

No. 20-6019

Supreme Court, U.S.

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IN THE  
Supreme Court of the United States

GREG P. GIVENS,

*Petitioner,*

v.

CLYDE YATES, JR., *et al.*,

*Respondent(s).*

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*On Petition For Writ Of Certiorari To The  
Supreme Court of Ohio,  
Seventh District Court of Appeals of Ohio;  
Originating in The Belmont County, Ohio  
Court of Common Pleas*

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PETITION FOR WRIT OF CERTIORARI

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GREG P. GIVENS  
P.O. Box 117  
BELLAIRE, OH 43906  
(740) 340-7807  
*Pro se, Petitioner*

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ORIGINAL

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ORAL ARGUMENT REQUESTED.

## **QUESTIONS PRESENTED**

The following questions are presented by the petitioner:

- I. Does the lower court have the absolute right to wholly suspend and censor the First Amendment Right of the Freedom of Speech to a natural born citizen of the United States, before the redress of grievances?
- II. Does the lower court have the absolute right to wholly suspend the First Amendment Right to Petition the government for redress of grievances, solely based on a whim, when the American citizen has no need for legal counsel?
- III. Does any court of competent jurisdiction have the absolute right to shield a defendant in a questionable bankruptcy proceeding, with total immunity from lawful prosecution?

## PARTIES BELOW

Petitioner Greg P. Givens was the plaintiff-appellant in the appeal that was in the court below. Respondents Clyde Yates, Jr.; Kimberly Yates (a.k.a. Kimberly Craig); Jeffrey Loeffler; Robert Newhart, Sr.; Timothy Merryman; Gary Rodgers; Donald Collette; Robert Gorrell, Sr.; Village of Shadyside, Ohio; Joseph Klug; Daniel S. Napolitano; Richard L. Loew, Jr.; Kimberly Harris, individually and collectively, were defendant-appellees in the case in the court below.

## LIST OF PARTIES AND RELATED CASES

**Relator(s):**

Greg Givens, pro se

**Respondent(s):**

### CHIEF COUNSEL

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Donald Collette; Robert Gorrell, Sr.;  
Village of Shadyside, Ohio; Joseph Klug

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Lowe

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### *DEFENDANT(S)-APPELLEE(S)*

**Real Party in Interest:**

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**Counsel for Real Party in Interest:**

None.

## RELATED CASES

*Givens v. Yates, et al*, No. 2019-1663, The Supreme Court of Ohio. Judgment entered: February 18, 2020, reconsidered April 28, 2020 (May 4, 2020).

*Givens v. Yates, et al*, No. 19-BE-0044, Seventh District Court of Appeals of Ohio. Judgment entered: November 4, 2019.

*Givens v. Yates, et al*, No. 19-CV-0200, Belmont County, Ohio, Court of Common Pleas. Judgment entered: September 6, 2019.

*Givens v. Loeffler, et al*, No. 2:19-CV-617, United States District Court, Southern District of Ohio. Judgment entered: *Open*.

*Givens v. Klug*, No. 19-DR-0224 (Stalking), Belmont County Ohio, Common Pleas Court. Judgement: August 20, 2019 (August 26, 2019).

*Givens v. Newhart, Sr.*, No. 19-DR-0223 (Stalking), Belmont County Ohio, Common Pleas Court. Judgement: August 20, 2019 (August 26, 2019).

*In re: Richard L. Loew, Jr. and Rebecca Jo Loew, Debtors*, No. 2:20-BK-52621-CKP, United States Bankruptcy Court, Southern District of Ohio. Case Filed: Chapter 7, (May 27, 2020).

*In re: Daniel S. Napolitano and Kimberly N. Napolitano, Debtors*, No. 2:19-BK-55455-JPH, United States Bankruptcy Court, Southern District of Ohio. Case Filed: Chapter 13, (August 26, 2019).

*State ex rel. Givens, et al v. Village of Shadyside, Ohio, et al*, No. 20-BE-0001, Seventh District Court of Appeals of Ohio. Judgement: *Open*.

