

No. **20-5027**

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Christopher Allred

(Your Name)

— PETITIONER

vs.

Jeffery A. Uttecht, et al.

RESPONDENT(S)

Supreme Court, U.S.
FILED

JUN 29 2020

OFFICE OF THE CLERK

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Ninth Circuit

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

PETITION FOR WRIT OF CERTIORARI

Christopher Allred / DOC # 392466

(Your Name) Coyote Ridge Corrections Center

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Is it true that, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside? And if so...

Do "the privileges or immunities of citizens of the U.S. include, at minimum, the individual rights enumerated in the Bill of Rights?"

And, is a vague law a violation of due process?

And, because of the Supremacy Clause of the U.S. Constitution, any conflict between a federal and state law, does federal law preempt the state law?

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•	Washington State Constitution:	
	• Article I, Section 2	24, 25
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	• Article I, Section 26	3, 5, 6, 11, 12, 13, 14, 17, 18, 19, 22, 23, 24, 25, 26, 27
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Constitutional and Statutory Provisions Involved

U.S. Constitution

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- Article IV, Section 2: "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states" 27
- Article VI: U.S. Constitution "shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding" 5, 25
- 5TH Amendment: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury" 3, 5, 8, 16, 17, 18, 19, 20, 22, 25, 27
- 14TH Amendment: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside" 4, 21
- 14TH Amendment: "No state shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws" 3, 4, 8, 9, 10, 11, 12, 17, 18, 21, 22, 26

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [X] 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:

- Jeffery A. Uttecht
- State of Washington

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 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 district court appears 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 **state courts**:

The opinion of the highest state court to review the merits 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 _____ 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 May 15, 2020.

☒ 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 _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

Statement of the Case

The Washington State Constitution is in error, specifically Article I, Section 26, which states, "No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall order." This is in direct conflict to the 5TH Amendment of the U.S. Constitution, which states, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury."

The 14TH Amendment to the U.S. Constitution states, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Yet, the State of Washington, through Article I, Section 26 of their state constitution, did abridge the Privileges or Immunities of a Citizen of the United States, by not giving Petitioner his fundamental right to a Grand Jury when he was held to answer for an infamous crime.

Respondent will argue, "that there is no denial of Federal Constitutional rights involved in the substitution of the prosecuting attorney's criminal information for a grand jury indictment." However, the Respondent is wrong. No where in the Federal Constitution does it state, or even hint at, that an information can be used in place of an indictment, the wording is not even close enough to be misinterpreted as such. "Close enough is for horseshoes and handgrenades, not Constitutional interpretations" (Ramos v. Louisiana).

1 The fundamental right to a Grand Jury is for every Person
2 within the United States, because state and national citizenship
3 co-exist in the same person; you cannot separate a Person from
4 themselves. The 14th Amendment defines Citizen as: "All persons
5 born or naturalized in the United States, and subject to the
6 jurisdiction thereof, are citizens of the United States and of
7 the state wherein they reside." Citizens of the United States
8 "And" of the state wherein they reside. It is not "either/or."
9 A person does not give up their U.S. Citizenship to become a
10 Citizen of a state.
11

12 Petitioner is both a Citizen of the United States "And" a
13 Citizen of the State of Washington; they are one and the same,
14 co-existing within Petitioner. The State of Washington cannot
15 remove Petitioner's citizenship as a U.S. Citizen, nor remove
16 or abridge the Constitutional guarantees that come with
17 that U.S. citizenship.
18

19 Judge Scott Collier, the Superior Court Judge in Petitioner's
20 case, is both a Citizen of the United States "And" a Citizen
21 of the State of Washington; he swore an Oath affirming that:
22 "I, Scott A. Collier, do so solemnly swear (or affirm) that
23 I am a Citizen of the United States and of the State of
24 Washington, that I will support the Constitution and Laws
25 of the United States and the Constitution and Laws of the
26 State of Washington, and will to the best of my judgement,
27 skill and ability, truly, faithfully, diligently and impartially
28
29

perform the duties of the office of Superior Court Judge,
Department No. 10, in and for Clark County, Washington, as
such duties are prescribed by law." [see: Appendix C]

Judge Collier lied - he broke his Oath. Judge Collier did not
fully "support the Constitution and Laws of the United States."
He only supported, in full, "the Constitution and Laws of the
State of Washington."

