No. 20-7154

IN THE

SUPREME COURT OF THE UNITED STATES

Robert Earl Ramseur — PETITIONER
(Your Name)

ORIGINAL

vs.

United States of America — RESPONDENT(S)

FILED
APR 21 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

The Fifth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Robert Ramseur
(Your Name)

321 Glen Meadow
(Address)

Glenn Heights Tx 75154
(City, State, Zip Code)

469 747 6045
(Phone Number)

LIST OF PARTIES

All parties appear in the caption on the cover page.

Questions

Introduction

Our Constitutional Freedom is being violated by those who benefit from the divisions of politics, class and race. As a disabled veteran of the United States Army, wounded in combat with a Traumatic Brain Injury (TBI), never would I imagine that my constitutional freedom would be violated after sacrificing so much for our nation.

- The 13th and 14th Amendment gives us the freedom to reach our dreams of life, liberty and happiness without being a victim of discrimination and systemic racism. Yet, the prosecutor stated that I attended the University of North Texas so that I could do something illegal with my education and that I was living "lavish". The truth is, after my mother's death when I was age 17, I struggled from poverty to matriculate through UNT. Upon graduating in 1996, I chose to serve our nation, lik my father, by joining the United States Army in 1997.

The Ramseur trial originated with prejudice of false assumptions based on racial profiling and is in direct conflict with binding Fifth Circuit precedent in United States v Richardson, 676 F.3d 491, 505 (5th Cir 2012) and U.S. Supreme Court precedent United States v Gaudin, 515 US 506, 509 (1995).

Please see the following questions.

Questions

Is it systemic racism

- to circulate a private bank statement among multiple agencies with a personal photo (proof of prejudice) in violation of 4th Amendment Privacy Rights, which influenced the investigation contrary to the jury charge and is in direct conflict with binding Fifth Circuit precedent United States v Richardson, 676 F.3d 491, 505 (5th Cir 2002) and Supreme Court precedent, United States v Gaudin, 515 U.S. 506, 509 (1995)? (please see Case No. 18-11591 Petition for Panel Rehearing on behalf of Robert Earl Ramseur (included))?

- to have less than 12 jurors during trial?

- to break through the front door of my home without knocking nor announcing using assault weapons to aim, seize my only small handgun kept with my concealed handgun license (Virginia), lock me outside of my home while they searched the entire home, garage, vehicles, trash (routinely), etc., seize my computer (manipulated files), and use a private database to mail racially profiling letters to clients causing defamation of character?

- in declaration of ineffective assistance of counsel, for defense counsel, working hand in glove with prosecution, to fail to perform trial duties blaming it on a flu/cold sickness, fail to present a list of defense witnesses (i.e. independent contractors, loyal clients, etc.), fail to suppress illegally seized items (i.e. bank statements, private database, weapon, etc.), fail to present documented evidence signed by prosecutor witnesses (i.e. IRS Form 8879 perjury statement, client agreements/affidavits of acknowledgment/responsibility, etc.) that would've caused a different outcome and result?

- to exceed the maximum sentence of 3 years as stated in 7206(5), stacking of additional charges, the entrapment of being set up for failure/antagonized, a disregard of mental health issues related to my traumatic brain injury as a disabled veteran in violation of the Eighth Amendment (please see doctor's notes)? (see included United States of America v Enyinnaya E. Udo)

- to have convictions for charges with no evidence (defense counsel made a motion to dismiss due to no evidence at trial-end), for a false accusation of pocketing funds that were actually retained by the IRS due to prior debts (i.e. Count 25-26 Bertrium Thomas, Partner in Your Healthcare Services, LLC), for prosecutor's witnesses who do not appear (i.e. Kiana Thomas), for prosecutor's witnesses who agree that the tax return is not false (i.e. Jose Robles), for non-credible witnesses because they benefited from the tax returns without being audited and to pay restitution to the IRS for non-reviewed/unaudited refunds/tax returns received by taxpayers (see US v Udo)?

- to have illegal convictions of false tax loss amounts (see Case 18-11591 5th Circuit Court of Appeals decision)?

- to inflict cruel and unusual punishment, a violation of the Eighth Amendment, in the investigation of tax returns approved by taxpayers who signed client agreement affidavits and IRS Form 8879 under penalty of perjury, in the sentencing of more than the 3 year maximum stated in USCS 7206(5) and in stacking excessive charges and false claims?

- for a young white male juror to give a signal of prejudice while seated in the jury box among jurors that were not of my peers? (Again, less than 12 jurors.)

- to have an unlawful restitution order and therefore an illegal sentence, United States v Gibson 875 F.3d 179, 198 (5th Cir 2012), United States v Sharma 703 F.3d 318, 322 (5th Cir 2012), Paroline v United States, -U.S.-, 134 S.Ct. 1710, 1729 (2014)?

