

Rebekah A. Atkins's PETITION FOR WRIT OF CERTIORARI

No. 20-5977

07/22/2020
ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

Rebekah A. Atkins,
Petitioner,
v.
Sherry Brown, et. al.,
Respondent,

Supreme Court, U.S.
FILED
JUL 22 2020
OFFICE OF THE CLERK

On Petition For A Writ Of Certiorari To The United States
Court Of Appeals For The Seventh Circuit

PETITION FOR WRIT OF CERTIORARI

Respectfully submitted,

Rebekah A. Atkins

Signed: Rebekah A. Atkins

Sui Juris, July 22nd 2020

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Petitioner
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QUESTION(S) PRESENTED

1. Can Indiana State Trooper do alleged traffic enforcement in an unmarked car?
2. Can Indiana post Alleged Speed limit sign of 55mph; not posted in compliance with an engineer traffic study proceeding within 5 years of April 2018?
3. Can Indiana Superior Court Judge ignore and refuse to recognize Plaintiff-State of Indiana by Deputy Prosecutor June 25th 2018, filed written Motion to Dismiss?
"Fundamentally, the judge has no authority to 'deny,' the commonwealth's entry of a noelle prosequi," Gaziano wrote, referring to the legal term to abandon charges. "The prosecutor's sole authority to determine which cases to prosecute, and when not to pursue a prosecution, has been affirmed repeatedly by this court since the beginning of the 19th century." <https://news.yahoo.com/straight-pride-parade-fallout-boston-202246634.html>
4. Can the State of Indiana by Judge Claypool find Ms. Atkins indigent on July 27th 2018, on a June 25th 2018, dismissed allegation?
5. Can the Indiana Supreme Court & Court of Appeals refuse to allow Ms. Atkins's interlocutory appeal as a matter of rights?
6. Can Judge Claypool issue a False conviction on August 7th 2018, against Ms. Atkins?
7. Can Judge Claypool commit Due process violations by the State of Indiana & court violating Ms. Atkins's US constitutional rights?
8. Indiana Supreme Court & Court of Appeals refused to allow Ms. Atkins to appeal nor did they enforce the laws, rules and printed policies on the Trial Court.
9. Can the Indiana Supreme Court refuse to grant Ms. Atkins's Original Actions-writ of mandamus and prohibition as a matter of her rights?
10. Can the Indiana Supreme Court refuse to enforce their own order of appointment of Special Judge Evans in this matter?
11. Can the Indiana state court(s) deny Ms. Atkins's rights & due process - no discovery - no evidence - no jury - no nature of allegation of charges produced so Ms. Atkins could understand what the court was bringing against Ms. Atkins, No attorney appointed, no continuances granted and court did not allow Ms. Atkins any ability to be able to prepare a defense?
12. Can the Indiana State courts refuse to recognize any court case laws and operate within the laws and US Constitution and Indiana Constitution?
13. Can the Indiana Supreme Court have trial courts-Harrison Superior Court charge upwards of \$200.00- on an Indiana 2011, law that the trial courts cannot exceed a total fine of \$35.50 per traffic speeding infraction?
14. Can Harrison Superior Court under the Indiana Supreme Court commit against Ms. Atkins; False Suspension of Ms. Atkins's Driver's license based on fraud and over 287 days outside the State of Indiana Statute of Limitations of 10 days first false-illicit claim of FTA then 2nd false-illicit claim FTP?
15. Can Harrison Superior court contrary to; US Constitution-bill of rights- article 1 section 9, states; no bill of attainders?
16. Can the State of Indiana seize & suspend Ms. Atkins's driver's license without due process?
17. Can the State of Indiana falsely thereby imprison Ms. Atkins at home without due Process; In direct violation of the US Constitutional Protections?

18. Can Harrison County Clerk's Office on or about June 5th 2019, have State of Indiana-BMV suspend Ms. Atkins's Driver's License on a false & fictitious claim of FTP-failure to pay; and the State of Indiana held Ms. Atkins hostage under threat of kidnapping if Ms. Atkins does not pay an alleged DEBT--RANSOM of \$192.00; when the State of Indiana Legislatures in 2011, made a speeding infraction only \$35.50 total-max; to stop the monetary incentive of the courts?
19. Can the State of Indiana by the so named individuals in their personal and official capacity conspire against Ms. Atkins to deprive her of her Federal & US Constitutional Rights to travel in her personal vehicle on and upon the public highways to go shopping, tend to her personal affairs and to be able to attend her own doctors/medical appointments?
20. Can the State of Indiana by the so named individuals in their personal and official capacity conspire against Ms. Atkins to kidnap her-hold her under false imprisonment in some county jail-steal her identity and sue the government in courts to falsely obtain money for the very crimes they commit against her and for false crimes they alleged are/were committed against her?
21. Can the State of Indiana via its' courts force Ms. Atkins to use Ms. Atkins's SSA disability benefits to pay 192.00 +3% credit card charge \$197.76 total; when by the Social Security Act; No Courts can seize SSA benefits and deprive a disabled indigent person of their public benefits?
22. Can Marion County Courts refuse to allow Ms. Atkins's Petitions for Judicial Review against BMV and attempt to charge contempt of court-jail-arrest Ms. Atkins for daring to file?
23. Is the US Supreme Court going to participate in the theft of Petitioner's Identity; or is the US Supreme Court going to step up and enforce the laws, US constitution, common sense & decency, rules and the rights of Petitioner in this matter?
24. Can Judge Claypool sign & issue nunc pro tunc orders; Contrary to State court rules and federal court rules? "*(*SO ORDERED this 26th day of June, 2018 and signed nunc pro tunc this 12th, day of July, 2018. *)*"

PARTIES TO THE PROCEEDING AND RELATED CASES

Petitioner Rebekah A. Atkins was the applicant·plaintiff in the US District Court for the Southern District of Indiana·New Albany Division and the defendant plaintiff·appellant in the courts below.

