

No. 20-5938 ORIGINAL

Supreme Court, U.S.
FILED

SEP 01 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Robert B. Wister Pro Se — PETITIONER
(Your Name)

vs.

Donald R. White, Tax Col. et. al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Federal 9th District. 3:19-cv-05882-WHO

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

PETITION FOR WRIT OF CERTIORARI

Robert B. Wister
(Your Name)

26256 Hickory Ave.
(Address)

Hayward, CA 94544-3112
(City, State, Zip Code)

1 510 329 9813
(Phone Number)

ORIGINAL

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

Abject refusal of a series of courts to read and give credibility to Appellant's brief citing violations of statutes by those holding office. County Attorney refused to enforce statutes and instituted barratry. ARTICLE XIV... nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of the law.

Overturn Federal and State laws protecting seniors from abuse in form of: legal; economic; psychological; property; physical. Rendering null Federal Statute **Public Act 111 - 148 ...TITLE VI Subtitle H—ELDER JUSTICE ACT - et. seq.** ARTICLE I Section 8 (18).

BOR ARTICLE VIII ..., nor cruel and unusual punishment be inflicted.

The above actions forming political assassination, under color of authority, for Appellant's advocacy of California Constitutional Article XIII. This is now ongoing for 42 years. Federal Courts ignored plea for injunctive protection from this process. Trial by jury was also denied at all levels. BOR ARTICLE I: ... petition the Government for a redress of grievances. ARTICLE VII. **Right of Trial by Jury.** Initial false charge was \$305. Lost check was \$440.82.

CFR 42-3058; CFR 28 §1343(a)(3); CFR 21-CIVIL RIGHTS SUBCHAPTER I-
GENERALLY

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:

OFFICE OF THE ALAMEDA COUNTY ATTORNEY
NANCY O'MALLEY (INCUMBENT)
1221 Oak Street, Suite 450
Oakland, CA 94612-4228

RELATED CASES

Alameda County Superior Court HG 16812551 Writ of Mandamus

List of Judges: James P. Cramer Department 514

Jeffery Brand Department 507

Kimberly E. Colwell Department 511

Commissioner Thomas Rasch

First District Court of Appeals Dis 4, A 154751-Cal Supreme Court Appeal

Series of Alameda County cases of harrassment: CP-2008-1291 02-046169;
HG0810065; CP-2008-1291/CPWRWA(HG2551B) Not exhaustive.

TABLE OF CONTENTS

OPINIONS BELOW.....	5
JURISDICTION.....	6
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	7
STATEMENT OF THE CASE.....	8
REASONS FOR GRANTING THE WRIT.....	9
CONCLUSION.....	10

INDEX TO APPENDICES

APPENDIX A Court of Appeals 19-17612 7/17/2020

APPENDIX B Federal District Court 3:19-cv-05882-WHO

APPENDIX C One page summary of acts leading to this case.

APPENDIX D Appeal to California Court of Appeals/California Supreme Court A 154751 with Exemplary Damages Attachment PLD-PI-001.

APPENDIX E Public Act 111-148, Title VII Subtitle H - ELDER JUSTICE ACT; SEC. 2011 (with comment)

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

Appellant being Pro Se could not discover a case where the citizen is persecuted for Lese Majesty. The present case is either unprecedeted or such cases are hidden by confounding terms.

STATUTES AND RULES

California Codes: GOV; TITLE 1. GENERAL [100 - 7914]; DIVISION 7.

MISCELLANEOUS [6000 - 7599.2]; CHAPTER 3. Crimes Relating to Public Records, Documents, and Certificates [6200 - 6203]; 6200. *Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years if, as to the whole or any part of the record, map, book, paper, or proceeding, the officer willfully does or permits any other person to do any of the following: (a) Steal, remove, or secrete. (b) Destroy, mutilate, or deface. (c) Alter or falsify.* [3 counts]

PO&E §203 Judicial review of offical acts. Where the people have by law given.... the courts will not substitute their judgement for that of the officer. HOWEVER, where the officer refuses to act as required by the law, or where there is a showing indicating that no disgression has been exrcized, the courts by mandamus compel the officer to perform his or her duty uder the law.