*State ex rel. Givens, et al v. Village of Shadyside, Ohio, et al*, No. 19-CV-0301, Belmont County Ohio, Common Pleas Court. Judgement: December 26, 2019.

*State ex rel. Givens v. Fregiato, Judge*, No. 2019-1242, The Supreme Court of Ohio. Administrative decision entered: October 8, 2019.

*State of Ohio, Village of Shadyside, Ohio v. Givens*, No. 19-CV-H-335W, Belmont County, Ohio, Western Division Court (Administrative Appeal, with Special Judicial Appointment by The Supreme Court of Ohio), Judgment entered: October 7, 2019.

*Village of Shadyside, Ohio v. Givens*, No. 18-BE-0046, Seventh District Court of Appeals of Ohio. Judgment entered: *Open*.

*Village of Shadyside, Ohio v. Givens*, No. 18-CR-B-0381, Belmont County, Ohio, Eastern Division Court. Judgment entered: August 16, 2018 (*Nunc pro tunc* entered, November 20, 2018).

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Fourth Amendment to the U.S. Constitution .....	.....
Ohio Constitution, Article IV, Section 3(B)(2) .....	.....
U.S. Constitution Article IV, Section 2 .....	.....

## PETITION FOR WRIT OF CERTIORARI

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Greg P. Givens, on behalf of himself, hereby petitions for a writ of certiorari to review the opinion of the highest state court, Supreme Court of Ohio, April 28, 2020 (filed May 4, 2020), ninetieth day, July 26, 2020 (August 1, 2020). There was no good-faith determination of the law in petitioner's cases in either the lower court, or as pertains to U.S. Bankruptcy court. under review.

### OPINIONS BELOW

The Unreported Supreme Court of Ohio's Opinion affirming the judgment of the case of the lower court, entered September 6, 2019, is reproduced at Pet. App. 1, Pet. App. 2, and dismissed by unpublished per curiam opinion. The Supreme Court of Ohio's final judgment by Appellate Clerk stamp was on March 4, 2020, reconsideration is reproduced in Pet. App 1., and its corresponding original opinion of February 18, 2020, is reproduced at Pet. App. 1, the bankruptcy judgment for immunity ruling is reproduced at Pet. App. 3, pertaining to the same case under review.

### JURISDICTIONAL STATEMENT

The Ohio Supreme Court's final opinion was entered on April 28, 2020 (May 4, 2020). This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1254(1); and 28 U.S.C. § 1257(a).

### CONSTITUTIONAL PROVISIONS INVOLVED

1. This case involves the Amendments in the Bill of Rights to the Constitution of the United States.
2. The Fourteenth Amendment, U.S. Constitution, provides:

**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.

In the Civil Rights Act of 1964, Congress passed laws to affirmatively protect the constitutional rights of citizens and to guarantee equal access to public accommodation and facilities and employment opportunities. 42 U.S.C. §1981 et seq; *Brown v. Board of Education*, 347 U.S. (1954).

3. This case involves several Amendments in the Bill of Rights to the Constitution of the State of Ohio, and to the Constitution of the United States.<sup>1</sup> Citing United States Constitution, Bill of Rights, A guarantee of freedoms. Amendments 1 through 10, as if fully set forth.

Article I, Section §11 of the Ohio Constitution (1851), amend. 1912, provides:

**Section §11.** "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right, and no law shall be passed to restrain or abridge the liberty of speech, or of the press...."

Article I, Section §16 of the Ohio Constitution (1851), amend. 1912, provides:

**Section §16.** "All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay...."

Article I, Section §18 of the Ohio Constitution, demands:

**Section §18.** "No power of suspending laws shall ever be exercised, except by the General Assembly."

Article I, Section §19b of the Ohio Constitution, provides: (in part):

**Section §19b.** "(A) The protection of the rights of Ohio's property owners, the protection of Ohio's natural resources, and the maintenance of the stability of Ohio's economy require the recognition and protection of property, interests in ground water, lakes, and watercourses. (B) The preservation of private property interests recognized under divisions (C) and (D) of this section shall be held inviolate, ..."