Respondents, was the defendant·appellee in the courts below.

In the United States District Court·Southern District of Indiana· New Albany Division this action was CASE #: No. 4:19-cv-00167-SEB-DML judgement entered August 2nd 2019.

In the United States Court of Appeals for the Seventh Circuit· No. 19-2705, judgement entered May 11th 2020.

Parties to the Litigation Appearing in Their Official Capacity

Joseph Claypool, Elected Judge of Harrison Superior Court.

Sherry Brown, Elected Clerk of Harrison County, Indiana.

John Evans, Elected Judge of Harrison Circuit Court.

Joshua Otto Schalk, Elected Prosecutor of Harrison County, Indiana

Peter Lacy, Appointed Commissioner thereof BMV·Bureau of Motor Vehicles·Indianapolis, Indiana·Marion County.

Chief Justice Loretta H. Rush (108)[November 7, 2012 ·]

Justice Steven H. David (106)[October 18, 2010 ·]

Justice Mark S. Massa (107)[April 2, 2012 ·]

Justice Geoffrey G. Slaughter (109)[June 13, 2016 ·]

Justice Christopher M. Goff (110)[July 24, 2017 ·] Thereof Indiana Supreme Court.

Curtis T. Hill, Elected Attorney General of Indiana

RELATED CASES

State of Indiana;

<https://public.courts.in.gov/mycase/#/vw/Search>

Rebekah Atkins v. Crawford County Clerk, et al.19A-MI-01975; Rebekah Atkins v. State of Indiana 19A-IF-01818; Rebekah A Atkins v. State of Indiana, Bureau Of Motor Vehicles 49D13-1907-MI-028616; State of Indiana ex rel. Rebekah Atkins v. Harrison Superior Court, et al. 19S-OR-00414; State of Indiana ex rel. Rebekah Atkins v. Marion Circuit Court, et al. 19S-OR-00415; Rebekah Atkins v. State of Indiana 19A-IF-00952; State of Indiana ex rel. Rebekah Atkins, et al. v. Orange Circuit Court, et al. 19S-OR-00074; State of Indiana ex rel. Rebekah Atkins v. Harrison Superior Court, et al. 19S-OR-00070; In re the Matter of Rebekah A. Atkins 19A-MI-00062; Miscellaneous Estate: Rebekah Atkins 18A-EM-02990; Rebekah Atkins v. Unknown 18A-MI-02832; Rebekah Atkins v. Steven Ripstra, et al. 18A-MI-02491; Rebekah Atkins v. State of Indiana 18A-IF-02497; In the Matter of Rebekah A. Atkins 18A-MI-02357; IN RE THE MATTER OF REBEKAH A. ATKINS, (DIRECT CONTEMPT) 59C01-1808-MI-000246; Rebekah Atkins v. Unknown 22D03-1808-MI-001176; Atkins, Rebekah V Risptra, Blazey, Wahl, Birk J, Ag Hill,

Nordhoff Jr. 19D01-1808-MI-000559; Rebekah Anna Atkins v. Unknown 18A-MI-02026; Rebekah A. Atkins 10C01-1807-EM-000073; Rebekah Atkins v. State of Indiana 18A-IF-01844; Rebekah Anna Atkins v. Unknown 82D03-1807-MI-003899; Rebekah Atkins v. Unknown Respondents 18A-MI-01691; Rebekah Atkins v. Unknown Parties 18A-MI-01690; State of Indiana v. Rebekah A Atkins 31D01-1804-IF-000478; State of Indiana ex rel. Rebekah Atkins v. Dubois County Circuit Court, et al. 18S-OR-00246; State of Indiana ex rel. Rebekah Atkins v. Orange County Circuit Court, et al. 18S-OR-00243; In Re: Records Request, Petitioner Rebekah A. Atkins 31C01-1803-MI-000023; Atkins V. Unknown Respondents 19C01-1803-MI-000162; Atkins, Rebekah, Et Al. V. Unknown Parties 19C01-1803-MI-000161; In Re: Records Request, Petitioner Rebekah A. Atkins 31C01-1709-MI-000098; In the Matter of: State of Indiana v. Ivan W. Atkins, et al. 13A01-1505-MI-00569; ST V REBEKAH A ATKINS 22E01-0108-IF-05691; State of Indiana vs. Rebekah A Atkins 31D01-0108-IF-002921; State of Indiana vs. Rebekah A Atkins 31D01-0108-DF-000695; State of Indiana vs. Rebekah A Atkins 31D01-0107-IF-002561; State of Indiana vs. Rebekah Atkins 31D01-0104-DF-000252; State of Indiana vs. Rebekah A Atkins 31D01-9706-IF-001685; State of Indiana vs. Rebekah A Atkins 31D01-9706-IF-001704; State of Indiana vs. Rebekah A Atkins 31D01-9706-IF-001562; State of Indiana vs. Rebekah A Atkins 10C03-9703-IF-002964; State of Indiana vs. Rebekah A Atkins 10C03-9703-IF-002693; State of Indiana vs. Rebekah Atkins 10C03-9703-IF-002793; State of Indiana vs. Rebekah A Atkins 31D01-9702-CM-000101; State of Indiana vs. Rebekah A Atkins 31D01-9701-CM-000026; State of Indiana vs. Rebekah A Atkins 10C03-9611-IF-013239; State of Indiana vs. Rebekah A Atkins 31D01-9607-IF-002359; State of Indiana vs. Rebekah A Atkins 31D01-9606-IF-001630; State of Indiana vs. Rebekah Atkins 31D01-9604-IF-000895; State of Indiana vs. Rebekah A Atkins 31D01-9604-CM-000214; ST V REBEKAH ATKINS 22E01-9603-CM-00457; State of Indiana vs. Rebekah A Atkins 31D01-9603-IF-000614; In the Matter of: Rebekah Atkins and the Crawford County Clerk, Crawford Circuit Court, and Crawford County Judicial Complex 13C01-1907-MI-000015;

