. Santoroma: 45 F.3d 622, 624 (2nd Cir. 1995) (per curiam).

"[Felony PROBABLE CAUSE Determinations] are Jurisdictional and Are NOT WAIVED by a Plea of Guilty". (U.S. v. Berrios Cantanai: 250 F.3d 294 (2001))

"There exists NO AUTHORITY denying a Petitioner the Ability to raise such a claim of 'SUBJECT MATTER JURISDICTION' for failure to have done it sooner (timeliness) or failure to raise such a claim in any other available remedy opportunity" (State v. Ostad: 234 Mont. 487 (1988))

"State Statutes DO NOT take Precedent over 'CONSTITUTIONAL LAW'." (James v. Kentucky: 104 S.Ct. 1830)

"Motion to DISMISS FOR LACK OF 'SUBJECT MATTER JURISDICTION' May be Raised at Any time... The Court MUST DISMISS IF IT LACKS 'SUBJECT MATTER JURISDICTION'." (U.R. CIV.P. and F.R. CIV.P. Rule 12(b)(3).)

"The ISSUE OF A court's 'SUBJECT MATTER JURISDICTION' May be Raised at Any time." (Bayleat Law P.C. v. Pettit 1998 MT. 252; Scott v. McNeal: 154 U.S. 34.)

"A Court for which IN FACT Lacks 'SUBJECT MATTER JURISDICTION' CANNOT Acquire it Even by Consent of the Parties". (Stanley v. Lemire: 2006 MT. 304; ALSO See: State v. Alt Jim: 9 Mont. 167; 23 P. 872 (1890); Re: Darboni: 10 Mont. 147; 25 P. 872 (1890) and State v. Brett: 16 Mont. 360; 40 P. 873 (1895).)

"This is ABOVE and BEYOND 'The Uniform District Court Rule 2, which says: 'If within 15 days, A Party FAILS TO FILE AN ANSWER BRIEF; THE COURT SHALL CONSIDER THE MOTION AS 'WELL TAKEN'. 'The Use of the Word ['SHALL'] Connotes a MANDATORY OBLIGATION' (State v. Swearingen: 2001 MT. 10.)

"This Court [MONTANA SUPREME COURT] CANNOT Adopt a lower standard to PROTECT ANY RIGHT [THEN WHAT THE 'U.S. SUPREME COURT' HAS RECOGNISED]" (Lone Elk v.

State: 2005 MT. 56; Also See U.S. Supreme Court Case Precedents: GONZALEZ V. CROSBY: 545 U.S. 524 (2005); FAY V. NOZA: 372 U.S. 391 (1963); ILLINOIS V. GATES: 462 U.S. 213 (1983); BIVENS V. SIX UNKNOWN NAMED FEDERAL AGENTS OF FED. BUREAU OF NARCOTICS: 403 U.S. 213 (1971); ASHCROFT V. IQBAL: 556 U.S. 462 (2009); STONE V. POWELL: 428 U.S. 465 (1976); STEFFEL VS. THOMPSON: 415 U.S. 452 (1974); KADIC V. KARADZIC: 70 F.3d 232 (2nd Cir. 1995); NIETZKE V. WILLIAMS: 490 U.S. 319 (1989); GONZALEZ V. THALER: 565 U.S. 134 (2012) and TAFELIN V. LEVITT: 439 U.S. 455 (1990).

"The OFFICE of the JUDGE is Simply to ASSESS and DECLARE WHAT IS IN SUBSTANCE CONTAINED THEREIN, [NOT TO INSERT WHAT HAS BEEN OMITTED OR OMIT WHAT HAS BEEN INSERTED]." (LONGER V. STATE: 2005 MT. 56 and STATE V. SWEARINGEN: 2001 MT. 10).

"In order to [PRESERVE the SUBSTANTIAL RIGHTS] of the accused and the [FUNDAMENTAL FAIRNESS] of the Criminal trial and to provide consistent guidance to PRACTITIONERS; The Supreme Court found it appropriate to formally adopt an approach to 'HARMLESS ERROR' issues that first defined the type of error in question; and second; depending on the type of error; set a uniform standard against which the error must be analyzed to determine if the error was [SUFFICIENTLY PREJUDICIAL] to WARRANT REVERSAL, completing the analysis begun in STATE V. LEMERE: 2000 MT. 45, 289 M. 358, 2 P.3d 204 (2000)."

The First Step is to Analyze whether the claimed error is [STRUCTURAL ERROR] or trial Error. [STRUCTURAL ERROR] is the type that affects the Framework within which the trial proceeds such as total deprivation of the right to counsel and [LACK OF AN

IMPARTIAL JUDGE;] WHICH IS [AUTOMATICALLY REVERSABLE WITHOUT ADDITIONAL ANALYSIS OR REVIEW]" State v. Lemere, Supra.

