

No. _____

20-7546

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Reginald L. ShumPERT — PETITIONER
(Your Name)

FILED

MAR 09 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

VS.

U.S.D.C. for the Eastern Dist. of Missouri -
RESPONDENT(S)
Cape Girardeau

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eighth
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)
Circuit

PETITION FOR WRIT OF CERTIORARI

Reginald L. ShumPERT - 45833-044
(Your Name)

U.S.P. Florence P.O. Box 7000
(Address)

Florence Colorado 81224
(City, State, Zip Code)

(Phone Number)

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

- 1.) ShumPett v Gaunt, no. 16-14-101, U.S. District Court for the Western District of Texas
- 2.) ShumPett v Gaunt, no 16-50632, U.S. Court of Appeals for the Fifth Circuit. Judgment entered February 26, 2021

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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☐ is unpublished.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 A 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 January 15, February 17, 2021

☐ 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: February 17, 2021, and a copy of the order denying rehearing appears at Appendix A.

☐ 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).

Table of Authority

- 1) U.S. v Bagley 473 US 667
- 2) In re: Bonner 151 US 256
- 3) Brady v Maryland 373 US 83
- 4) Brant v. US 468 US 532
- 5) Brown v. Mississippi 297 US 278
- 6) Burns 500 US 493
- 7) Burt v. Place 4 Wend 691 N. 1830
- 8) US v Arlen 947 F.2d 139, 144
- 9) Dickerson v. U.S 530 US 428
- 10) U.S v Chamberlain 163 F.3d 499
- 11) U.S v Davila 890 F.3d 583
- 12) U.S v Edmons 432 F.2d 577
- 13) Foster v. California 394 U.S 440
- 14) Giordano v. U.S. 357 US 480
- 15) G.G.L.O. v. U.S. 405 US 150
- 16) U.S v. Ruiz-Chavez 612 F.3d 983
- 17) U.S v. Herrold 883 F.3d 517
- 18) Harris v Nelson 394 US 286
- 19) Heck v Humphrey 512 US 477
- 20) U.S v House 823 F.3d 482
- 21) Hopt v Territory of Utah 110 US 574
- 22) Jabert v. U.S. 301 US 217
- 23) U.S. v. Johnson 463 F.3d 803
- 24) Kileen Daily Herald-Telegram Staff
- 25) SWORD STATEMENT: Affidavit of the facts
by Reginald Shumperst
- 26) King v. Parrott, 4 Car: P 570, 172 Eng Rep 829
- 27) King v. Rudd, 1 Leach 115, 168 Eng. Rep. 160
- 28) King v. Warickshall, 1 Leach 168 Eng. Rep. 234
- 29) Knigler 421 US 124
- 30) Linda Parker 2000 U.S App. Lexis 50 225 F.3d 579
- 31) Mirales, 502 US at 11-12
- 32) Neher v. Potts, 41 Neb. 843, 868-66 NW 864
- 33) U.S v. Nolan No. 16-3423-pl 18-1113 pr. (2nd Cir April 15, 2020)

Table of Authority

- 34.) *Pierce v. U.S.* 160 US 355
- 35.) *Perry v. New Hampshire* 565 US 228
- 36.) *Queen v. Balder*, 2 Den. 430, 169 Eng Rep. 568
- 37.) *Queen v. Gardner*, 1 Den. 329, 169 Eng Rep. 267
- 38.) U.S. Rev Stat 751-763
- 39.) RSMo 610.120 - 43.532
- 40.) *Roger* 709 F.3d 407
- 41.) U.S. Supreme Court habeas Corpus Jurisprudence
- 42.) *Shumper v. Gaunt et al* W-16-CA-101 RP (5th Cir No. 16-50632)
- 43.) *U.S. v. Solomon* 826 F. Supp. 1221
- 44.) *Silverthorne Lumber Co v. U.S.* 251 US 385
- 45.) *U.S. v. Tanksley* 848 F.3d 347
- 46.) *Threadgill* 172 F.3d at 370
- 47.) *Wak v. City of Independence* 846 S.W. 2d 193
- 48.) *Wohney v. Collins* 985 F.2d 222

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

- 1.) Fed. R. Crim. P. 52 (a)(b)
- 2.) Fed. R. Crim. P. 13)(4)
- 3.) Fed. R. Crim. P. 5(a)
- 4.) Fed. R. Crim. P. 36
- 5.) 28 U.S.C. 951
- 6.) 5th amendment of Constitution
- 7.) 6th amendment of Constitution
- 8.) 14th amendment of Constitution
- 9.) Fed. R. Civ. P. 41.2
- 10.) 4th amendment of Constitution
- 11.) Fed. R. Civ. P. 9(b)