Article VI of the Federal Constitution states that the U.S.
Constitution "shall be the supreme law of the land; and the
judges in every state shall be bound thereby, anything in the
Constitution or laws of any state to the contrary notwithstanding."

Article I, Section 26 of the Washington State Constitution
is contrary to the Grand Jury Clause of the 5TH Amendment
of the U.S. Constitution. Judge Collier broke his Oath. Judge
Collier chose to violate the U.S. Constitution, and his Oath,
by not giving Petitioner a Grand Jury. Judge Collier chose
to violate the U.S. Constitution, and his Oath, when he
decided to only follow the laws of Washington by not giving
Petitioner his fundamental right to a Grand Jury.

Article I, Section 26 of the Washington State Constitution
directly contradicts the Grand Jury Clause of the 5TH
Amendment, which must be enforced upon the states by the
14TH Amendment of the Federal Constitution. Judge Collier decided
to place the laws of Washington State above the laws of the
[S.]

1 United States, thus voiding out part of the Federal Constitution,
2 thus stating, through his actions and the upholding of Article I,
3 Section 26 of the Washington State Constitution, that Petitioner
4 is not a Citizen of the United States, and is therefore not
5 entitled to the guarantees provided by the U.S. Constitution.
6 This is wrong because Petitioner is an American Citizen with
7 the same and equal Rights as all American Citizens, and is
8 both a Citizen of the U.S. and of the State of Washington.
9 After hearing this case, the Court must grant Petitioner his
10 immediate relief from confinement.

Reasons for Granting the Petition

Section I

The right to a Grand Jury is "fundamental to the American scheme of ordered liberty... and deeply rooted in this Nation's history and traditions" (McDonald v. Chicago). It makes no difference if a person is being held to answer for a capital or infamous crime in a state court or in a federal court, because the right to a Grand Jury is given to All People within the United States equally. "It would be 'incongruous' to apply different standards 'depending on whether the claim was asserted in a state or federal court'" (Gonzalez-Oyarzun v. Caribbean City Builders, Inc.).

Indictment by a Grand Jury is a Privilege of citizenship, and has to be available to All on Equal terms. "Thus, if the jury trial requires a unanimous verdict in federal court, it requires no less in state court" (Ramos v. Louisiana). The same must apply to the Grand Jury, if it is required in federal courts, it is also required in state courts, because if it meant anything else, it would not have been written down by the framers of the Federal Constitution.

The 5th Amendment's provision for a Grand Jury in capital or infamous crimes "is enforceable against the States because it is a privilege of American citizenship recognized by §1 of the Fourteenth Amendment, which provides, inter alia: 'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.' In interpreting this language, it is important to recall that constitutional provisions are 'written to be understood by the voters'... The objective of this inquiry is to discern

1 what 'ordinary citizens' at the time of the Fourteenth Amendment's
2 Privileges or Immunities Clause to mean. A survey of contemporary
3 legal authorities plainly shows that, at that time, the ratifying
4 public understood the Clause to protect constitutionally enumerated
5 rights" (McDonald v. Chicago). Including the right to a Grand Jury.

6
7 "When the Fourteenth Amendment was ratified, 'the terms "Privileges
8 and Immunities" had an established meaning as synonyms for
9 "rights"... Those 'Rights' were the 'Inalienable Rights' of citizens
10 that had been 'long recognized' and the ratifying public understood
11 the Privileges or Immunities Clause to protect Constitutionally
12 enumerated rights against interference by the states... consistent
13 with their English Heritage the founding generation generally
14 did not consider many of the rights identified in [the Bill of
15 Rights] as new entitlements, but as inalienable rights of all men,
16 given legal effect by their codification in the Constitution's
17 text" (Timbs v. Indiana).

18
19 This is a "constitutional no-brainer. 'Here we are in 2018
20 still litigating incorporation of the Bill of Rights,' said Justice
21 Neil M. Gorsuch, referring to the judicial process of ensuring
22 fundamental rights are protected against actions of the states.
23 After Indiana Solicitor General Thomas M. Fisher hedged,
24 Gorsuch seemed incredulous. 'Really? Come on General,' he said"
25 (Washingtonpost.com reporting on Timbs v. Indiana).