<https://publicaccess.courts.in.gov/docket/>

Rebekah A. Atkins v. State of Indiana And Bmv 19S-SJ-00578; Rebekah Atkins v. State of Indiana, et al. 19S-SJ-00598; In The Matter of Rebekah Atkins And Crawford County Clerk, et al. 19S-SJ-00576; State of Indiana v. Rebekah A. Atkins 19S-SJ-00317; State of Indiana v. Rebekah Atkins 19S-SJ-00421; In The Matter of Rebekah Atkins 19S-SJ-0009; Rebekah A. Atkins v. Unknown Party 19S-SJ-00093; Rebekah Atkins v. Steven Earl Ripstra, et al. 19S-SJ-00084; Rebekah Atkins v. Orange Circuit Court, et al. 19S-SJ-00085; In The Matter of Rebekah A. Atkins 19S-SJ-00022; State of Indiana v. Rebekah Atkins 19S-SJ-00020; Rebekah Atkins v. Unknown Parties 18S-SJ-00236; Rebekah Atkins v. Unknown Parties 18S-SJ-00234; Rebekah Atkins v. Unknown Parties 18S-SJ-00235; Matter of Appointment of A Judge Pro Tempore Harrison Superior Court 19S-MS-00408; In The Matter of The Appointment of Judge Pro Tempore In Crawford Circuit Court 13S00-1510-MS-00611;

&* Unknown to Ms. Atkins and with neither her knowledge, participation nor permission numerous impermissible, illicit & fictitious State & Federal sealed court cases/records.

Federal Cases:

7th Court of Appeals Docket #: 18-2007 Docketed: 05/03/2018

1:02-cv-01961-SEB-MJD

4:02-cv-00129-SEB-DML

4:02-cv-00130-SEB-TAB

4:02-cv-00214-RLY-TAB

4:03-cv-00010-RLY-TAB

U.S. District Court

Southern District of Indiana (New Albany)

CASE #: 4:18-cv-00180-SEB-DML

CASE #: 4:19-cv-00167-SEB-DML

2020, 7th Circuit Judicial Council; Judicial Misconduct complaint Nos. 07-20-90021 through 07-20-90042 & Judicial Misconduct complaint No. 07-20-90051.

5th Court of Appeals Docket #: 18-50385 Docketed: 05/10/2018

Case Number: 1:97-cv-00650-SS Atkins v. Richards

2020, 5th Circuit Judicial Council; Judicial Misconduct Complaints Numbers: 05-20-90065 through 05-20-90100 & Judicial Misconduct Complaint Number: 05-20-90105.

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APPENDIX B

Order, United States District Court for the Southern District of Indiana New Albany Division (August 2nd 2019).

APPENDIX C

Indiana Courts' Orders

APPENDIX D

Ms. Atkins's Documents, briefs ect...

TABLE OF AUTHORITIES CITED

28 U.S.C. § 1291, 28 U.S.C. §§ 2106-07	
28 U.S. Code § 2255, 28 U.S. Code § 2241, 28 U.S. Code § 2254, 42 U.S. Code § 1985, 42 U.S. Code § 1986, 42 U.S. Code § 1994, 42 U.S. Code § 1988, 28 U.S. Code § 1391, 18 U.S. Code § 241, 18 U.S. Code § 242, 18 U.S. Code § 245 (E), 18 U.S. Code § 1201, 28 U.S.C. §§ 1331 and 1343.	
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Strickler v. Greene, 527 U.S. 263, 280 (1999); United States v. Agurs, 427 U.S. 97 107 (1976). Brady v. Maryland, 373 U.S. 83 (1963); Commonwealth v. Smith, 532 Pa. 177, 615 A.2d 321 (1992). Giglio v. United States, 405 U.S. 150 (1972); Commonwealth v. Wallace, 500 Pa. 270, 275-76, 455 A.2d 1187 (1983).....	13
<i>United States Court of Appeals FOR THE DISTRICT OF COLUMBIA CIRCUIT Argued June 12, 2020 Decided June 24, 2020 No. 20-5143 IN RE: MICHAEL T. FLYNN.....</i>	14, 15
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PETITION FOR WRIT OF CERTIORARI

Ms. Atkins has exhausted to the best of her knowledge and ability all other avenues there is no other legal recourse or remedy she knows of by law and Ms. Atkins understands the US Supreme Court has extended the Time Frame to 150 days to file.