Citing the Bill of Rights to the Constitution of the United States, as applied to the states.

Petitioner, Greg P. Givens, was so denied.

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The five freedoms the First Amendment the U.S. Constitution protects are: Freedom of Speech and expression; Freedom of Religion; Freedom of the Press; and Freedom of Assembly; and the Right to Petition the Government.

Petitioner, Greg P. Givens, was so denied.

#### **STATUTORY PROVISIONS INVOLVED**

4. Plaintiff-Appellant cites all relevant Ohio Case Law thereon in Relative Actions:

5. The “operative grounds underlying the claim for relief” standards are clear. In the case cited by the Appellee, in *Duetsche Bank Nat'l Trust Co.*, cuts to the underlying cause of action: a Motive. The Motive of the Appellee(s) is to “drive Givens out of town.”, to criminally retaliate, to prevent Givens from running for public office, by acts or omissions in any means possible. (Citing Appellant(s) record, all references in the Ohio Revised Code, *sic passim*;) Ohio Revised Code, by Ohio General Assembly, provides these rights to its citizens:

6. The Ohio Revised Code assigns rights and privileges to its citizens, and provides relief to the aggrieved; (and Example), To Wit:

#### **COUNT I ~Negligent or Intentional Infliction of Emotional Distress**

##### **Civil Action, Common Pleas** **O.R.C. §2307.01 Action Defined.**

**Section §2307.01.** An action is an ordinary proceeding in a court of justice, involving process, pleadings, and ending in a judgment or decree, by which a party prosecutes another for the redress of a legal wrong, enforcement of a legal right, or the punishment of a public offense.”

Petitioner has that right; Trial Court is in error. Citing applicable Ohio specific case law:

#### **Authorities**

CITATIONS, *Ibid. pp. v-x*, and *sic passim*.

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## STATEMENT OF THE CASE

7. Greg P. Givens is a natural born citizen of the United States. Respondent(s) engaged in a conspiracy of private citizens, and public officials, in a continual pattern of statutory provision violations and offenses of hate, intimidation, retaliation, impersonation, false arrest, and using a sham legal process to violate fundamental rights and privileges against Givens, a candidate for the public office of mayor. Respondent(s) continually depriving Givens of personal rights, livelihood, and property. See Petitioner, Appendix 4.

8. Givens alleges physical and emotional distress, defamation, continual violation of his civil and constitutional rights, suppression, and an on-going conspiracy of harm

9. Givens alleges civil trespass, and additionally a conspiracy to commit the trespass without warrant, or court order, despite repeated demands by Givens to leave his business, life, private property and affairs alone.

10. And that on a continual basis, a pattern of corrupt activity continues against Givens protected liberty interests, and for due process purposes, and in his reputation, good name, honor, and integrity, as well as in being free to move about, live, and practice his profession without burden of unjustified label or infamy as a result of blatant acts and omissions of so named defendants, and those acting under color of law and private tort.

11. On an ongoing basis, a pattern of actionable offenses originating from defendants continues against Plaintiff-Appellant's protected liberty interests, and for due process purposes, in his reputation, good name, honor, and integrity, as well as in being free to move about, live, and practice his profession without burden of unjustified label or infamy as a result of blatant

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acts and omissions, against public officials using the power of their office, or private actions which unlawfully deprive or deny Givens his rights, under the guise of acting within the authority of their position, and the scope of the statute of limitations.

Respondent(s) have been given NO REMEDY AT LAW;

### **REASONS FOR GRANTING THE PETITION**

I. Does the lower court have the absolute right to wholly suspend and censor the First Amendment Right of the Freedom of Speech to a natural born citizen of the United States, before the redress of grievances?

12. The Constitution of the United States guarantees the petitioner, the inalienable Right to Freedom of Speech and Expression under the First Amendment, as characterized with a wide latitude, and with Constitutional Protections both on the question of *germanis*, and on the language he uses and says what he means. As Peitioner expresses his grievances to this Court, so, he must have that same inalienable Right to the lower court, as well, and to not be wholly pre-determined, prejudiced, and censored beforehand with directed censorship command words from the court, such as: “concise”, “unambiguous”, and “specific”, as a clear, and blanket excuse to censor, and not to hear, a fully capable and unrepresented citizen griever.

