

No. 20 -

20-7574

PETITION FOR A WRIT OF CERTIORARI

IN THE

SUPREME COURT OF THE UNITED STATES

Robert K. Rymer

(Your Name)

— PETITIONER

vs.

Brian Foster, Randall Hepp, — RESPONDENT(S)
Wardens.

ON PETITION FOR A WRIT OF CERTIORARI TO

Seventh Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Robert K. Rymer

(Your Name)

Waupun Correctional Institution, P. O. Box 351

(Address)

Waupun, Wisconsin, 53963

(City, State, Zip Code)

(920) 324-5571

(Phone Number)

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Denied CERTIORARI help: Fed. Def. Superv. Craig Albee-Shelly Fite-Josh Uller.

ORIGINAL

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QUESTION(S) PRESENTED

- Rymer's state trial violated, Inef. Ass't. of Counsels'/Government by Due Process Cl.
- 1 Deprived of 6th amdt. attached counsel right by S.P.D. Kuech, Br.II froze assets 9/30/97 96FA228 by ACCUSER (Sila V. U.S.) then DECIDER 97CF396/96FA228 their FIDUCI-ARY violated 28 U.S.C. §455(b) (Fowler V. Butts/Gittere V. Echavarria/Williams V. Pa.).
 - 2 COVERT: Simultaneous Actual Conflict of Interest Dr. M.J. Chambliss 1996-99 with trial att'y. F.M. Gimbel (Cuyler V. Sullivan) Gimbel got My \$5K for autopsy=not done
 - 3 CONFRONT: (Brady-Napue-and progeny) Government /I.A.C.s suppressed/wrongfully withheld (Brady V. Maryland/Cone V. Bell) see exhibits A-Z, missing 1-22, and 1-55=proof.
 - 4 Deliberate Elicitation: (John J. Fellers V. U.S. and progeny) 6th amdt. counsel right.
 - 5 Rymer's ALIBI-TIMELINE at trial by Dr. Chambliss on T.O.D. and Kramer's testimony on 9/19-20/97 Friday till his arrest Sat. 9/20 at 18:03 Hr. Fond du Lac Police (FdL).
 - 6 Failure of IACs to develop and investigate, strategy, conflict loyalty by 3 att'ys. (Crane V. Ky./Holmes V. S.C.) lied about CCAP/WCCA records on Chambliss-Gimbel 1996-99.
 - 7 Rymer's right to Open/Public Trial closed 4/22 PM-4/23/98 AM jury conference and jury instructions (I at jail=NOT OBJECT) Gimbel not object=NOT RECORDED on Sudden Passion/Self-Defense/Justification/Duress on proof Gail alone came back uninvited=broke in 18:00.
 - 8 Br.II lost competency/personal subject-matter jurisdiction (see #1) lost authority.
 - 9 F.d.L. Police Sat. 9/20/97 18:03 Hr. violated Rymer's 4th amdt. privacy right, NO: announce-knock-permission-warrants-or charge with 4 pistols to his head=inside CONDO.
 - 10 Rymer's 18 U.S.C. §3005 2nd trial att'y. and witnesses (see #2) My \$5K=NO EXPERTS 6th amdt. right of accused to confront witnesses before jury (exhibits on #97-10298)
 - 11 Due Process Clause violated not fair trial, INADMISSABLE EVIDENCE For. Dentist Dr. L. Thomas Johnson, surprise witness (NO Pre-Trial) CG photos=bite-mark (Ege V. Yukins), no OBJECTION by Gimbel not getting 14 photos/negatives (see Johnson's lies=Robert Lee Stinson).
 - 12 Due Process Clause violated 9/21 photo Justin from lake "pattern mark" on head=to jury on 04/04/2003 report of 10/2/97 detective on Pre-Lim of "prune/washerwoman skin" on photo 9/22/97 at autopsy=pattern mark gone from Justin's photo (see exhibits A-Z, 1-22, 1-55). [many exculpatory evidence in exhibits FILTERED by Corrupt D.A. Joe F. Paulus=DEEP SIXED].

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APPENDIX B	appeal Distr. II 99-1521-CR Att'y. Steven G. Bauer, denied 12/20/00
APPENDIX C	NO-MERIT Wis. S. Ct. (NO PERMISSION by Me) B.C. Findley " 2/7/01
APPENDIX D	Pro SE Habeas Corpus E. D. of Wis. 18cv1347 denied 3/27/19
APPENDIX E	Pro Se appeal to 7th Circuit Court, denied C.O.A. & En Banc 7/10/20 19-1782, 20-2141
APPENDIX F	

X. C O N C L U S I O N

For the foregoing reasons, Mr. Rymer requests that this court issue a writ of ceriorari to review all judgments, and exhibits A-Z, 1-22, and 1-55 in Habeas Corpus. List of 1-22 filed as missing for an Evidentiary Hearing 1/10/19 = denied E. D. of Wis.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Ariz. V. Fulminante, 499 U.S. 279, 308-10 (whole appeal record)	0
Bay V. Maryland, 476 U.S. 373 U.S. 83, 87 (suppr.& withheld)	i
Crane V. Ky., 476 U.S. 683, 690-01 (right to develop trial def.)	i
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Chambers V. Mississippi, 410 U.S. 284, 302-03 (defeats the ends of justice)	2
Fowler V. Butts, 829 F.3d 788, 790 (28 U.S.C. §455(b))	i
Gittere V. Echavarria, 130 S. Ct. 2613 (Echavarria V. Filson 9th Cir.)	i
Holmes V. S.C., 547 U.S. 319, 324 (duty to investigate/plan for trial)	i
Luis V. U.S., 136 S. Ct. 1083 (freeze untainted is unconstitutional)	i
McCoy V. La., 138 S. Ct. 1500 (Inef. Ass't. of Counsel/Alibi)	
Fellers V. U.S., 540 U.S. 519, 524-25 (6th amdt. counsel GUARANTEED)	i

