

No. 20-5972

IN THE
SUPREME COURT OF THE UNITED STATES

→ in re: Federal Habeas Corpus of
JOHN GARRETT SMITH — PETITIONER
(Your Name)

vs.

RONALD HAYNES — RESPONDENT (S)

FILED

SEP 22 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

No Court, State or Federal, has ever ruled on the merits.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

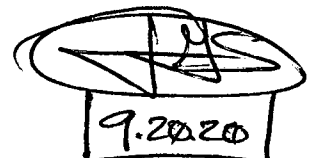
PETITION FOR WRIT OF CERTIORARI

John Garrett Smith
(Your Name) #351176

191 Constantine Way
(Address)

Aberdeen, WA 98520
(City, State, Zip Code)

971.221.9495
(Phone Number)



QUESTION(S) PRESENTED

- 1) Does a court acquire subject-matter jurisdiction over a criminal charge when the arraigning judge purposefully feigns signing the indictment document (on video tape) before handing the unratified Due Process Probable Cause record to the court clerk?
- 2) Is a search warrant for a smartPHONE legally valid when (i) the warrant contains a lie about the source of the device that plainly contradicts all police testimonies and 'findings of fact' by the trial court, (ii) the device was actually logged into police custody 38 minutes BEFORE the time of the charged crime allegedly involving the smartPHONE, and (iii) the warrant is acquired 6 weeks AFTER police left a documented trail of tampering with hundreds of its electronic records?
- 3) Is audio evidence admissible when it is presented as a copy on Compact Disc of an alleged voice mail on a smartPHONE when two (2) independent acoustic forensic experts certify that the "copy" is a fake, a computerized, digitally-amalgamated assortment of "Frankensteined" noises fabricated by uncertified and perjuring police officers?
- 4) Is witness testimony admissible when (i) it is refuted by 100% of ALL professional medical records and expert testimony, (ii) it is from a mentally-ill person with a 0.2 BAC at the time of an alleged incident, (iii) it is on record to have been altered only after 22 days of that witness's documented financial thefts of the charged person's assets, and (iv) the witness commits 49 consecutive counts of perjury in trial regarding these facts, and the trial judge concedes that "these are perjuries worthy of impeachment"?

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

- 'State of Washington v. Smith', Clark County Superior Court
#18-2-303-14
- USDC # 3:19-cv-05394, 'Smith v. Haynes'
(federal Habeas Corpus)

*
TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
'Beck v. Ohio', 379 US 89, S.Ct. 223 (1964)	5
'Miller v. Pate', 386 US 1 (1967)	5
'Brady v. Maryland', 373 US 83 (1963)	5
'Giglio v. US', 450 US 150 (1972)	5
'Napue v. Illinois', 260 US 264 (1959)	5
'Halsey v. Pfeiffer', 750 F.3d 273 (2014)	5
'Devereaux v. Abbey', 263 F.3d 1070 (2001)	5
'Gault v. City of L.A.', 717 F.3d 702 (2013)	5
'State v. Fankhouser', 32386-9-II (2006)	5
'Schup v. Delo', 513 US 298 (1995)	6
STATUTES AND RULES	
42 CJS §8 (1991)	4 & 5
US CONST., amends 4 & 14	5
FRCP 60(b)(4), 4.1(6)(A), 4(b)(1)(d)	5
CR 12(b)(1)	5
CrR 3.2.1(a), (b), (f)(1)(2), 2.2(a), (f)	5
CR 11(a)(4)	5
18 USC §1030 (a), (5)(c), (e)(1), (2), (B)	5

OTHER The courts in the West "have been deaf
to the voice of justice..." - SIGNERS
 of the Unanimous
 Declaration
 7.4.1776

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	US CoA- 9 th Cir. - MANDATE & ORDER (2pp.) (9.10.20) (9.2.20)
APPENDIX B	Petitioner's Appeal of USDC Order (2pp.) (8.24.20)
APPENDIX C	- Copy of USDC (West Wash. Dist.) Order (1p.) (7.27.20)
APPENDIX D	- / Axiomatic Jurisdiction Fraud (5pp.) re: Question 1
APPENDIX E	- / Axiomatic Search Warrant Fraud (5pp.) re: Question 2
APPENDIX F	- / Axiomatic Forensic Fraud (38 pp.) re: Question 3
APPENDIX G	- / Axiomatic Medical Fraud (18 pp.) re: Question 4

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 C 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 9.10.20 (see. App. A Mandate)

☒ 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). JHS

☐ 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

• Amendment IV (12.15.1791)

"... no warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularity ..."

• Amendment V (12.15.1791)

"No person shall be ... deprived of life, liberty or property, without due process of law;"

• Amendment XIV (7.9.1868)

"... 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."

* — — — — *

To date, NO COURT, including the bench trial court, has EVER ruled on the merits of this case in total denial of "equal protection of the laws" & Due Process.

STATEMENT OF THE CASE

• CHRONOLOGICAL AND CONCISE SEQUENCE OF EVENTS:

- (a) On 6.2.13 @ 10:32 pm, The Vancouver Police Dept. logged Smith's
 ? PHONE into evidence custody!
 (b) On 6.2.13 @ 11:10 pm (38 minutes AFTER (a)), State of Wash.
 alleged that a life threatening voice mail was inadvertently left on
 the ? PHONE while Smith called it from his residence, trying to
 locate it amidst the chaos of a severely intoxicated (0.2 BAC)
 woman (later discovered to be fraudulently posing to be Smith's wife).
 (c) On 6.3.13 @ 1:30 am, Smith was arrested for 2nd Assault,
 a charge later vacated!