13. The First Amendment protects all American citizen’s speech from government censorship. As it applies to federal, state, and local government actors. This is a broad category that includes not only lawmakers and elected officials, but also public schools and universities, courts, and police officers.

14. Petitioner’s speech was merely an expression of his grievances. Capcilation by the court in its American Jurisprudence forms and format, Petitioner’s speech was neither: obscene, fradulent, illegal, lawless, or involate. Petitioner’s words and print were neither cursed, made threats, or was part of any commercial speech.

### **Authorities**

CITATIONS, *Ibid. pp. v-x, and sic passim.*

15. The Petitioner’s complaint is not a “rambling and indecipherable diatribe, not “relat[ing] any fact to law which would state claim for relief.” *Satis quod*

*praeter*, it is simply telling the truth, and is neither and “imaginative process”, i.e. as in the clear and precise consent of the Ohio Constitution and the Ohio Revised Code; -- as it is, that it is, that is not being heard. *Ohio Supreme Court* (19-1663) brief:

The ...Court’s creation of FIRST AMENDMENT LIMITATIONS on FREE SPEECH and RIGHT TO PETITION affirmation as to “concise, unambiguous, and specific” does not allow the [Petitioner] the time to reach the threshold of the pursuit of filing a whole and timely *pro se* compliant. Where the Rule is ambiguous as to whether the [Petitioner] meets the original filing standard of the statute of limitations imposed upon him thus creating a posture of Procedural Delay as to prevent [Petitioner] from meeting the basis standard of his right to the courts under the [U.S. and] Ohio Constitution. And thereby denying equal justice to every person under law. If such a person is illiterate, analphabetic, benighted, dark, ignorant, nonliterate, rude, simple, uneducated, uninstructed, unlearned, unlettered, unread, unschooled, untaught, untutored or otherwise, does this limit his or her ability to Petition the courts? (*Emphasis added*).

II. Does the lower court have the absolute right to wholly suspend the First Amendment Right to Petition the government for redress of grievances, solely based on a whim, when the American citizen has no need for legal counsel?

16. All Findings by Trial Court on Defendant judgment were insufficient to standards administered by the Ohio Constitution, Article IV, Section 3(B)(2) ; U.S. Constitution Article IV, Section 2; Ohio Revised Code §2505.01, et seq.

AN APPELLATE COURT SHOULD NOT RELY ON *STARE DECISIS* AS THE SOURCE OF AUTHORITY DECIDIN TC "AN APPELLATE COURT SHOULD NOT RELY ON STARE DECISIS AS THE SOURCE OF AUTHORITY DECIDING QUESTIONS OF CONSTITUTIONAL POWER." G QUESTIONS OF CONSTITUTIONAL POWER.

**President Andrew Jackson** stated in his Renewal Bill Veto, July 10, 1832:

"Mere precedent (*stare decisis*) is a **dangerous source of authority**, and **should not** be regarded as **deciding questions of constitutional power**."

**Abraham Lincoln** reminded citizens, September 16-17, 1859:

"The people are the **rightful masters** of both Congresses, **and Courts.**"

## **Authorities**

CITATIONS, *Ibid. pp. v-x, and sic passim.*

III. Does any court of competent jurisdiction have the absolute right to shield a defendant in a questionable bankruptcy proceeding, with total immunity from lawful prosecution?

17. Respondent(s)-Appellee(s) Customs and Tradition encourages acts of retaliation and retribution by public officials, and Appellee(s) actions during the course of government acts against its citizens in violation of Ohio law.

### **O.R.C. §2921.05 Retaliation**

**Section §2921.05.** (A)No person, purposely and by force or by unlawful threat of harm to any person or property, shall retaliate against a public servant, a party official, or an attorney or witness who was involved in a civil or criminal action or proceeding because the public servant, party official, attorney, or witness discharged the duties of the public servant, party official, attorney, or witness.