OTHER

QUESTION(S) PRESENTED

- 1.) *In Re John Bonner* 151 US 242:
In all cases where Life or Liberty is affected by its Proceedings, the Court must keep strictly within the limits of the law authorizing it to take Jurisdiction.
- 2.) *Verot Giordanello* 357 US 480 Criminal Law § 57
Preliminary examination - authority of Commissioner - admissibility of Evidence.
- 3.) *U.S. v Chambelain* 163 F.3d 499 Criminal Law: Procedure > Interrogation > Miranda Rights > notice & warnings.
- 4.) *U.S. v Nolan* NO. 16-3423 R 18-1113 R (2nd Cir April 15, 2020)
- 5.) *Jabert v. U.S.* 381 US 217: 5th and 14th amend - MENT of Constitution "Due Process" Federal Rules of Criminal Procedures 5(a) violation [May 23 2016 Waco TX] Preliminary Hearing - Warrant - Probable Cause.
- 6.) *U.S. v. Edmonds* 432 F.2d 577: Criminal Law: Procedure > Search & Seizure > Fruit of the Poisonous Tree > General Overview Evidence > Procedural Considerations > Exclusion & Preservation by Prosecutor. [see also *Silverthorne Lumber Co. v. U.S.* 251 US 385]
- 7.) *Harris v. Nelson* 394 US 286: Habeas Corpus. 121 Hearings - Duty to Grant.
(b) the federal courts not only may grant evidentiary hearings to habeas corpus applicants, but must do so upon an appropriate showing.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1.) Habeas Corpus Section 1 - Pre-eminent Role: (Art. I, § 9 Clause 2) The fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.

2.) Habeas Corpus Section 109 - Fashioning Appropriate Modes of Procedure: The All Writs Statute (28 U.S.C. 1651) extends to habeas corpus proceedings and authorizes the courts to fashion appropriate modes of procedure by analogy to existing rules or otherwise in conformity with judicial usage. "This is the inescapable obligation of the courts."

Harris v. Nelson 394 US 286

3.) 5th and 14th amendment of Constitution: "Due Process" where the Government did not fulfill all the requirements of Rule 5(a). The complaint did not serve to institute the proper "pre-indictment" criminal procedure.

4.) 4th amendment of Constitution: "Expropriation: the primary illegality" → Criminal law? Procedure → fruit of the poisonous tree → Exclusionary Rule → Probable cause → Sensory Perceptions.

U.S. v. Edmonds 432 F.2d 577

Statement of the case Summary of the issues Presented

Appellant Reginald Shumper was convicted of bank robbery by bench trial (whom was of "conflict of interest") in violation of Title 18 (U.S.C) United States Code Section 2113(a).

Reginald Shumper lost amendment, Right to the Effective Assistance of Counsel was violated. "When a defendant fails to object to the admission of evidence at trial, review is for plain error."

Shumper's Appointed Counsel did Absolutely Nothing to show the affects of Substantial Rights of the defendant was being violated when law enforcement conducted a impermissibly suggestive photo line-up of Shumper to bank teller Tasha Schuster. (see U.S v Edmonds 432 f.2d 577) [see also Fed. R. Crim. P. 52(b)] "a plain error that affects substantial rights may be considered even though it was not brought to the courts attention."

* October 3, 2016 Appointed Counsel brought to the courts attention that it was being amended to a "false Claims Act" Cause of Action suit in the 5th Circuit, which made the courts become very prejudicial in the affects of the outcome to the district court proceedings. (House, 823 fd at 487)

* In Re: U.S v Nolant NO. 16-3423 p(L) 18-1113 pr (con) 2nd cir. April 15, 2020, Shumper Ineffective Assistance of Counsel made it known to Shumper "after returning back to Texas (Bell County) that the Government formed

IT CASE ON "FRAUD UPON THE COURT"
by using (2) photos [Exhibit H 2/71?
22/71] that was highly prejudice,
for an indictment from the grand
jury. IN violation of Rule 3 of the
Federal Rules of Criminal procedure.
The district court knew that invoking
the grand jury to indict ShumPERT
was an "abuse of process" because of
"the fruit of the poisonous tree".

