

No. 20-5591

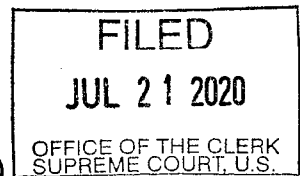
ORIGINAL

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

JOSEPH G. EDWARDS, — PETITIONER  
(Your Name)

vs.  
SCOTT R. FRAKES,  
MICHELE WILHELM,

— RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

JOSEPH G. EDWARDS, pro se.,

(Your Name)

N.D.C.S. No. 75885

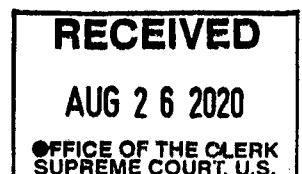
4201 S. 14th Street

(Address)

Lincoln, Nebraska 68502

(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)



### **QUESTION(S) PRESENTED**

1. The petitioner asks this honorable court, did, the Petitioner, obtain a denial from the Nebraska Supreme Court, that omitted material fact(s) on or about the 5th day of May, 2020, in Nebraska Supreme Court, Case No. A-19-1152, circumvent petitioner's (appellant's) due process and equal protection rights afforded to him pursuant to Ne. Const. Art. 1, § 3., and the United States Const. Amend. 14, § 1., and ignore it's own authority e.g. test for determining competency, STATE v. STOTT, Case No. S-92-915, August 6, 1993, 243 Neb. 967, 503 N.W.2d 822 (1993), and CRIPE BAKING CO. v. CITY OF BETHANY, MO., Case No. 9500, April 3, 1933, 64 F.2d 755 (1933)?

2. The petitioner asks this honorable court, did, the Petitioner, obtain a denial from the Nebraska Supreme Court, that omitted material fact(s) on or about the 5th day of May, 2020, in Nebraska Supreme Court, Case No. A-19-1152, circumvent petitioner's (appellant's) due process and equal protection rights afforded to him pursuant to Ne. Const. Art. 1, § 3., and the U.S. Const. Amend. 14, § 1., and ignore it's own authority, e.g. STATE v. STUBBS, Case NO. 95-940, May 2, 1997, 252 Neb. 420, 562 N.W.2d 547 (1997), and CRIPE BAKING CO. v. CITY OF BETHANY, MO., Case No. 9500, April 3, 1933, 64 F.2d 755 (1933)?

3. The petitioner asks this honorable court, did, the Petitioner, obtain a denial from the Nebraska Supreme Court, that omitted material fact(s) on or about the 5th day of May, 2020,

in the Nebraska Supreme Court, Case No. A-19-1152, circumvent petitioner's (appellant's) due process and equal protection rights afforded to him pursuant to Ne. Const. Art. 1, § 3., and the U.S. Const. Amend. 14, § 1., and ignored it's own authority, e.g. STATE v. HULSHIZER, Case No. S-93-277, February 25, 1994, 245 Neb. 244, 512 N.W.2d 372 (1994), and CRIPE BAKING CO. v. CITY OF BETHANY, MO., Case No. 9500, April 3, 1933, 64 F.2d 755, (1933)?

While reviewing the record or file in it's discretion, in determining the fact(s) presented on Petition For Further Review, on:

A. Court did not determine R.E. was competent, before it accepted her assertions as true, circumventing petitioner's compulsory process rights; and

B. Court did not determine R.E. was vulnerable adult, prior to finding petitioner guilty of abuse of vulnerable adult; and

C. Court did not determine R.E. was sexually assaulted, was nonconsenting to the advances by the petitioner, based on the above findings; and

D. Court lacked substance as the County Attorney, did not secure, or prove those elements, in order to find petitioner guilty of crime(s) alleged; and

4. The petitioner asks this honorable court, did the Nebraska Supreme Court, act contrary to the rulings in: CRIPE BAKING CO. v. CITY OF BETHANY, MO., Case No. 9500, April 3, 1933, 64 F.2d 755 (1933), [HN 1 and 2]; as to Rule 10 (b)?

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

## TABLE OF CONTENTS -----i-v

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	8.
STATEMENT OF THE CASE .....	9.
REASONS FOR GRANTING THE WRIT .....	10.
CONCLUSION.....	11.

## INDEX TO APPENDICES

APPENDIX A	Petition For Further Review-Denial, Neb.Sup. Ct.,... 3
APPENDIX B	Motion For Summary Reversal-Overruled, Neb.Ct.App.,.4
APPENDIX C	Motion For Summary Affirmance-Appellee's,Neb.Ct.App., .....5
APPENDIX D	Order Spreading Mandate, Trial Crt., Neb.Ct.App.,.6-7
APPENDIX E	
APPENDIX F	

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
STATE v. STOTT, Case No. S-92-915, August 6, 1993, 243 Neb. 967, 503 N.W.2d 822 (1993), .....	i,1.,9,1
STATE v. STUBBS, Case no. 95-940, may 2, 1997, 252 Neb. 420, 562 N.W.2d 547 (1997), .....	i,2,9,2
STATE v. HOLSHIZER, Case No. S-93-277, February 25, 1994, 245 Neb. 244, 512 N.W.2d 372 (1994), .....	i,3-ii,9,2
CRIBE BAKING CO. v. CITY OF BETHANY, MO., Case No. 9500, April 3, 1933, 64 F.2d 755 (1933), .....	i,1,2,3,ii,4