United States Seventh Circuit Court of Appeals, US District Court, Indiana Supreme Court-Indiana Court of Appeals is illicitly & erroneously denying Petitioner of the protection and due process of the U.S. Constitution, Americas' Laws, rules & policies and the Laws of the State of Indiana ect..

The 7th Circuit Court of Appeals utterly failed to appropriately address the issues Petitioner has raised in her Habeas Corpus filing against the State of Indiana, BMV, Indiana Supreme Court, & Harrison County Superior-Circuit Court- Clerk Sherry Brown and Indiana AG.

The 7th Circuit Court of Appeals utterly failed to hold the Indiana State-Court officials accountable and in compliance with the Social Security Act, Laws, Rules, Regulations, US constitution and the 7th Circuit Appeals Court's very own previous Case Laws regarding blatant misconduct by State officials.

The 7th Circuit Court of Appeals appears to erroneously declare several issues Petitioner has raised as not being Jurisdiction of the Courts.

When all Petitioner's issues with State of Indiana Court officials are relevant and appropriately brought to the Court(s) and now to the U.S. Supreme Court and are properly under the Jurisdiction of this Court to address the failures of State of Indiana Court officials to abide and operate within the legal frame work of the requisite laws in State of Indiana Court officials' denial of due process to Petitioner; whilst appears State of Indiana Court officials continues to knowingly & deliberately partake in the theft of Petitioner's identity to do ID theft and lawsuits Scams both in the State of Indiana and Federal Courts in/with Petitioner ID with neither Petitioner's knowledge nor permission.

Petitioner respectfully prays that a writ of certiorari issue to review the judgment(s) 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 unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is unpublished.

The decisions of the Indiana State Supreme Court & court of appeals are reproduced in the Appendix at App. C.

JURISDICTION

For cases from federal courts:

In the United States Court of Appeals for the Seventh Circuit. No petition for rehearing was filed in Petitioner's case; as was quite apparent the entire 7th Circuit Court is hostile and adverse toward Petitioner. A petition for rehearing would not change the outcome/decision/order only cost more time delay of justice & due process being withheld from Petitioner.

The jurisdiction of the United States Court of Appeals for the Seventh Circuit is brought under 28 U.S.C. § 1291, 28 U.S.C. §§ 2106-07 in that this is an appeal from a final decision of the United States District Court for the Southern District of Indiana seeking to reverse the Judgment of the District Court's denial & dismissal of plaintiff's Habeas Corpus filed against the State of Indiana 28 U.S. Code § 2255, 28 U.S. Code § 2241, 28 U.S. Code § 2254, 42 U.S. Code § 1985, 42 U.S. Code § 1986, 42 U.S. Code § 1994, 42 U.S. Code § 1988, 28 U.S. Code § 1391, 18 U.S. Code § 241, 18 U.S. Code § 242, 18 U.S. Code § 245 (E), 18 U.S. Code § 1201, 28 U.S.C. §§ 1331 and 1343.

Federal Rule of Appellate Procedure 22: RULE 22. Habeas Corpus and Section 2255 Proceedings (a) Application for the Original Writ.

An application for a writ of habeas corpus must be made to the appropriate district court. The applicant may, under 28 U.S.C. § 2253, appeal to the court of appeals from the district court's order denying the application.

(b) Certificate of Appealability.

(1) If the district judge has denied the certificate, the applicant may request a circuit judge to issue it.

(2) A request addressed to the court of appeals may be considered by a circuit judge or judges, as the court prescribes. If no express request for a certificate is filed, the notice of appeal constitutes a request addressed to the judges of the court of appeals.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

(ORDER LIST: 589 U.S.) THURSDAY, MARCH 19, 2020 ORDER In light of the ongoing public health concerns relating to COVID-19, the following shall apply to cases prior to a ruling on a petition for a writ of certiorari: IT IS ORDERED that the deadline to file any petition for a writ of certiorari due on or after the date of this order is extended to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. See Rules 13.1 and 13.3.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

IC 34-28-5-4 Costs; deposit of funds; findings required for judgment; special provisions for moving violations

(f) Except as provided in subsections (g) and (h), a person who has admitted to a moving violation constituting a Class C infraction, pleaded nolo contendere to a moving violation constituting a Class C infraction, or has been found by a court to have committed a moving violation constituting a Class C infraction may not be required to pay more than the following amounts for the violation:

- (1) If, before the appearance date specified in the summons and complaint, the person mails or delivers an admission of the moving violation or a plea of nolo contendere to the moving violation, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).
- (2) If the person admits the moving violation or enters a plea of nolo contendere to the moving violation on the appearance date specified in the summons and complaint, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).
- (3) If the person contests the moving violation in court and is found to have committed the moving violation, the person may not be required to pay any amount, except:

(A) court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was not found by a court in the county to have committed a moving violation;

In a proceeding under subdivision (3), the court may require the person to submit an affidavit or sworn testimony concerning whether, in the five (5) years before the appearance date specified in the summons and complaint, the person has been found by a court to have committed one (1) or more moving violations.

U.S. Constitution
Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or

public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment XIV (1868)

Section 1. 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. 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 to any person within its jurisdiction the equal protection of the laws.