Bank Teller Tasha Schuster preparation
of police-prosecutor arrangement
was provided with (5) five photos of
ShumPERT while he was in Bell Co.
in a Orange County Jail Suit, then
presented ShumPERT to Miss Schuster
"at trial" the same way in a Orange
County Jail Suit. (U.S v Edmonds 432
F. 2d 577 "when the police NOT knowing
the perpetrators identity make an
arrest in deliberate violation of the U.S
Const. Amend. IV for the very purpose
of exhibiting a person before the victim.)
* May 23, 2016 Reginald ShumPERT 5th
and fourteenth amendment of CONSTITUTION
("due process") of Federal Rules of Criminal
Procedures 5(a) was violated. A person
who is arrested for an offense must be
taken before a United States Commissioner
immediately and informed of his rights,
and a preliminary examination to
determine whether probable cause exists
to believe that an offense has been
committed and that he committed it
must be held at that time or promptly
thereafter. Reginald ShumPERT was
NOT taken before a United States

Commissioner in Inacio, Texas upon arrest. (See Sabert v. United States 381 U.S. 214) However, upon the Government exhibit 1, Special Agent Ritter 302 Report, (which the fruit of the poisonous tree) is an issue as stated in Giordenello v. U.S. 357 U.S. 480, the arrest warrant was defective. The grounds that the warrant was issued on, that was insufficient because the case agent relied exclusively upon hearsay information rather than personal knowledge and the warrant recited no more than the elements of the crime charged. [See Veto Giordenello v. U.S. 357 U.S. 480] (See Also Government Exhibit 1)

* Documents # 17 of Case No. 1:19-CV-00116 SNLJ filed 03-30-20 is the Statement of the Issues Presented.

"The fruit of the Poisonous Tree"
[Massiah Violation: Wong Sun v. United States]

** In connection of violation of federal Rules of Criminal Procedures 38(b). See documents file in Civil Action 1:20-CV-03592 in the District Court - District of Colorado. 18 U.S.C. 3552 (b) place of confinement for inmate in the appeal process, where Unit Manager concealed arrest warrant and indictment upon Government Request. [Extraordinary circumstances and Compelling Reasons] (See Also Note to Case Manager in Re to P.5100.08]

Upon the Government Response to ShumPERT's Supplemental pleadings February 21, 2020 Exhibit 1 from the Government, "Stated, S.A. RUTTER was provided with information "about a bank robbery in the St. Louis area May 2014". * WAS RECORDED IN HERRIS V. NELSON 394 US 286 (1969) "he had been convicted on illegally seized evidence, since his arrest and incidental search had been based solely on the statement of an unreliable informant". Likewise, ShumPERT was convicted by bench trial on tainted evidence, "that was" fruit of a poisonous tree."

The phone call and photos to be presented to the grand jury for an indictment and an arrest warrant. According to the habeas corpus section 109- fashioning appropriate modes of procedures; 12.) The all writs statutes (28 U.S.C. section 1651) extends to habeas corpus proceedings and authorizes the courts to fashion appropriate modes of procedures by analogy to existing rules or otherwise in conformity with judicial usage; where their duties requires it.

"This is the inescapable obligation of the courts". July 22, 2019 ShumPERT filed a motion under 28 U.S.C. section 2255. The petition was assigned to track 4 upon the Administrative Procedure Act. The Case Management program that was established in ShumPERT's motion under 28 U.S.C. 2255 was based on corruption.

- 1.) Exhibit H 11/71, 12/71 and 13/71 shows the district court was a proud member to the bank that was allegedly robbed.
- 2.) The trial lawyer informed the district court that it was amended to a "false Claims Act" cause of action in the 5th Cir court of Appeals. [See Shumperdt v Gauntt, et al No. 16-50632]
- 3.) Appeals Attorney warned Shumperdt that the district court would "influence" the "outcome" of all Shumperdt's proceedings. (In Re: Kugler, 421 US 124) [See Also Exhibit V] (5 pages)

As stated the writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and "lawless" state action. With so much prejudice and corruption by the district court of Shumperdt, how can the scope and flexibility of the writ - in capacity - reach all manner of the illegal detention? The very nature of the writ demands that it be administered with the initiative and flexibility essential to insure that miscarriages of justice within its reach are "surfaced" and "corrected".

Reginald Shumper pray that according to the above stated issues, give way to the duty to grant, under the Habeas Corpus Section 121 [hearing] that the federal court not only may grant evidentiary hearing to Habeas Corpus Applicants, but must do so upon appropriate showing. Furthermore, Shumper also pray under Habeas Corpus Section 118 issuing writs [development of facts], that the "a propos of the facts" at this time be a fact for a habeas corpus proceeding, when the court considers it necessary to do so in order that a fair and meaningful evidentiary hearing may be held so that the court may properly dispose of the matter as law and justice require, either on its own motion or upon cause shown by the petitioner, it may issue such writs and take or authorize such proceedings with respect to "development of the facts" relevant to the claims advanced by the parties as may be necessary or appropriate in aid of its jurisdiction and agreeable to the usage and principle of law.

- As stated in Harris v. Nelson at 394 US 290, "we concluded that, in appropriate circumstances, a district court, confronted by a petitioner for habeas corpus, which establishes a prima facie case for relief, may use or authorize the use of Swetable

discovery procedures "including interrogatories" (Rule 33) reasonably fashioned to elicit facts necessary < pg. 286 > to help the court to "dispose of the matter as law and justice require". Yet, as Shumperdt shows the burden of proof, "the fruit of the poisonous tree", Shumperdt prima facie case for relief is constantly being denied.