26
27 The State of Washington must immediately stop abridging the
28 Privileges and Immunities of Citizens, and immediately start

1 honoring the Equal Protections of the Law given to All Citizens
2 by the U.S. Constitution. The entire Bill of Rights must be
3 incorporated and enforced against the states. "As an original
4 matter, I acknowledge the appropriate vehicle for incorporation may
5 well be the 14th Amendment's Privilege and Immunity Clause...
6 Documenting evidence that the privileges or immunities of citizens
7 of the U.S. include, at minimum, the individual rights enumerated
8 in the Bill of Rights" (Timbs v. Indiana).

10 The State of Washington's application of the Grand Jury
11 is not only unequal, but also vague. Some people who are within
12 the borders of Washington State get a Grand Jury, while others
13 do not. If there is no daylight between state and federal
14 government, and if a right is required in the federal court is
15 also required in the state court; then why do some in Washington
16 State get a Grand Jury in capital or infamous crimes, while
17 others get an information?

19 United States v. Milovanovic (2011) and United States v.
20 Ladwig (2005) are two of the examples of Citizens getting
21 a Grand Jury within the State of Washington. Yes, both examples
22 were under a Federal Grand Jury, but they were still Citizens
23 of the United States "And" Citizens of the State of Washington.
24 This is unconstitutionally vague. In United States v. Davis,
25 the U.S. Supreme Court held that, "In our constitutional
26 order, a vague law is no law at all."

1 Not only is the State of Washington showing an inequality
2 among People, but they are also discriminating against certain
3 People. The State of Washington may argue that the right to a
4 Grand Jury in state criminal proceedings do not apply because
5 Hurtado v. California, and its progeny, has been the law of the
6 land for over a century, and the laws of Washington allow them
7 not to indict by a Grand Jury, and therefore, the Federal
8 Grand Jury cases highlighted above do not apply to state
9 procedures because they are Federal cases. Then what about
10 the State of Washington v. David D. Beck? This case is an
11 example of the vagueness, discrimination, and inequality of
12 Article I, Section 26 of the Washington State Constitution,
13 because Beck did get a Grand Jury, where Petitioner did not.
14

15 The State v. Beck may be a case from 1960, but it is well
16 after the establishment of Hurtado being the law of the land.
17 "In considering appellant's motion to quash the indictment,
18 we must bear in mind that appellant was indicted by a
19 grand jury impaneled in the State of Washington and not by
20 a Federal grand jury or a grand jury of a state whose
21 statutes differ from ours" (State v. Beck).
22

23 The State of Washington must immediately stop abridging
24 the Privileges or Immunities of Citizens, because the Privileges
25 and Immunities protections apply Equally to All People within
26 the U.S. regardless of where they reside within the U.S.
27 Geographical discrimination must not be permitted. People are both
28 Citizens of the United States "And" of the state they reside in.
29

1 That dual citizenship co-exists within every American Citizen,
2 and it cannot be separated by geographical state lines, nor by
3 state laws which contradict the Federal Constitution, i.e.,
4 Article I, Section 26 of the Washington State Constitution.
5

6 Every Citizen is Equally entitled to fair and Equal governing
7 in the same way that every Citizen is entitled to Equal protection
8 of the laws. "It makes sense to scrutinize government action more
9 closely when the state stands to benefit" (Timbs v. Indiana).
10 States cannot be both an accuser and a judge, or else innocence
11 will suffer. "Does not the fact that the people of the original
12 states required an amendment of the national constitution,
13 securing exemption from prosecution for a capital offense, except
14 upon the indictment or presentment of a grand jury, prove that,
15 in their judgement, such an exemption was essential to protection
16 against accusation and unfounded prosecution, and therefore
17 was a fundamental principle in liberty and justice?" (Hurtado v.
18 California).
19
20

21 Section II

22 Article I, Section 26 of the Washington State Constitution is
23 vague on how a Grand Jury is summoned, e.g. Beck, yet
24 "No grand jury shall be drawn or summoned in any county,
25 except the superior judge thereof shall order." Vague laws, and vague
26 application of laws are unenforceable. "It makes sense to
27 scrutinize government action more closely when the state stands
28 to benefit" (Timbs v. Indiana).
29