U.S. Constitution

Article I

Section 9.

3. No bill of attainder or ex post facto Law shall be passed.

Article IV (Article 4 - States' Relations)

Section 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2

1: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

IC 35-46-1-12 Exploitation of dependent or endangered adult; financial exploitation of endangered adult; violation classification

Sec. 12. (a) Except as provided in subsection (b), a person who recklessly, knowingly, or intentionally exerts unauthorized use of the personal services or the property of:

(1) an endangered adult; or

(2) a dependent eighteen (18) years of age or older;

for the person's own profit or advantage or for the profit or advantage of another person commits exploitation of a dependent or an endangered adult, a Class A misdemeanor.

(c) Except as provided in subsection (d), a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family resources has budgeted for the endangered adult's or dependent's health care commits financial exploitation of an endangered adult or a dependent, a Class A misdemeanor.

It appears the State of Indiana Court officials is in direct violation of and did deliberately, knowingly, intentionally, willfully & recklessly commit the following crimes against Ms. Atkins:

IC 35-42-3-2 Kidnapping, IC 35-42-3-3 Criminal confinement, IC 35-42-3.5-1.4 Human trafficking, IC 35-42-3.5-1 Promotion of human labor trafficking, IC 35-42-5-1 Robbery, IC 35-45-2-1 Intimidation, IC 35-43-2-2 Criminal trespass; denial of entry; denial by posting with purple marks; permission to enter; exceptions, IC 35-43-4-2 Theft, IC 35-43-4-3 Conversion, IC 35-43-5-2 Counterfeiting; false or fraudulent sales receipts; forgery; application fraud, IC 35-43-5-3 Deception, IC 35-43-5-3.5 Identity deception, IC 35-43-5-3.6 Terroristic deception, IC 35-43-5-3.8 Synthetic identity deception, IC 35-44.1-1-1 Official misconduct, IC 35-44.1-1-2 Bribery, IC 35-44.1-2-2 Obstruction of justice, IC 35-44.1-2-3 False reporting; false informing, IC 35-45-9-3 Participation in criminal organization; offense, IC 35-45-10-5 Criminal stalking, IC 35-45-15-5 Money laundering; defenses, IC 35-46-1-4 Neglect of a dependent; child selling, IC 35-46-1-12 Exploitation of dependent or endangered adult; financial exploitation of endangered adult; violation classification, IC 35-46-1-13 Battery, neglect, or exploitation of endangered adult or person with mental or physical disability; failure to report; unlawful disclosure; referrals; retaliation, IC 35-46-2-1 Violation of civil rights.

"The law requires the prosecution to produce Brady and Giglio material whether or not the defendant request any such evidence. *Strickler v. Greene*, 527 U.S. 263, 280 (1999); *United States v. Agurs*, 427 U.S. 97 107 (1976). The Due Process Clause of the Fourteenth Amendment to the United States Constitution and Article One, Section Nine of the Pennsylvania Constitution require a prosecutor to disclose exculpatory evidence to the defense. *Brady v. Maryland*, 373 U.S. 83 (1963); *Commonwealth v. Smith*, 532 Pa. 177, 615 A.2d 321 (1992). Under Brady and its progeny, the prosecutor has a duty to correct false or misleading evidence that is harmful to the defendant. *Giglio v. United States*, 405 U.S. 150 (1972); *Commonwealth v. Wallace*, 500 Pa. 270, 275-76, 455 A.2d 1187 (1983).

<https://news.yahoo.com/flynn-urges-appeals-court-end-170332052.html>

<https://www.politico.com/news/2020/06/24/dc-circuit-orders-flynn-judge-to-dismiss-charges-337751>

The majority opinion, penned by Trump appointee Neomi Rao, said allowing the case to continue would intrude on the executive branch's prerogatives to control criminal prosecutions.

"Each of our three coequal branches should be encouraged to self-correct when it errs. If evidence comes to light calling into question the integrity or purpose of an underlying criminal investigation, the Executive Branch must have the authority to decide that further prosecution is not in the interest of justice," Rao wrote.

***U.S. District Court District of Columbia (Washington, DC) CRIMINAL DOCKET FOR
CASE #: 1:17-cr-00232-EGS-1***

*United States Court of Appeals FOR THE DISTRICT OF COLUMBIA CIRCUIT
Argued June 12, 2020 Decided June 24, 2020 No. 20-5143 IN RE: MICHAEL T. FLYNN,
PETITIONER*

"decisions to dismiss pending criminal charges—no less than decisions to initiate charges and to identify which charges to bring—lie squarely within the ken of prosecutorial discretion." United States v. Fokker Servs. B.V., 818 F.3d 733, 742 (D.C. Cir. 2016). "To that end, the Supreme Court has declined to construe Rule 48(a)'s 'leave of court' requirement to confer any substantial role for courts in the determination whether to dismiss charges." Id.; see also Newman v. United States, 382 F.2d 479, 480 (D.C. Cir. 1967) ("Few subjects are less adapted to judicial review than the exercise by the Executive of his discretion in deciding ... whether to dismiss a proceeding once brought."). The Judiciary's role under Rule 48 is thus confined to "extremely limited circumstances in extraordinary cases." United States v. Hamm, 659 F.2d 624, 629 (5th Cir. 1981); United States v. Ammidown, 497 F.2d 615, 621 (D.C. Cir. 1973) (emphasizing that Rule 48 motions must be granted "in the overwhelming number of cases"). More specifically, "[t]he principal object of the 'leave of court' requirement is ... to protect a defendant against prosecutorial harassment ... when the Government moves to dismiss an indictment over the defendant's objection." Rinaldi v. United States, 434 U.S. 22, 29 n.15 (1977). Rule 48 thus "gives no power to a district court to deny a prosecutor's ... motion to dismiss charges based on a Case 1:17-cr-00232-EGS Document 233-1 Filed 06/24/20 Page 5 of 38 6 disagreement with the prosecution's exercise of charging authority." Fokker Servs., 818 F.3d at 742.1