- (d) On 12.11.13, Smith was charged with Attempted Murder based
 on the "voice mail" of (b), but the presiding Superior Court judge
 willfully faked signing the VPD's Probable Cause affidavit, on video
 tape, without a pen in hand, before handing it to the Clerk, thereby
 failing to ratify the charging instrument as required to est-
 ablish legal jurisdiction over the amended charge!

- (e) without ever ratifying the indictment (let alone within the 48-hour
 time limit established by multiple laws), State proceeded, anyway,
 to bench try and convict Smith to an ultra-vires prison sentence
 of 12 years for what UNCONTESTED, INCONTRADICTIONAL EVIDENCE
 proves was a police-manufactured hoax, as verified in over 3,000
 pages of proof, 97% of which are simple State records!

- (f) By simple, binary logic, effective 12.12.13 (48 hours after the VPD
 crafted its 12.10.13 fake Probable Cause), State forfeited juris-
 diction over the charge of Attempted Murder, and commenced wrong-
 ful jurisdiction with incompetent "evidence"!

- (g) Notwithstanding unanimous forensic and medical fraud that proves
 that the alleged crime did not actually happen, State's juris-
 dictionless conviction renders the sentence Void ab Initio.

→ 42 CJS § 8 (1991) →

REASONS FOR GRANTING THE PETITION

- 1) Axiomatic Jurisdiction Fraud (Appendix D)
Judicial ratification ("Court Determination") of ALL indictment instruments is MANDATORY per a roster of ubiquitous Laws, including, but not limited to:
US CONST. amends. 4 & 14 (Due Process), FRCP 60(b)(4), 4.1(6)(A), 4(b)(1)(d), CR 12(b)(1), 42 CJS § 8, CrR 3.2.1(a), (b), (F)(1)(2), 2.2(a), (f), CR 11(a)(4), etc., et. al., and
"Probable Cause may NOT be established simply by showing that the officer who made the challenged arrest or charge or search believed he had grounds for his actions; otherwise the protection of the 4th Amendment would evaporate." - BECK v. OHIO, 379 US 89, S. Ct. 223 (1964).
- 2) Axiomatic Search Warrant Fraud (Appendix E)
plainly violative of US CONST. amend 4 with respect to false affidavit AND failure to meet "particularity" term of the clause; the fraud here is especially problematic because it compounds violations of the "Computer Fraud & Abuse Act" (C.F.A.A.) - 18 USC § 1030 (a), (5)(c), (e)(1), (2), (B) - Law that guarantees the "protection" of Smith's Oregon-corporate iPhone due to its documented use in Interstate and International commerce;
- 3) Axiomatic Forensic Fraud (Appendix F)
As if it really needs to be said, of course, it is morally and legally wrong for a government to convict any citizen based on fabricated evidence; Key Case Precedents include, but are not limited to;
'Miller v. Pate', 386 US 1, 87 S. Ct. 785, 17 L. Ed. 2d 690 (1967);
'Brady v. Maryland', 373 US 83 (1963); 'Giglio v. US', 450 US 150 (1972);
'Napue v. Illinois', 260 US 264 (1959); 'Halsey v. Pfeiffer', 750 F.3d 273 (2014);
'Devereaux v. Abbey', 263 F.3d 1070 (2001); 'Gault v. City of L.A.', 717 F.3d 702 (2013);
- 4) Axiomatic Medical Fraud (Appendix G)
The undisputed fact that 100% of all medical records & testimony refute the complaining witnesses' injury testimony DOES MATTER.
Forty-Nine (49) counts of impeachable perjury DO MATTER.
"Evidence which demonstrates improper motive on the part of the alleged victim" IS admissible under 'State v. Fankhouser', 32386-9-II (2006).
"Only after 22 days of stealing businesses, Identity & IP does she add 'strangulation' and 'unconsciousness' to her unsupported testimony" is PITHY.

*
—

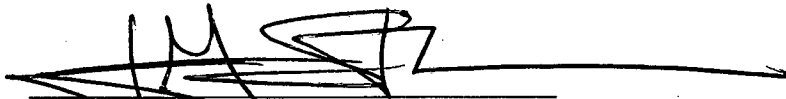
This is a serious case involving multiple counts of obvious fraud used to purchase a wrongful conviction. "Federal Court should grant habeas relief to correct a 'fundamental miscarriage of justice' when a Constitutional violation has resulted in the conviction of a defendant who is 'actually innocent', " per 'Schlup v. Delo', 513 US 298, 338 (1995).

• Because it is never legally or morally acceptable for government to steal Liberty as a cover-up for its theft of Properties (personal, corporate, Intellectual), this Court should simply but decisively select one, or more, of the four cogent causes listed to award this present Writ with prudent haste.

CONCLUSION
*
—

The petition for a writ of certiorari should be granted.

Respectfully submitted,


J. Garrett Smith, PE

Date: 9.20.20

✱ FACEBOOK: 'Free John Garrett Smith Now'