(B) No person, purposely and by force or by unlawful threat of harm to any person or property, shall retaliate the victim of a crime because the victim filed or prosecuted criminal charges.

(C)Whoever violates this section is guilty of retaliation, a felony of the third degree.

18. Plaintiff-Appellant has that right; Trial Court is in error. Citing applicable Ohio specific case law: Permitting claims: Constitutional Issues - Direct and Indirect Retaliation, and actionable offense.

19. Title 18 U.S. Code § 241, Conspiracy Against Rights, declares:

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States, or because of his having so exercised the same;

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If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured --

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

20. Title 18 U.S. Code § 242, Depravation of rights under color of law, declare:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Citing also, Title 18 U.S. Code §§ 1961-1968; 18 U.S. Code § 1964, Civil Remedies.

21. Congress has the authority to overrule wrongly decided cases. *Wesson v. United States*, 48 F.3d 894, 901 (5th Cir. 1995). Congress may cure any error made by the courts. *Fast v. School Dist. Of City of Ladue*, 728 F.2d 1030, 1034 (8th Cir. 1984) (en banc). Congress has the power to counter judicial doctrine. *Belgard v. State of Hawaii*, 883 F.Supp. 510, 514 (D. Hawaii 1995). It should not be necessary for Congress to visit this issue.

Petitioner also incorporates by reference citations, above.

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## CONCLUSION

Petitioner's question tests the application of checks and balances. It asks this Honorable Court to settle the intent of Congress in Title 28 U.S.C. §§ 1391-1392, et seq.; 28 U.S.C. §§ 2072 and 2075 et seq.; 28 U.S.C. § 2074, et seq., and citations above, and to determine whether the "public interest" should be excepted by those against whom it is invoked, and presents true and unique issues of importance beyond the particular facts and parties involved.\

If anything should befall Petitioner, his family, or possessionz during the course of this appeal, the Respondent(s) are directly responsible.

## PRAYER FOR RELIEF

For these reasons set forth above and relief sought, this petition for a writ of certiorari should be granted.

**PETITIONER DECLARES UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT.**

Dated: July 13, 2020.

Respectfully Submitted,



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GREG P. GIVENS, pro se, Petitioner  
P.O. BOX 117  
BELLAIRE, OH 43906  
(740) 340-7807

## VERIFICATION / AFFIRMATION

I, **GREG P. GIVENS**, who duly affirms and deposes that:

### I.

I am pro se party of record for GREG P. GIVENS, Real Party In Interest in this case. I am over 21 years of age and am competent to make this affidavit. I have prepared/read the foregoing Petition/Brief/Appeal to which this verification is attached, which is filed on behalf of GREG P. GIVENS, and every factual statement contained in this Petition/Brief/Appeal is within my personal knowledge and is true and correct under penalty of perjury.

### II.

This Petition/Brief/Appeal is accompanied by an appendage. I have personal knowledge that the documents contained in the appendage are true and correct copies.

Further, Affiant sayeth not.

Date: 7/13/2020

**AFFIRMED,**



Greg P. Givens, Affiant  
Pro se Real Party In Interest,

## **VERIFICATION / AFFIRMATION**

I, **GREG P. GIVENS**, who duly affirms and deposes that:

### **I.**

I am pro se party of record for GREG P. GIVENS, Real Party In Interest in this case. I am over 21 years of age and am competent to make this affidavit. I have prepared/read the foregoing Petition/Brief/Appeal to which this verification is attached, which is filed on behalf of GREG P. GIVENS, and every factual statement contained in this Petition/Brief/Appeal is within my personal knowledge and is true and correct under penalty of perjury.

### **II.**

This Petition/Brief/Appeal is accompanied by an appendage. I have personal knowledge that the documents contained in the appendage are true and correct copies.

Further, Affiant sayeth not.

Date: 9/9/2020

**AFFIRMED,**



**Greg P. Givens, Affiant  
Pro se Real Party In Interest,**