"Once a convicted person raises and establishes that evidence was erroneously admitted and has alleged that there is a [REASONABLE POSSIBILITY] that the evidence might have contributed to a conviction, the state must demonstrate that the error was not prejudicial. To determine whether that reasonable possibility exists, the Supreme Court abandoned the "OVERWHELMING WEIGHT OF THE EVIDENCE test in favor of the "CUMULATIVE EVIDENCE TEST"; which in making its proof under the 'CUMULATIVE EVIDENCE STANDARD'; the state must show [ADMISSABLE EVIDENCE THAT PROVED THE SAME FACTS AS THE TAINTED EVIDENCE AND DEMONSTRATE THAT THE QUALITY OF THE TAINTED EVIDENCE WAS SUCH THAT THERE WAS 'NO POSSIBILITY' THAT IT MIGHT HAVE CONTRIBUTED TO THE CONVICTION]. IF the ONLY EVIDENCE Tending to prove an element of the crime is tainted, [THE REVERSAL WILL BE COMPELLED]." Lemere, Supra; HARRINGTON v. CALIF. 395 U.S. 250 (1969); State v. McKenzie: 186 M. 481, 608 P.2d 428 (1980) Affirmed in; In Re Petition of Brodnick v. State: 239 M. 110, 779 P.2d 71 (1989) and State v. Fuhrmann: 278 M. 396, 925 P.2d 1162 (1996), See also: State v. Daniels: 2011 M. 278; State v. Ferguson: 2005 MT. 343; State v. Hayden: 2008 MT 274; and State v. Kotwicz: 2007 MT. 17; and State v. Lenihan: 184 Mont. 338 (1979).

STATEMENT OF CASE

The case before this Most High Court of the Land comes due to the numerous FUNDAMENTAL CONSTITUTIONAL VIOLATIONS of Lout's Protected Rights which stems from the STATE JUDICIAL 21ST DISTRICT COURT'S (Langtons) Judicial Structural Defects throughout both of Lout's cases (DC:99-22 and DC:02-79) in which Langton Lacked SUBJECT MATTER JURISDICTION to Preside over the Entirety of both Lout's cases based on the FACTS of Langtons OWN DIRECT Interests in the outcome of both Lout's cases due to LANGTON'S Numerous PERSONAL and DIRECT INVOLVEMENTS of the Alleged "ILLEGAL ACTIVITIES" with Lout, which includes but is not limited to LANGTON'S PERSONAL and DIRECT INVOLVEMENTS with the Alleged Youth Victims; Charles and Rex Walker Regarding both SEXUAL ENGAGEMENTS for Leinency in their cases, The Purchasing and/or Selling of Illegal Drugs (Meth) and Pot and the Personal Sexual Relationship with Howard Hansen's Mother (Rhonda Roy) during Lout's Active Writ of Habeas Action in 2004/05 and the interactions of Purchasing Illegal Drugs from the Father (Robert "Mark" Jetmore) of Marcus Scott Jetmore Alleged Victim Z between the years July 1995 to December 3, 1998. As well as numerous Illegal Activities with Lout and Lout's ex-wife between 1996 - 1998 at the Exchange Club and Rainbow bar on a Bi Weekly Basis. (See Lout's Federal U.S. Deposition in Myers v. Langton: CV:17-59-M-DLC-JCL) And Langton's Personal Interest to Save his career as a Sitting Judge to which the Montana Supreme Court too has Collectively Conspired to Cover-up the DEEP SEEDED CORRUPTION in and throughout the Montana's Judicial System.

REASON FOR GRANTING PETITION

Lout contends; His Reasons for Granting the Petition for Writ of Certiorari are Fully supported by this Courts and the 9th circuit Court of Appeals numerous Precedence case laws, Constitutional Laws and Criminal Laws which PROHIBITS Defendants to be tried before TAINTED, BIAS and PREJUDICIAL JUDGES; who Sat on, took part in or actual became a part of the Accusatory Process through the sifting of INFORMATIONS filed solely on the Beliefs of a Prosecutor without the Summoning or polling of a GRAND JURY which is a Part of the Legislative Intent under the Montana Legislature and as out lined in the Montana Constitution Article II, § 20 and pursuant to Montana State Statutes under the (MCA) Montana Code Annotated § 46-11-301 Thru 46-11-332 and 46-11-401.

Lout was infact Sentenced before a Bias and Prejudice Judge in both his Cases (DC: 99-22 and DC: 02-79) to which Judge Langton Failed to Recuse or Disqualify himself and thereafter the Accusatory Information Process Langton had a Personal Interest in both of Lout's Cases.