### STATUTES AND RULES

Neb. Rev. Stat. § 29-2801 et seq., (Reissue 2015, Habeas Corpus);	
Neb. Rev. Stat. § 28-319 (1), (Reissue 2006, First Degree Sexual Assault, Count I and Count IV); .....	8,9,3
Neb. Rev. Stat. § 28-386 (1), (c), (2), Abuse Of Vulnerable Adult, (Reissue 1997, Count III); .....	9,2
Neb. Rev. Stat. § 29-1603 (1), (Reissue 2002), unsworn or unverified Information, to compulsory process; .....	8
Neb. Ct. R. § 2-102 (F), (1), (Reissue 2019), Petition For Further Review; .....	8

### OTHER

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 \_\_\_\_\_ 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 \_\_\_\_\_.

☐ 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 5/5/20\_\_\_\_\_. A copy of that decision appears at Appendix A\_\_\_\_\_.

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

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

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



## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- \*Ne. Const. Art. 1, § 11., (1875) ., to Compulsory Process to Competent witness, Neb. Rev. Stat. § 29-1603 (1), (Reissue 2002);
- \*Ne. Const. Art. 1, § 3., and the U.S. Const. Amend. V, and 14, § 1. Due Process and Equal Protection to Neb. Rev. Stat. § 28-386 (1), (c), (2), (Reissue 1997, Abuse Of A Vulnerable Adult), and Neb. Rev. Stat. § 28-319 (1), (b), (c), (Reissue 2006), First Degree Sexual Assault);
- \*Ne. Const. Art. 1, § 3., (1875), to Habeas Corpus relief, on due process and equal protection, pursuant to U.S. Const. Amend. V, and 14, § 1., Neb. Rev. Stat. § 29-2801 et seq. (1998), and Ne. Const. Art. 1, § 8., (1998).;
- \*Neb. Ct. R. § 2-102 (F), (1), (Reissue 2019), Petition For Further Review, Nebraska Supreme Court, Ne. Const. Art. 1, § 3., and the U.S. Const. Amend. V, and 14, § 1., to due process and equal protection of the laws;

## STATEMENT OF THE CASE

The statement and nature of the case: Is of Habeas Corpus application seeking petitioner's judgement of conviction and commitment, sentences and any orders relating thereto, illegal and void, to be released from restraint, to his liberty. Further, the petitioner believes that the Merrick County Attorney, did, not meet it's burden of proof, to establish petitioner, is guilty of the offense(s) alleged, and the State, lacked the authority, and jurisdiction of the subject matter, and jurisdiction of the person, to the matters brought, that the Nebraska Appellate and Supreme Court, did not follow it's authorities in deciding the matter on appeal. Therefore, and asks this court, to determine the matter brought, on Writ of Certiorari.

Note: Nebraska did not follow it's authorities, as expressed on the case laws provided, and statutes expressed, should not benefit from the manifest of injustice, no matter delay or laches on the cause-and-prejudice matter, on the fault of the petitioner.

1. The Nebraska Supreme Court, did not determine, or conclude that, the lower tribunal determined that R.E. was a competent witness pursuant to Ne. Const. Art. 1, § 11., and STATE v. STOTT, Case No. S-92-915, August 6, 1993, 243 Neb. 967, 503 N.W.2d 822 (1993).; as to Count(s) I,III,and IV.;

2. The Nebraska Supreme Court, did not determine that R.E. was sexually assaulted, that the matter was nonconsensual to a vulnerable adult, e.g. STATE v. STUBBS, Case No. 95-940, May 2, 1997, 252 Neb. 420, 562 N.W.2d 547 (1997), and STATE v. HULSHIZER, Case No. S-93-1933, 245 Neb. 244, 512 N.W.2d 372 (1994),,as to Count III.; Neb. Rev. Stat. § 28-319 (1), (2006).;

.....

3. The Nebraska Supreme Court, did not determine that R.E. was in fact and law, sexually assaulted pursuant to Neb. Rev. Stat. § 28-319 (1), (Reissue 2006), as to Count I and IV.;

## REASONS FOR GRANTING THE PETITION

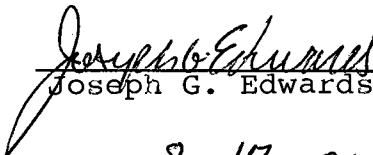
The Nebraska authorities are clear as to what must be done in order to determine a criminal defendant, is guilty of crime, and that is, at least in this matter, determine first (1) is the allegation(s) brought and relied upon by a competent person, (2) is the alleged victim a vulnerable adult, (3) did the petitioner (defendant) sexually assault the alleged victim or was it consensual, (4) does these matters raise to criminal liability? This just did not happen in this matter! Wherefore, the petitioner, does ask this honorable court, to determine, the Nebraska Supreme Court, abused it's discretion in denying petitioner Further Review, to prove, or receive evidence in opposition! Because the petitioner truly believes that he is unlawfully detained, and the State Of Nebraska, or the Nebraska Supreme Court, just has not given him any reason(s) why his application on Habeas Corpus is denied, for a void judgement of conviction and commitment, sentences, and any orders relating thereto? is denied

For the above-stated reason(s) the petitioner does ask this honorable court, to grant him the relief contained herein.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph G. Edwards, Petitioner

Date: 8-17, 2020