* Reginald Shumperdt now comes to the Supreme Court through the exercise of its Rule-Making Power and for the reason that claims collaterally contesting the admission of evidence allegedly seized in violation of the fourth amendment should be entertained only under limited and special circumstances as stated in Harris v Nelson at 290. "We reversed and remand the case in order that the District Court may reconsider the matter before it in light of our opinion and judgment"....

* Also, in Re: Parker 2000 U.S App Lexis 50 (225 F.3d 579, A) because she raises this issue for the first time on Appeal we review for plain error. [see Threadgill, 172 F.3d at 370]. The Fifth Amendment protects a defendant against being tried on a charge not contained in a grand jury indictment. This right is violated when the district court constructively amends the indictment by allowing proof of an essential element of a crime on an alternative basis permitted by statute but not charged

in the indictment. Therefore, Likewise
Reginald L. ShumPERT pray the Supreme
Court Review these issues on this writ
of Certiorari because of the prejudice
Act of the district court whom had no
Authority or Jurisdiction under Constitutional
law > Bill of Rights > fundamental rights >
Procedural Due Process > Grand Jury
Requirements > Criminal law & Procedures >
Accusatory Instruments > Indictments
"to Allow proof of An essential element
of a crime on An Alternative basis permitted
by statute but NOT charged in the Indig-
ment". [See Exhibit H 11/71 (A) & Exhibit B
12/30] (Quoting United States v. Arlen 947
F. 2d 139, 144 (5th Cir 1991) District Court
used a foundation whom he knew to be false.
(Florissant Police Report of An Assault)

STATEMENT OF THE CASE

Case Manage, [In Re. to P5100 087]

Goodwin, with all due respect, Please Get me moved to a Medium. "Here at U.S.P. Florence" I've been wrong by a "UNITED STATES Employee"! "Just that simple". NO MATTER HOW GOOD IT MAY LOOK TO COVER-UP for a "INTERNAL investigation", it only prove "defraud" because the originals was stopped, "NOT the copied documents". They're filed in COURT due to KNOWING the corrupted "Mentality". Therefore, they were only filed there to prove "beyond Reasonable doubt"! [Later on in COURT]

* As the "Study Case" - SECTION of 18 U.S.C 3552(b) or any observation needed to give Central office, it shouldn't be a problem to correct the wrong that has been so obvious committed. "Besides, Greenville, Terre Haute" are closer to the COURTS and available resources as described in Chapter

2...."
Goodwin, for the last time of Request, "Knowing" "you" on top of "your" game; those documents that was "stopped" Verify Reasons for Termination for a member of the UNIT team [Vigil"]!

1. "Security Designation procedures for New Commitments" - SECTION 1) designation procedures; paragraph (6) gave me the ability to amend (2) UNIT team members to my "false Claims ACT" by stopping legal mail. [Apr. 15, 2016]
[Criminal Complaint filed under seal]

TRUST ME, MY PERSISTENCE IS FOR A REASON because
I've done nothing wrong!!! But any way -
As stated in accordance with Rule 38(b) of the
Federal Rules of Criminal procedure, "When the
court of conviction recommends that the
inmate be retained in a place of confinement
which will allow the inmate to participate in
the preparation of the appeal, the Bureau "will"
make every effort to place the inmate in such a
facility." Wouldn't you agree that those stopped
documents would prove different? Now, "you"
and "I" both know if you was to inform the
courts your fellow team member committed
18 U.S.C 371 & 2071 [according to the next paragraph]

* "If a reason exists for not placing the inmate in
that facility, the matter is called to the
attention of the court and an attempt
is made to arrive at an acceptable place
of confinement"...

(Things wouldn't set right with you....)

"If you had to inform the court "My legal work
is being stopped".... Besides, since I've
been here, I've been studying all the "right"
"things" to secure my relief of my false
Claims Act" complaint.

REASONS FOR GRANTING THE PETITION

UPON the Extraordinary circumstances and Compelling Reasons, it is a MUST this Court invoke its Jurisdiction under 28 U.S.C 1254(1).

- The Court committed a Plain error that affected substantial Rights and seriously affected the fairness, integrity, and Public Reputation of Judicial Proceedings.
- Abuse of Process
- In effect the Majority holds that if the Police Practice is offensive NOT ONLY MUST Tainted evidence be excluded but the defendant MUST be Granted immunity from Prosecution.

Petitioner Pray this Petition Be Granted to "dispose of the Matter as law and Justice Require."

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ShumPERT, Reginald L

Date: March 9, 2021