RTC §2611.4 Less than \$20 discretionary

42 US Code - Section 1988: Proceedings in vindication of civil rights

(a) Applicability of statutory and common law...not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and,...

OTHER

CCP 1094.5(b)(c) Abuse of disgression

GOV 1097 Interest in collection item

RTC 5096(c) Illegally assessed or levied

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 19-17612 7/17/2020; 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 ~~Federal 9th District~~ 3:19-cv-05882-WHO; 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 7/17/2020.

[] 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Bill of Rights

Article I ...petition the government for redress of grievances....

Article VII Right to trial by jury

Article VIII ...**and cruel punishment Prohibited** ... nor cruel and unusual punishment be inflicted.

Article XVI Citizenship Rights Not to be Abridged ...No State shall make or enforce any law 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 any person within its jurisdiction the equal protection of the law.

Public Act 111-148 Patient Protection and Affordable Care Act, Title VI, Subtitle H — ELDER JUSTICE ACT, SEC. 2011 DEFINITIONS [See appendix E for inversion].

42 U.S.C. § 1988 : Proceedings in vindication of civil rights. (a) Applicability of statutory and common law. ... so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause,...

California Codes: GOV 6200 [See page 4 for full text]

PO&E §203 Judicial review of official acts. [See page 4 for full text]

RTC §2611.4 Less than \$20 discretionary

RTC 5096(c) Illegally assessed or levied

STATEMENT OF THE CASE.

Mr White applied Napoleonic law in assuming the taxpayer guilty of lying on presentation of false charge of \$305 and demanding proof of innocence on first presentation of full tax payment. This demand had been made years ago-falsely. In petulant response to the second presentation, the Tax Collector, *destroyed, secreted or removed*, the check and pronounced it LOST. When Mandamus was filed, after lengthy notification, the county attorney entered the case to uphold presumption of Napoleonic law upholding the patently illegal acts of Tax Collector, Appendix C. From this flowed the attempt to sell Plaintiff's home for the \$13 restitution deducted in refusing again to accept the replacement check. Acceptance of replacement check or direct payment of \$13 could, up to filing of Mandamus, have settled the case. There was a hidden agenda. PLD-PI-001(6) dated 5/30/18 Appendix D, is explicit summary of events. This case rests on the question: **Is the victim of a criminal act of an elected official liable for cost of protection sought for that action?**

This is the most recent of now 42 years of this drumbeat. Appellant now attaining 88 years of age it additionally becomes elder abuse, economic deprivation, property, psychological in pursuit of retribution for prominent public advocacy of Article XIII of the California Constitution eliminating pernicious politically directed property assessed valuations.

REASONS FOR GRANTING THE PETITION

To quell the now 42 years of harassment, intimidation and economic burden, The Court is prayed to instruct the District Court to issue the requested Federal injunction. Elements of that instrument are to prohibit, harassment, intimidation and to relieve Appellant of loss of property, income, resources and civil rights in tranquility. Property and assets now in living trust are to be respected during the duration of that instrument.

Furthermore the Exemplary Damages Attachment PLD-PI-001(6) attachment to California District 4 Court of Appeals A 154751, dated 4/11/2019 [exhibit D] is to be brought up to date with effort, costs and effects of inflation. The District Court is to accept that as basis for settlement of the present case.

CONCLUSION

It is within the courts purview to explicitly uphold the letter and theory of this nations Constitution, when challenged by those in office who have run AMOK. That this case should have to be pursued on rights of elder citizens and makind, does not speak well of the prevalent theory of practice of government.

Enforcement of the Exemplary Damages PLD-PI-001(6), Appendix D, as an adjunct to the requested injunction, would also cause several levels of government to come to their senses when contemplating vendeta on a dutiful citizen.

The petition for a writ of certiorari should be granted.

Being a writer, this case foments a fine book title: \$13?

Word count is 1198.

Respectfully submitted,

Dated: September 14, 2020

Robert B. Wister

Print name

Robert B. Wister

(Appellant is under some cognitive deficit)

Signature Appellant in Pro Se