These clearly established legal principles and the Executive's "long-settled primacy over charging decisions," Fokker Servs., 818 F.3d at 743, foreclose the district court's proposed scrutiny of the government's motion to dismiss the Flynn prosecution. Before this court, the district judge explains that he plans to "question the bona fides of the government's motion," Sullivan Response 29 (quotation marks omitted), "inquire about the government's motions and representations," Sullivan Reply 26, "illuminat[e] the full circumstances

surrounding the proposed dismissal," *id.* at 12, and probe "whether the presumption of regularity for prosecutorial decisions is overcome" in "the unusual facts of this case," *Sullivan Response* 3. A hearing may sometimes be appropriate before granting leave of court under Rule 48; however, a hearing cannot be used as an occasion to superintend the prosecution's charging decisions, because "authority over criminal charging decisions resides fundamentally with the Executive, without the involvement of—and without oversight power in—the Judiciary." *Fokker Servs.*, 818 F.3d at 741.

In this case, the district court's actions will result in specific harms to the exercise of the Executive Branch's exclusive prosecutorial power. The contemplated proceedings would likely require the Executive to reveal the internal deliberative process behind its exercise of prosecutorial discretion, interfering with the Article II charging authority. *Newman*, 382 F.2d at 481 (citing *United States v. Cox*, 342 F.2d 167, 171 (5th Cir. 1965)).

We must also assure ourselves that issuance of the writ "is appropriate under the circumstances." *Cheney*, 542 U.S. at 381. The circumstances of this case demonstrate that mandamus is appropriate to prevent the judicial usurpation of executive power.

As the Supreme Court has explained, "the capacity of prosecutorial discretion to provide individualized justice is firmly entrenched in American law. ..."

See *ICC v. Bhd. of Locomotive Engineers*, 482 U.S. 270, 283 (1987) ("[I]t is entirely clear that the refusal to prosecute cannot be the subject of judicial review."); *Fokker*, 818 F.3d at 743; *In re United States*, 345 F.3d at 454.

The Executive Branch is not just any "different party," *Dissenting Op.* 8 (emphasis omitted), but a coequal branch of government responsible for prosecutorial decisions. See *Cheney*, 542 U.S. at 390 ("As this case implicates the separation of powers, the Court of Appeals must also ask, as part of the mandamus inquiry, whether the District Court's actions constituted an unwarranted impairment of another branch in the performance of its constitutional duties."). Therefore, we must consider the irreparable harms to the Executive in a case such as this, in which the government has moved to dismiss. Cf. *Doe v. Exxon Mobil Corp.*, 473 F.3d 345, 356–57 (D.C. Cir. 2007) (noting it would be appropriate to examine separation of powers harms to the Executive if it had joined the petitioner's mandamus request or "requested the dismissal of the action" below).

Yet unwarranted judicial scrutiny of a prosecutor's motion to dismiss places the court in an entirely different position. Rather than allow the Executive Branch to dismiss a problematic prosecution, the court assumes the role of inquisitor, prolonging a prosecution deemed illegitimate by the Executive. Judges assume that role in some countries, but Article III gives no prosecutorial or inquisitorial power to federal judges. See *id.* ("The judicial power ... does not include the power to seek out law violators in order to punish them."); *United States v. Sineneng-Smith*, 140 S. Ct. 1575, 1579 (2020) ("Courts ... do not, or should not, sally forth each day looking for wrongs to right. They wait for cases to come to them.") (citation and quotation marks omitted). To suggest that judicial dismissal of an improper prosecution is analogous to the judicial continuation of an improper prosecution turns the separation of powers on its head.

Under IC 33-37-5-22 & IC 33-37-2-3;

Court waives fees, fines and costs for an indigent person; an indigent person must not be required to pay judgement costs.

Indigent's Right Not to Pay Restitution, Fines and Costs Imposed as a Part of the Sentence in Criminal Cases The judge may impose restitution, fines and costs as a part of the judge's sentencing discretion in a criminal case. Before any of these sanctions may be imposed, the judge must hold a hearing and take testimony regarding offender's ability to pay.

Contrary to Indiana State Law trooper Timothy M. Dossett was not in marked police car when he stopped, detained·arrest Ms. Atkins on April 12th 2018.

IC 9-30-2-2 Uniform and badge; marked police vehicle

Sec. 2. A law enforcement officer may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on a highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on a highway unless at the time of the arrest the officer is:

(2) operating a motor vehicle that is clearly marked as a police vehicle; that will clearly show the officer or the officer's vehicle to casual observations to be an officer or a police vehicle.