Article I, Section 26 of the Washington State Constitution is clear, is it not? "No grand Jury shall be drawn or summoned in any county, except the superior judge thereof shall order." No Grand Jury? Then why was a Grand Jury used in cases such as: State v. Thosar R. Smith, Doskahr v. Waldt, State ex rel. Zempel v. Twitchell, State v. Bell, State v. Burnham, State v. Ernest L. Olson, State v. Fenter, State v. Whetstone, State v. London, State v. Comer, State v. Clancy et al., State v. Dallagiovanna, State v. A.B. Nicks, State ex rel. Hanna v. Main (in trying to keep the judge from impeaching a Grand Jury), State ex rel. Gibson v. Gilliam et al. (in trying to keep the judge(s) from impeaching a Grand Jury), State v. Kring, Jones v. Jenkins, State v. Ellsworth J. Robinson, State v. Ted Ingels, State v. Charles O. Carroll, State v. Garland Spunburgh et al., State v. Frank T. Bell, State v. Winker.

These are all state criminal cases, not federal, where a Grand Jury was used in Washington State. And were all after the Hurtado ruling. Why do federal criminal cases in Washington State, and some state criminal cases in Washington State get a Grand Jury, but Petitioner and others do not? Because of the vagueness of the Washington State Constitution, specifically Article I, Section 26, and its laws. The Court must grant Petitioner's immediate relief from confinement.

Section III

There is an unconstitutional vagueness on who gets a Grand Jury, and how a Grand Jury is drawn or summoned in Washington State. In State v. Reeder (2015), the Washington State Supreme Court stated that, "Our state constitution clearly authorizes grand juries. Wash. Const. art I § 26 ('No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall order.')." However, in State v. Dunn (1987), the Washington State Supreme Court stated that, "Indictment by grand jury is not required by due process of law, whether a defendant shall be charged by indictment or information is a matter entirely within the discretion of the prosecuting attorney."

Article I, Section 26 states no grand jury, but it is up to the judge if there is one summoned; however, State v. Dunn states it is up to the discretion of the prosecuting attorney, not the judge if a Grand Jury is used or not. To confuse matters more, "On April 12, 1976, a majority of the Snohomish County Superior Court judges ordered the drawing and impaneling of a grand jury in Snohomish County" (State v. Foster). RCW 10.27.030 provides: "No grand jury shall be summoned to attend at the superior court of any county except upon an order signed by a majority of the judges thereof."

The exception to Article I, Section 26 does not state, "except upon an order signed by a majority of the judges thereof." No. The exception to Article I, Section 26 states, "except the superior judge thereof shall order." Is it one judge or multiple judges?

1 This unconstitutional vagueness does not come from comparing
2 the Washington State Constitution against the U.S. Constitution; it
3 comes from comparing the laws of Washington against other laws
4 of Washington. "Whenever unfairness can be shown to infest any
5 part of a criminal proceeding, we should hold that the requirements
6 of due process are lacking" (Beck v. Washington).

7 8 9 Section IV

10 As stated in Timbs v. Indiana, referring to certain Supreme Court
11 rulings, "it is equally unsurprising that among these precedents are
12 some of the court's most notoriously incorrect decisions."

13
14 Hurtado is an incorrect decision; upholding and validating other
15 incorrect decisions, unlawful laws, bad rulings, and illegal provisions;
16 which include Hurtado's progeny, and Article I, Section 26 of the
17 Washington State Constitution. Hurtado is a means the State of
18 Washington uses to abridge the Privileges and Immunities of its
19 Citizens.

20
21 The same Court who upheld Hurtado, made other judicially wrong
22 decisions, and in review of horrible judicial decisions, such as
23 Plessy v. Ferguson and Dred Scott v. Sandford, where the U.S.
24 Supreme Court Chief Justice Honey stated in his assenting opinion
25 that, "Blacks are not and were not intended to be included under
26 the word 'Citizen' in the Constitution. Blacks are so inferior that
27 they have no rights which the white man was bound to respect.
28 Slaves are private property protected by the Constitution." Those are
29

1 horrible words spoken by the highest member of the highest court
2 in the land. The Supreme Court made some horrible decisions,
3 Hurtado being one of them. Some of these decisions have been fixed,
4 and now it is time to fix Hurtado, because Hurtado has, and is,
5 being used to remove fundamental rights of Citizens.