- to add/change the file of an "undercover agent" whose refund would be higher without the "Schedule C"? (Futhermore, I was in jail (McKinney, Tx) for a false DWI charge, having "no evidence" as confirmed by the Collin County Appellate Court located in McKinney, Tx, on the date that the Tax Software Program shows the change was made.)

- to drill a hole into the driver side door of my Hummer H2, without a warrant, in search of "something"?

- to break through the front door of my private home, without knocking nor presenting a warrant (witness available), using multiple persons with assault weapons aimed and seize my only handgun from my bedroom closet (witness available) in violation of the 2nd and 4th Amendment (to which special agent David Williams lied on the witness stand saying that he did not seize it)?

- to conspire with Jordan Towing Service, who followed me on the Dallas North Tollway for more than 10 miles, call the Texas State Trooper with a false report, then file a false charge of driving while intoxicated with absolutely no evidence in order to use it for this federal case?

- to racially target/profile me with multiple traffic stops, having no reasonable cause, by only Texas State Troopers (who caused injuries, physical + mental) as I was pursuing the goal of becoming a Certified Public Accountant, thereby oppressing the professional and financial means to live and defend myself, my family and my church?

- to include a false charge of "pocketing" after trial and use it for excessive sentencing in violation of due process and the 8th Amendment (referring to the tax refunds of Bertriam Thomas that were retained by the IRS in payment of a large tax debt owed prior to becoming our client)?

- for Judge Godbey to disregard defense counsel Camille Knight's motion to "dismiss due to no evidence" by saying to her "you know that I can't do that"?

- to not investigate cyberattacks on my database, vandalism at my office, planting of false documents, multiple personal attacks by "white nationalists," and the tampering with the file of the "undercover agent"?

- to racially target a small business (established in 2002), owned by a disabled veteran, based upon a statement of prejudice from TDI and mail defamation letters to clients (using client addresses that were obtained illegally from our private corporate database) in order to intimidate, manipulate and mislead, with undue influence, 7 clients on the witness stand to commit perjury having signed a client agreement affidavit and IRS Form 8879 confirming their knowledge and consent to the information on their tax returns? (These are repeat filing clients from 2008 to 2012 with "self-prepared" tax returns as well as similar filings prior to and subsequent to being our clients)

• to manipulate the witness list before, during and after trial (with the assistance of defense counsel Camille Knight) in order to cover-up the malicious prosecution of illegal restitutions, false witnesses and false evidence? (please see the "vacate and remanded" order by the Fifth Circuit Court of Appeals, Case No. 18-11591)

This is a case about systemic racism, not of evidence (the motion to "dismiss due to no evidence" was made by defense counsel Camille Knight at trial's end.).

It began with the Texas Department of Insurance (TDI) attorney Dwyer, who incited special agent David Williams to investigate our small business based upon a false assumption, racial profiling and racial targeting. After a TDI Hearing in Austin Tx, he issued a fine of $20,000 based upon a $1,270 "insufficient funds check" (bank statement available upon request). Then, he circulated our private corporate bank statements and photo of me to the Austin IRS Scheme Detection Center, Austin Texas State Troopers and others in order to "influence" them to investigate me in violation of the Constitutional Right to Privacy. The day after calling me to make a threat for full payment of the $20,000 fine, agent Williams arrived at my home to make an arrest for a conspired indictment.

I pray the U.S. Supreme Court, in light of the multiple attacks on the lives of black men and others of color, minority-owned businesses, U.S. soldiers and veterans across our nation, will act upon this racial and social injustice by dismissing the 26 counts that are in direct conflict with binding Fifth Circuit precedent in US v Richardson 676 F.3d 491, 505 (5th Cir 2012) and U.S. Supreme Court precedent US v Gaudin, 515 US 506, 509 (1995).

TABLE OF AUTHORITIES CITED

CASES

STATUTES

CASES continued

United States v Udo

United States v Gibson 875 F.3d 179, 198 (5th Cir 2017)

United States v Sharma 703 F.3d 318, 322 (5th Cir 2012)

Paroline v United States, - U.S. - 134 S.Ct. 1710, 1729 (2014)

STATUTES continued

8th Amendment of the United States Constitution

14th Amendment of the United States Constitution

13th Amendment of the United States Constitution

4th Amendment of the United States Constitution

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

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix ______ to the petition and is

[ ] reported at ______________________________; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix ______ to the petition and is

[ ] reported at ______________________________; or,
[ ] has been designated for publication but is not yet reported; or,
[X] 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

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was ____________________.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: DECEMBER 5, 2019, 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).

STATEMENT OF THE CASE

Appellant Robert Earl Ramseur was indicted on 26 counts of violating 26 USC 7206(2). The jury instructions required that it be proven beyond a reasonable doubt to be material. The definition for materiality is as follows:

A statement is "material" if it has a natural tendacy to influence or is capable of influencing the Internal Revenue Service in investigating or auditing a tax return or in verifying or monitoring the reporting of income by a taxpayer.