STATEMENT OF THE CASE

The Courts have Systematically denied Petitioner a victim of Identity theft; access to the courts, due process of the courts, the lawful aid, justice, and assistance of the courts in this matter in accordance with all the laws of America, US constitution, common sense & decency, court case laws, and the rules & policies of the guidelines Congress has set for the operation of the courts for indigent·pro se·sui juris, people needing assistance.

Petitioner was systematically denied legal counsel by the Indiana State Courts. Petitioner was systematically denied legal counsel by the U. S. District Court. Petitioner was systematically denied legal counsel by the 7th Circuit Court.

The U. S. Supreme Court needs to address this extremely important and vital issues of deprivation of legal counsel to disabled victims of identity theft·appears being done by the Indiana State Courts, U.S. District Court and including the 7th Circuit Court of Appeals.

On or about April 12th 2018, Ms. Atkins was pulled over by an Indiana State Police-trooper in an unmarked car.

Trooper Dossett's stop·arrest violates Ms. Atkins U.S Constitution 4th amendment rights of being secure from unreasonable interference without just cause and due process.

June 25th 2018, State of Indiana dismissed in writing this cause; Judge Claypool refused to allow the State's dismissal.

June 26th 2018, Judge Claypool refused to dismiss. July 12th 2018, Judge Claypool issued an order nunc pro tunc for June 26th 2018.

July 27th 2018, Judge Claypool found Ms. Atkins indigent.

Judge Claypool denied Ms. Atkins of discovery, evidence, jury trial by her peers, a court appointed attorney; on August 7th 2018, he summarily claimed Ms. Atkins was guilty of exceeding 55mph (on an illicitly posted speed sign) without any evidence being presented in Court and assessed against Ms. Atkins (an indigent-in forma pauperis status-disabled individual on Social Security and foodstamps) a court fee of \$167.00-\$35.50 = \$131.50 over the prescribed law on an alleged charge that by Indiana State Law could not exceed \$35.50 and an indigent person could not be demanded by the court to pay these fees.

The Indiana Supreme Court refused to oversee the judicial misconduct and flagrant violations of the Harrison Superior Court-trial by Judge Claypool.

The Indiana Supreme Court and the Court of Appeals kept stealing Ms. Atkins's filings with the Indiana Supreme Court; both refused to allow Ms. Atkins to appeal Judge Claypool's erroneous-illicit judgements; nor would they make the trial clerk & court reporters submit the records as required. Appears they fully condoned and participated in Judge Claypool's egregious and illicit behavior.

December 2018, the Harrison County Clerk-Sherry Brown demanded payment of \$192.00 on this cause; a cause Judge Claypool had issued an order finding Ms. Atkins indigent. Clerk Brown threatened Suspension if no payment.

Ms. Atkins filed with the Indiana Supreme Court an Emergency Original Action of a Writ of Mandamus & Prohibition against Harrison County Superior Court & clerk Brown. The Indiana Supreme Court refused to accept.

Without any Notice to Ms. Atkins or or about March 22nd 2019, Clerk Brown filed an illicit & fictitious (FTA) failure to appear-SR-16 without a court order, with Indiana BMV to suspend Ms. Atkins's Indiana Driver's License.

On or about May 28th 2019, the Indiana Supreme Court in Supreme Court Case No. 19S-SJ-317, Trial Court Case No. 31D01-1804-IF-478; issued an "Order Appointing Special Judge And Directing Filing of Report Under Trial Rule 53.1(F)" removing Judge Claypool and allegedly appointing Special Judge John Evans of Harrison Circuit Court.

Harrison Superior Court-Judge Claypool & the Clerk Brown refused to serve and/or turn over Ms. Atkins's case to SJ Evans and the Indiana Supreme Court refused to enforce its' own order.

Ms. Atkins filed with the Indiana Supreme Court an Emergency Original Action of a Writ of Mandamus & Prohibition against Harrison County Superior Court & clerk Brown. The Indiana Supreme Court refused to accept.

April 8th 2019, via US mail Ms. Atkins filed Petition for Judicial Review against BMV in the Marion County Circuit Court they flatly refused to file Ms. Atkins's FTA-Petition for Judicial Review of BMV's adverse administrative actions against Ms. Atkins. Ms. Atkins filed with Marion County Circuit Court a FTP-Petition for Judicial Review of BMV's adverse administrative actions against Ms. Atkins. Ms. Atkins filed with the Indiana Supreme Court an Original Action of a Writ of Mandamus & Prohibition against Marion County Circuit Court.

On July 17th 2019, Marion County Circuit Court-Clerk filed Ms. Atkins's documents; but did not File and give Ms. Atkins her Petition for Judicial Review against BMV; they created an illicit and fictitious legal title of an Action Ms. Atkins did not file and was neither appropriate nor lawful.

Marion County Courts refused to allow Ms. Atkins her Petition for Judicial Review against BMV as is by law required. They filed-appeared an illicit-fictitious contempt of court and would have arrested & jailed Ms. Atkins if she appeared in the Fictitious & Illicit court hearing; therefore Ms. Atkins only option was to file a Motion to Dismiss all the Court's pending Actions.

On or about October 2019; The State of Indiana forced Ms. Atkins to use her SSA disability benefits to pay 192.00 +3% credit card charge \$197.76 total; on a dismissed cause and a cause Ms. Atkins was repeatedly found indigent on.