6
7 In the case of Plessy v. Ferguson, there were eight of the nine
8 United States Supreme Court Justices who all assented to the opinion
9 that, "Black's are not people and therefore, not entitled to the
10 protection of the United States Constitution" and "Black's are so
11 far inferior that they have no right which the white man was
12 bound to follow." In this case, there was one single, brave,
13 Supreme Court Justice who dissented, stating, "Our Constitution
14 is color-blind and neither knows nor tolerates classes among
15 citizens. In respect to civil rights, all citizens are equal
16 before the law." This brave Patriot was Justice John Marshall
17 Harlan, and this was not the only time he found himself as a
18 lone dissenter against the other Justices' on the U.S. Supreme
19 Court. One other such instance was in the case of Hurtado v.
20 California.

21
22 The truth is that the same eight of the nine U.S. Supreme Court
23 Justices who said that, "slaves are private property protected by the
24 Constitution," also said that U.S. Citizens are not protected by the
25 provisions and guarantees of the 5th Amendment's Grand Jury Clause.
26 The truth is that the same eight of the nine U.S. Supreme Court
27 Justices who said, "Black's are not people," also said that the U.S.
28 Constitution is not the supreme law of the land and does not enjoy

1 legal superiority over conflicting provisions with state constitutions.
2 The truth is that the same eight of the nine U.S. Supreme Court
3 Justices who said, "Black's are inferior to the white man," also said
4 that geographical discriminations are acceptable under our Constitution
5 of government. The truth is that the same eight of the nine U.S.
6 Supreme Court Justices who said, "Black's are not and were not
7 intended to be 'Citizens' in the Constitution," also said that states
8 have the right to abridge the Privileges and Immunities of U.S.
9 Citizens.

12 Section V

13 The U.S. Supreme Court in Beck v. Washington stated, "the
14 Washington Supreme Court said in State ex rel. Murphy v.
15 Superior Court : "... the method adopted by the court would be to
16 permit a judge, if he so willed, to provide a grand jury of his
17 own choosing in every case under the color of law." So now we are
18 back to a single judge being able to summon a Grand Jury, if
19 "he so willed," for any case, not just capital or infamous crimes
20 as directed by the 5th Amendment of the U.S. Constitution.

22 When it comes to the Grand Jury in Washington State, specifically
23 Article I, Section 26 of the Washington State Constitution, there is
24 a lot of confusion due to the vagueness of the laws; judges, on
25 all levels of the courts, are confused by these Grand Jury rules
26 and applications provided for by Washington State, as seen in
27 judicial rulings; and if judges are confused by the vagueness,
28 so are the Citizens.

Does the 14th Amendment provide protection for the entire Bill of Rights, including the Grand Jury Clause of the 5th Amendment, and therefore a Grand Jury is required in all capital or infamous crimes? Or does the Washington State Constitution supersede the Federal Constitution to where no Grand Jury shall be drawn or summoned, as provided for in Article I, Section 26? And if a Grand Jury is drawn, is it by the discretion of the prosecuting attorney as stated in State v. Dunn? Or is it drawn per a single judge as stated in Article I, Section 26? Or is it drawn by the majority of judges as stated in State v. Fenter, which is backed by RCW 10.27.030?

To continue to show this vagueness, let us look at the State of Washington v. Robert W. Car (2003), where the court stated, "Indictments are rarely used in Washington courts because grand juries are impaneled only infrequently." Not how, when, why, where, but only that Grand Juries are impaneled infrequently. The court does not even know or understand how the Grand Jury system works in Washington State.

In State v. Keyes (2006), the Court of Appeals for the State of Washington stated, "Grand juries today are used to investigate charges of public corruption." Where is that found in the laws of Washington? Or in Becke v. Washington where the Court stated, "Grand juries in Washington are convened only on special occasions and for specific purposes." What constitutes a "special occasion?" And what are the "specific purposes?" Or in State v. Bell where the Court stated, "The defendant in this case is charged, by an Indictment,

1 issued by the Grand Jury, which was duly and regularly called
2 in this community." "Regularly called," as in "often?" In United States
3 v. Davis, the U.S. Supreme Court held that, "In our
4 constitutional order, a vague law is no law at all."
5 Article I, Section 26 of the Washington State Constitution is vague,
6 and therefore invalid. And since Petitioner did not get a Grand Jury,
7 Petitioner must be granted immediate relief from confinement.