There's nothing in the trial that pertains to income verification and the PSR (Pre-sentencing Report) is proof that "the material statement" was the 2013 statement of the Texas Department of Insurance regarding the unlawfully obtained bank statements and a private photo, which was circulated to multiple parties. The records contains no evidence that the Schedule Cs influenced the IRS and no sufficient evidence to show verification of income by the IRS.

To prove that the Schedule C's business loss was false, Special Agent David Williams mailed questionaires to customers from a private database obtained from the home invasion of the appellant. Also, he made phone calls to the customers, and interviewed them to testify of not operating a business or of the amount being inaccurate, which contradicts the IRS form 8879 they signed under penalties of perjury.

The appellant argues that trial counsel was constitutionally ineffective for failure to:

1. investigate the conspiracy/collusion that influenced the investigation

2. object to the plain errors of illegal restitution amounts

3. stop the sentence that exceeds the maximum authorized by law.

4. identify the racial injustice in the trial jury selection, process and sentencing.

5. identify the collateral attack of the Texas Department of Insurance, who influenced the prosecutor with private photos, and illegally obtained and circulated bank forms.

6. maintain attorney-client privelege by sharing private discussions, and assisting prosecutors with their witness list.

7. NOT using the witness list provided by the appellant, nor the evidence of IRS form 8867 and client agreements which would result in a different outcome.

REASONS FOR GRANTING THE PETITION

1. The opinion of the Fifth Circuit Court of Appeals is not supported by the facts and operative law. The substitution of the 1978 United States v Taylor 574 F.2d 232 (5th Cir 1978) materiality instruction for the 2018 jury charge given at the Ramseur trial is illegal and in direct conflict with binding Fifth Circuit precedent, United States v Richardson, 676 F.3d 491, 505 (5th Cir 2012) and the US Supreme Court precedent, United States v Gaudin, 515 U.S. 506, 509 (1995).

2. As a result of the racial profiling and targeting through the collusion of the Texas Department of Insurance, Texas State Troopers, the Austin Scheme Detection Center and others in the city of Austin, Tx, there's multiple violations of constitutional and civil rights. This abuse of authority is a primary cause of the mass incarceration of African-American men, as well as other minorities, as well as the excessive sentencing, as in this case, being that the maximum is three years according to IRC 7206 (5).

3. I'm a disabled veteran struggling with a severe head injury known as Traumatic Brain Injury (TBI), which occurred while serving on duty in the U.S. Army. They disregarded it in bully fashion without any regard for my status as a disabled veteran nor the Americans with Disabilities Act. Abuse of this nature leads to mass homelessness among veterans and many others. In addition, the nature of TBI is not being addressed by the Federal Bureau of Prisons during the Corona-virus / COVID-19 outbreak according to the CARES Act.

4. The failure rate of small businesses owned by African-Americans continue to increase because innocent persons are charged with a crime on issues concerning civil matters of inaccuracies or errors. Being that there's no evidence of the following:

1. no evidence of "willfully"
2. no evidence of procuring, counseling or advising
3. no evidence of fraud or false material accoding to the governing legal standard, the three prong analysis set forth as a binding precedent
4. no evidence of legal duty,

as required in 26 USC 7206(2).
Otherwise, it's not only a matter of errors or inaccuracies, but moreso a matter of intimidating tactics.

CONCLUSION

After graduating from the University of North Texas in 1996, I chose the honorable option of enlisting in the U.S. Army to serve the nation as did my father. After receiving honors such as being selected to serve in the Old/Color Guard at the White House, I suffered a severe head injury while on a special mission with my master seargent to recover stolen weapons (see VA doctor's note). Due to dysfunctions related to the Traumatic Brain Injury (TBI), I was honorably disCharged. I worked for several years as a corporate staff accountant for Wyndham International Hotels and Resorts until the impact of 9/11 caused an impact on the travel industry. Thereafter, I founded a small business corporation to provide financial and insurance services, along with work opportunities, in my home community. After so much diligence, I'm a victim of racial profiling and targeting influenced by agents and agencies in Austin, Tx. through the use of informants with with criminal backgrounds (Corey Artis, Candice Hood, Ray Ricardo, to name a few). The informants wrote false letters, manipulated files, stole private photos and documents such as the bank statements and photos used by the Texas Department of Insurance at their Hearing, who then circulated them to Special Agent David Williams and others.

This is proof, along with the PSR, that the abuse of authority influenced the investigation, not the Schedule C's, in violation of the precedents set forth by the 5th Circuit Court of Appeals and the U.S. Supreme Court.

The Appellant requests that the U.S. Supreme Court acquit the defendent on counts 1 through 26, Aiding or Assisting in the preparation or presentation of a false or fraudulent Individual Income Tax Return in violation of 26 USC 7206(2).

The petition for writ of certiorari should be granted.

Respectfully submitted,

Robert Ramseur

4/21/20