Please see attachments in App. of Ms. Atkins's briefs to the Indiana Supreme Court-Marion County Court-fta-ftp petition for reviews and related materials.

Ms. Atkins understands that she is currently barred from all Courthouses both State & Federal due to the fact that Both State and Federal Judges & clerks turn off the Public Access Terminals located in the clerks' offices contrary to law to specifically deny Ms. Atkins of all Access to the Official Court Systems/cases/records ect... As the Courts-both State and Federal are participating in the Theft of Ms. Atkins's identity for their own personal gain; by a monetary scheme of "ID theft and Lawsuits Scams illicitly and fictitiously hidden under courts'/judges' seals" with neither Ms. Atkins's participation, knowledge nor permission.

That the most horrid and grievous injustice being inflicted against Ms. Atkins by the State of Indiana thru its' courts both State and Federal are quite contrary to all common sense & decency and the US Constitution, Indiana Constitution, laws both State and Federal, Case Laws, Court Rules both State and Federal; and is being done solely to build-apparently mega-illicit lawsuits for money for the illicit perpetrators'.

Ms. Atkins neither has access to the legal research materials she needs; nor access to legal counsel.

Please see attachments in App. of Ms. Atkins's briefs to the Indiana Supreme Court·Marion County Court·fta·ftp petition for reviews and related materials.

Cruel & Unusual Punishment & Deprivation of Life

For the State of Indiana {on a June 25th 2018, State of Indiana Dismissed allegation*} to seize & suspend Ms. Atkins's Indiana Driver's License thereby imprisoning Ms. Atkins in her home·forbid Ms. Atkins to use her personal vehicle to travel upon the Public roads & highways to bar & block Ms. Atkins from tending to her personal needs & affairs & for Ms. Atkins to be able to obtain her medical needs; under threat of conspiracy that if the State of Indiana so finds her out and about; that the State of Indiana will KIDNAP her, by ARMED & DANGEROUS ACTORS OF THE STATE OF INDIANA and FALSELY place her in a county jail.

The State of Indiana has thereby stripped Ms. Atkins from all equal protections and deprived Ms. Atkins of life, liberty and property without due process. Not to mention the Golden Rule; "Do onto others as you would have them do onto you."

The State of Indiana is inflicting cruel & unusual punishment upon Ms. Atkins. The State of Indiana is imprisoning Ms. Atkins for an alleged Debt FOR RANSOM; that the State of Indiana cannot provide proof that she even owes; as the State of Indiana, the District Court and all the Indiana Courts has found that Ms. Atkins is indigent and as such all such court fees, fines ect.. are to be so waived. And the US Laws & Constitution & Indiana State Laws & Constitution so state that a person cannot be imprisoned for debt.

REASONS FOR GRANTING THE WRIT

Appears all lower Courts have completely and utterly disregarded all America's Laws, Constitution, common sense & decency, the rules and policies that Congress by the American People established the Courts to operate under.

The Petition for Writ of Certiorari is the only avenue for Petitioner to raise Petitioner's issues to the U.S. Supreme Court; the last & highest court of record in America to address this grievous injustice and injury being committed against Petitioner.

The Court should grant certiorari because the lower courts have not settled, and cannot settle, these questions on their own. Morecver, clarity in this area is important. The Court should grant certiorari to clarify these matters as these issues have nationwide impact on the citizenry of America.

CONCLUSION

The petition for a writ of certiorari should be granted.

Certification

I affirm under the penalties for perjury that the foregoing representations are true to the best of my knowledge and ability.

Respectfully submitted,

Rebekah A. Atkins

Signed: Rebekah A. Atkins

Sui Juris, July 22nd 2020

Certificate of Service

I hereby certify that on this 22nd day of July, the year of 2020, the foregoing document is filed via U.S. mail postage prepaid; Clerk's Office Supreme Court of the United States One First Street, NE Washington, DC 20543

And in compliance with F.R.A.P Rule 25 served via E-mail on the attorneys representing the Social Security Administration; Solicitor General United States Department of Justice

950 Pennsylvania Avenue, NW Washington, DC 20530-0001,
SupremeCtBriefs@USDOJ.gov,

And Via E-mail with the Harrison County Superior Court 1445 Gardner Lane NW Suite 3018 Corydon, IN 47112. Via email to Superior Court; C/O; jennyw@harrisoncounty.in.gov, & sherrybrown@harrisoncounty.in.gov, Prosecutor, Otto Schalk via email; Oschalk@harrisoncounty.in.gov,

Attn: Peter Lacy, Commissioner Indiana Bureau of Motor Vehicles 100 North Senate Avenue, Indianapolis, IN 46204; brvcourts@bmv.in.gov,
bmvhearings@bmv.in.gov,

Attn: Curtis T. Hill, Attorney General of Indiana & Deputy Attorney General Andrew Kobe Office of the Attorney General, IGCS, 5th Floor 302 West Washington Street Indianapolis, IN 46204-2794; Andrew.Kobe@atg.in.gov, douglas.swetnam@atg.in.gov,

ATTN: MARION COUNTY PROSECUTOR - TERRY CURRY 251 E. Ohio Street, Suite 160 Indianapolis, IN 46204-2175. MCPO@indy.gov, Andrew.Fogle@indy.gov,

Respectfully submitted,

Rebekah A. Atkins

Signed: Rebekah A. Atkins

Sui Juris, July 22nd 2020

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