8 9 10 Section VI

11 Is Article I, Section 26 equivalent to the Grand Jury Clause
12 of the 5th Amendment of the U.S. Constitution, and if so, does
13 it offer the same interpretation?

14
15 Does Article I, Section 26 provide the same or greater protection
16 as the 5th Amendment's Grand Jury Clause in investigating
17 crimes and determining whether a crime occurred?

18
19 The Washington State Supreme Court, in State v. Reeder (2015),
20 stated, "Like federal grand juries, grand juries in Washington were
21 created to investigate crime and determine whether a crime occurred."
22 The U.S. Court of Appeals for the 4th Circuit stated in
23 Ex Parte Hart that, "We do not consider this a compliance with the
24 act of congress, which we think requires the copy of an
25 indictment found by a grand jury, and not the copy of an
26 information filed by the attorney for the state. An information
27 cannot be regarded as a substitute for an indictment." The Court
28 of Appeals for the 9th Circuit states in United States v. Navarro-Vargas

1 that, "The Supreme Court has steadfastly insisted that the grand
2 jury remains a shield against unfounded prosecutions." The Supreme
3 Court of Washington stated in State v. Bell, "that in our country
4 the Grand Jury is the ultimate weapon, if I can use that phrase,
5 of a free people to protect themselves from dishonesty and
6 corruption and tyranny by their public officials." And according
7 to the U.S. Supreme Court in Beck v. Washington, "... the most
8 valuable function of the grand jury was not only to examine into
9 the commission of crimes, but to stand between the prosecutor and
10 the accused, and to determine whether the charge was founded
11 upon credible testimony or was dictated by malice or personal
12 ill will."

15 Section VII

16 The Court held that "Fifth Amendment privileges as well as
17 statutory immunity provisions are applicable to a proceeding
18 before a grand jury" (State of Washington v. Charles O. Carroll).

19 The Washington State Supreme Court in the State v. Klinker
20 stated in part that, "... issuance of an arrest warrant on the
21 basis of an information alone is no longer constitutionally
22 permissible. Only an indictment by a grand jury, because of that
23 institution's relationship to the courts and its historical role
24 of protecting individuals from unjust prosecution, is a constitutionally
25 and legally adequate substitute for the independent judgment of a
26 judicial officer."

1 The State of Washington claims that an indictment by a
2 Grand Jury is not part of the Due Process guarantees of the
3 14TH Amendment that apply to state criminal defendants
4 (Hurtado v. California). The vagueness of the Washington State
5 Constitution has persons of ordinary intelligence guessing on the
6 provisions stated in Article I, Section 26 of the state constitution,
7 "No grand jury shall be drawn or summoned in any county, except
8 the superior judge thereof shall order."

9
10 Due Process of Law is a process that must be fair and equal
11 to All Citizens regardless of what state the Citizens resides in,
12 travels to, or whether the criminal proceedings are at a state or
13 federal level within that state, because all Citizens have the
14 right to be protected from geographical discrimination. All Citizens
15 also share a dual citizenship in which they are a Citizen of
16 the United States "And" a Citizen of the state they reside in.
17 All Citizens are residents of the United States "And" residents
18 of the state they reside in. Petitioner is a resident of the
19 United States of where he is a Citizen. Petitioner is also a
20 resident of the State of Washington where he is a Citizen.

21 The State of Washington cannot strip Petitioner of his U.S.
22 citizenship, nor abridge any of his Federally Constitutional
23 guarantees and rights. Yet, the State has abridged those rights,
24 and Petitioner's U.S. citizenship, and now the Court must fix this
25 injustice by granting Petitioner immediate relief from confinement.
26
27
28
29

Section VIII

The U.S. Supreme Court states in Timbs v. Indiana that, "No state shall abridge" the 14th Amendment and the Bill of Rights." The 5th Amendment of the U.S. Constitution is a part of the Bill of Rights. More specifically, the Grand Jury Clause of the 5th Amendment is a part of the Bill of Rights, which must be protected and enforced upon the states by the 14th Amendment. Timbs also states, "This Court has held that the 14th Amendment's Due Process Clause incorporates the protections contained in the Bill of Rights, rendering them applicable to the states... the 14th Amendment provides that 'No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S.'"