Lout was thereafter Sentenced to Extreme and Excessive Prison Sentences in both Cases No where Near the Equality of any other Defendants who Appeared before Langton or any other Judge within the State of Montana.

Had Lout been Sentenced Equally to other Defendants at most Lout would've served a Minimum of 4 years to 15 years on the Criminal Sales of Drugs in Case DC: 99-22 and a Minimum of 4 years to 20 years on the Sexual Intercourse without Consent Case in DC: 02-79; Hence Making Lout Eligable of Complete Discharge February 12, 2019.

REASON FOR GRANTING PETITION CONT.

Lout Further Contrasts Langtons PERSONAL and DIRECT Interest in both of Lout's cases Shows that Langton Harbored a PERSONAL BIAS and PREJUDICE towards Lout as Langton's own Career was at stake which fully Supports Langtons HARSHNESS of the Sentences He chose to impose upon Lout which do clearly meet the Requirement of culpable State of mind to show a violation of Excessive Sanctions, violations of Lout's Due Process, EQUILIBILITY to other same or similarly Situated Offenders which has violated and Restrains Lout's Liberty Interest due to the Illegal and Unlawful Imprisonment of A LIFE SENTENCE,

CONCLUSION

Lout hereby Concludes that the State District Court, Judge (Langton); Did in fact Lack Subject Matter Jurisdiction's on the Fundamental Provisions that Langton Himself had a [PERSONAL INTEREST] in the outcome of both Lout's cases (DC: 99-22 and DC: 02-79) based on Langton's Direct and Personal Involvements with Lout; as the Boxing Coach; in which Langton did in fact had a Personal and Direct involvements in the ILLEGAL CRIMINAL Activities with Lout, the Alleged Victims; namely Rex Walker; Howard Henson and Samuel Honey (Youths A, C and D in DC: 02-79 and Youths/Counts 4 and 5 in DC: 99-22) which consisted as the Sales or bartering in trade for Linenry for Meth; Marijuana and Alcohol and for Sexual Relationships with the Youths as Youths, their Parents or the Victims at an older Age as Adults themselves.

Moreover; Lout has fully disclosed in his ORAL DEPOSITION to THE U.S. Attorney General for the Division of Missouri in the cases of Robert C. Myers v. Langton, Fullbright, et, al. the very and Exact Nature of Lout's and Langton's Personal and Direct Involvements with one another to which as a sitting District Court Judge Langton thereafter had a CONSTITUTIONAL OBLIGATION OF LAW to Recuse or Disqualify himself based on Langton's and Lout's Involvements which Langton in an ORDER and Under OATH AS THE COURT COMMITTED PERJURY in his Attempt to Deny knowing Lout prior to the 2002 (DC: 02-79) case in Lout's MOTION TO WITHDRAW GUILTY PLEA, on October 27, 2007.

CONCLUSIONS CONTINUED.

Lout further Concludes; He has Rightfully Addressed and Reversed his SUBJECT MATTER JURISDICTION to which Langston Lacked through Lout's MOTION TO DISMISS AND EXONERATE BASED ON STATES FAILURE TO ADHERE TO STATE'S LEGISLATIVE INTENT; Whereas Lout Rightful pleads the Lack of GRAND JURY, Lack of Indictment, Lack of Subject Matter Jurisdiction to which the State's Attorney General's Office it's self Has Failed to Adequately Plead and Defend.

Lastly Lout Concludes; He has Adequately Appealed all Issues, Grounds and the Fundamental Constitutional PROVISIONS before the State's Highest Court, Montana Supreme Court; Whereas the Highest Court, even through OBJECTIONS and REQUEST FOR A REHEARING did in fact Prematurely Denied Lout's Appeal on Frivolous Grounds by Dismissing Lout's Appeal on the MOTION TO DISMISS as construed as Lout's Petition for Post-Conviction to which Lout's Post-Conviction was Denied in 2005 while Chief Justice like McGrath Sat on Lout's Post-Conviction As the Attorney General for the State of Montana.

Therefore with all Facts at Hand Lout Concludes to Prevent a MANIFEST MISCARriage OF JUSTICE and to ADHERE to the FUNDAMENTAL CONSTITUTIONAL RIGHTS OF Lout; this Highest Court of the Land has A Fundamental Obligational Duty of Law to GRANT Lout's Petition for certiorari or to take this case before it and Rule in Favor of Lout, in which TO DISMISS ALL CRIMINAL CHARGES WITH PREJUDICE and TO EXONERATE Lout OF ALL CHARGES AND IMMEDIATELY RELEASE Lout FROM HIS UNLAWFUL AND ILLEGAL INCARCERATION.