When a court is interpreting a state constitution, it may find that the state constitution gives people within that state more rights than the same language contained in the U.S. Constitution. However, because of the Supremacy Clause of the U.S. Constitution, no state can give its people "fewer" rights than those in the U.S. Constitution. Per the Supremacy Clause of the Federal Constitution, the State of Washington cannot legally have within its state constitution, Article I, Section 26, because it would then give citizens "fewer" rights than those in the U.S. Constitution. And if Article I, Section 26 is illegal, which it is, it is therefore invalid, and cannot be enforced upon any person within the United States.

The right, as proscribed by the 5th Amendment, to a presentment or indictment of a Grand Jury in all capital or infamous crimes is,

1 "fundamental to the American scheme of ordered liberty... and
2 deeply rooted in this Nation's history and traditions"
3 (McDonald v. Chicago). In fact, the Grand Jury is so deeply rooted
4 in our Nation's history and traditions, that it goes back to before
5 the founding of our Nation.

7 "If a man were to commit a capital offense in the face of all
8 the judges of England, their united authority could not put him
9 upon his trial; they could file no complaint against him, even
10 upon the records of the supreme criminal court, but could only
11 commit him for safe custody, which is equally competent to every
12 common justice of the peace. The grand jury alone could arraign
13 him, and in their discretion might likewise finally discharge him,
14 by throwing out the bill, with the names of all your lordships
15 as witnesses on the back of it" (Hurtado v. California).

Section IX

19 "Article I, section 12 of the Washington State Constitution
20 provides in part: 'No law shall be passed granting to any citizen,
21 class of citizens, privileges or immunities which upon the same
22 terms shall not equally belong to all citizens'" (Whitford v. Fries
23 (2010)). The right to a Grand Jury must equally apply and belong
24 to all citizens, yet in the State of Washington, it does not.
25 Article I, section 26 is in direct conflict with Article I,
26 Section 12. Article I, section 12 states no law shall be passed
27 that is not equal to all citizens. Yet, Article I, section 26
28 states no grand jury shall be drawn or summoned, except if a
29 [23.]

1 judge says a grand jury shall be drawn or summoned. If one
2 person, which there have been many, gets a Grand Jury while
3 others do not, then there is a conflict between Section 12 and
4 Section 26 of Article I of the Washington State Constitution.
5 Because of this inequality, Section 12 states that Section 26
6 cannot exist. However, there is also the Federal Grand Jury
7 in Washington State. Do federal criminal defendants not fall
8 under "all citizens" according to Article I, Section 12?
9 Article I, Section 12 voids Article I, Section 26.

10
11 Article I, Section 8 on its face voids Article I, Section 26.
12 Section 8 states, "No law granting irreducibly any privilege,
13 franchise or immunity, shall be passed by the legislature." The
14 Grand Jury is a Privilege and Immunity guaranteed to All
15 People within the United States. Article I, Section 26 abridges
16 these Privileges or Immunities of certain People, as it is unclear
17 on who gets a Grand Jury and why.

18
19 Article I, Section 2: "The Constitution of the United States is
20 the supreme law of the land." It can be interpreted that
21 Article I, Section 2 of the Washington State Constitution wholly
22 incorporates the Federal Constitution into the State's Constitution,
23 applying it to the State of Washington. Even if that interpretation
24 is incorrect, Citizens should be able to fall back onto Section 2
25 when other Sections of the State's Constitution are in direct
26 violation with one another, or when Sections, i.e. Section 26,
27 create an unconstitutional vagueness. Article I, Section 26
28 is vague and unequal, and so we the People need to revert back

1 to the U.S. Constitution as the "supreme law of the land"
2 which according to the 5th Amendment of the U.S. Constitution,
3 "No person shall be held to answer for a capital or otherwise
4 infamous crime, unless on a presentment or indictment of a
5 grand jury." This must be understood upon the states by the
6 19th Amendment of the U.S. Constitution. Article I, Section 2 of
7 the Washington State Constitution allows for this. Thus, Petitioner
8 must be granted immediate relief from confinement.

Section X

12 Article I, Section 26 is vague. Thus it becomes unconstitutional and
13 invalid. To highlight that vagueness even more, in Beck v.
14 Washington, the Supreme Court stated, "Ever since Hurtado v.
15 California, 110 U.S. 516 (1884), this Court has consistently
16 held that there is no federal constitutional impediment to
17 dispensing entirely with the grand jury in state prosecutions. The
18 State of Washington abandoned its mandatory grand jury practice
19 some 50 years ago." How does one (in this case, a state) abandon
20 something (i.e. the grand jury) which is mandatory? However, the
21 State of Washington did not completely "abandon" the Grand Jury,
22 which creates confusion and vagueness, because in the same case,
23 the Court says, "Although, according to Hurtado v. California,
24 110 U.S. 516, Washington need not use the Grand Jury in order to
25 bring criminal charges against persons, it occasionally does use one,
26 and a grand jury was impanelled in this case." So what is it,
27 did the State of Washington entirely get rid of the Grand Jury by
28 abandoning the mandatory practice or does it occasionally use one?
29 (25.)

1 And if the State occasionally uses one, which it does; how, why,
2 where, and when does a Grand Jury get drawn, summoned, and/or
3 impaneled? Let us turn to Article I, Section 26 of the
4 Washington State Constitution for the answers. Unfortunately,
5 there are no answers there, because Article I, Section 26 was
6 written to be vague.

8 All states must use the Grand Jury in all capital or infamous
9 crimes. "The grand jury is an English institution, brought to this
10 country by the early colonists and incorporated in the Constitution
11 by the Founders" (Beck v. Washington). "Incorporated in the Constitution,"
12 and thus applicable to the states, including the State of Washington.
13 Since Article I, Section 26 is unconstitutionally vague and thus
14 invalid, and since Petitioner did not get a Grand Jury, the Court
15 must grant Petitioner's immediate relief from incarceration.

18 Section XI

19 All American Citizens, regardless of what state they live in or
20 travel to, have Constitutional guarantees that their Privileges,
21 Immunities, and Equal Protections are equal to all other American
22 Citizens.

24 "Privilege," as in the "Right" to have the "entire" Bill of Rights
25 apply to all Citizens regardless of where within the U.S. they
26 reside or travel to, and enforced upon the states, by the 14th
27 Amendment, to comply with all the provisions of the Bill of Rights.

1 "Immunity," as in the exemption from unconstitutional and
2 illegal state provisions which abridge the guarantees provided, to the
3 People, by the U.S. Constitution, and which contradict and are in
4 direct violation of the Federal Constitution, i.e., Article I, Section 26
5 of the Washington State Constitution, that "No grand jury shall be
6 drawn or summoned in any county..." Which directly contradicts
7 the 5th Amendment of the U.S. Constitution, that "No person shall
8 be held to answer for a capital, or otherwise infamous crime, unless
9 on the presentment or indictment of a Grand Jury..."

11 "Equal Protection," as in All states must treat all U.S. Citizens
12 equally under the provisions of the U.S. Constitution, regardless of what
13 state these Citizens are in. The Equal Protection requirement of the
14 U.S. Constitution protects against state legislation that treats
15 individuals differently, without a rational basis for doing so.

16 Article I, Section 26 of the Washington State Constitution is not a
17 rational basis for doing so, because it gives Citizens "fewer" rights
18 than those given by the U.S. Constitution, and because the Grand Jury
19 provision is a "Fundamental" right expressly written within the
20 Bill of Rights. The U.S. Constitution is the Supreme Law of the
21 United States. No other federal or state law, statute, or case
22 (e.g. Hurtado and its progeny) may impose upon its provisions.

23 Article IV, Section 2 of the United States Constitution, "The
24 citizens of each state shall be entitled to all privileges and immunities
25 of citizens in the several states."

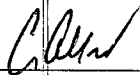
27 Petitioner's Right to a Grand Jury was taken away from him
28 by the State of Washington. That violation of Constitutional

rights cannot be changed because it happened, and the past cannot
be undone. What can change, is the future. The Court can right
a wrong, and give Petitioner his future back by releasing him
from incarceration, and expunging the complete and total record in
this case.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "C. Allen", written over a horizontal line.

Date: June 19, 2020