STATUTES AND RULES (statutory authority by Congress)

18 U.S.C. § 3005 right to 2nd counsel and witnesses in a capital trial	i
28 U.S.C. § 455(b) appeal as of right on trial judge implied constitutional bias and partiality, Br. II lost competency/personal subject-matter jurisdiction violated Wis. §813.025 on restraint = hearing with-in 5 days = not happen 96FA228	i, 2
28 U.S.C. § 1254(1)	

Constitutional Provisions

United States Constitutional Amendment	I	petition government to redress	i, 2
" " " "	IV	persons privacy right	i, 2
" " " "	V	due process and double jeopardy	i, 2
" " " "	VI	guaranteed counsel right, et al	i, 2
" " " "	VII	jury trial right	i, 2
" " " "	XIV	due process in the law	i, 2

OTHER

Rymer was penalized = Double Jeopardy 96FA228 freeze assets and TAKING his \$ before his 4/20/98 trial 97CF396 which deprived him of choice-paid 6th amdt. counsel right.

IV. Petition for Writ Of Certiorari

Robert Rymer, an inmate incarcerated at Waupun Correctional Institution in Waupun, Wisconsin. Pro Se he respectfully petitions this court for a writ of certiorari to review the judgments and his exhibits in Habeas Corpus:A-Z, 1-22, 1-55.

V. Op i n i o n s

The decisions by jury in 97-CF-396/#97-10928 and appeal District II 99-1521-CR denied 12/20/00. A NO-Merit to Wisconsin Supreme Court (No Permission) denied 2/7/01. The suppressed wrongfully withheld "Brady-Agurs-Bagley-Giglio-Kyles-Strickler-and progeny, in exhibits in 2018 by Rymer and Innocence Consulting. The habeas 18cv1347 denied 3/27/19 Eastern District of Wisconsin, appeal to 7th Circuit Court which denied Certificate of Appealability and En Banc, Rehearing En Banc FRAP 40.

VI. J u r i s d i c t i o n

Mr. Rymer's 7th Circuit Court ORDER 7/10/20 . Mr. Rymer invokes this court's jurisdiction under 28 U.S.C. §1254(1), having timely filed this petition for a writ of certiorari within 150 days (ORDER 589 U.S.) Covid-19 DURESS, library closed.

VII. C o n s t i t u t i o n a l P r o v i s i o n s

United States Constitutional Amendment I:

Congress shall make no law... and to petition the Government for a redress of....

United States Constitutional Amendment IV:

The right of the people to be secure in their persons, houses, papers, and effects....

United States Constitutional Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless....

United States Constitutional Amendment VI:

In all criminal prosecutions, the accused shall enjoy the right to speedy trial and....

United States Constitutional Amendment VII:

The right of a jury trial, open to the public at all critical stages of court

United States Constitutional Amendment XIV:

All persons born...in the United States...nor shall any state deprive...due process....

STATEMENT OF THE CASE

Over 150 years ago Carpenter V. County of Dane provided him with counsel right like Brewer V. Williams pursuant constitutions and 6th amendment when judicial process began. Br. II 9/20/97 +1 Hr. signed Rymer's arrest warrant. Arrested that day at 18:03 Hr. by Fond du Lac Police inside CONDO at Kramer's, 4 pistols to his head NO: announce-knock-permission-warrants-of charge. Winnebago County Detective (det) R.M. Hughes read him MIRANDA rights, then to Oshkosh, Wis. safety building not to talk to Hughes on SELF-DEFENSE et al on fight. det C. Eischen did interview (interrogations) ignored Rymer's claim (see 99-1521-CR and Goodchild Hearing 1/29/98) 4 sessions 9/20-22 to SEW UP CASE = NO COUNSEL = STAND ALONE against state. Right ignored (see Raygoza V. Hulick 7th Cir./John J. Fellers V. U.S.) 6th amdt. right attaches, 5th invoked right.

The S.P.D. Kuech denied Me counsel then Br. II froze My assets 96FA228 9/30/97 which deprived Me of 6th amdt. chosen paid counsel, and I had to take divorce att'ys. assoc't. H. Joe Hildebrand (fired on no §971.23(1) discovery) Br. II their FIDUCIARY ACCUSER then DECIDER on 97CF396/96FA228 TAKING My \$ 10/23/97, 3/31/98, 5/20/ 6/26, 7/ 24 divorce, and 3/31/99 illegal contempt on Ex Parte Hearing. all \$ to Gail's att'y.

The 4/20/98 trial (NO 18 U.S.C. §3005) loyalty trial att'y. F.M. Gimbel on conflict (Cuyler V. Sullivan and progeny) Dr. M.J. Chambliss 97CF2261/97CM3638 got Dr. a deal D.P.A. 3/10/98 and on "COVERT" My trial 4/20/98. My appeal att'ys. S.G. Bauer then B.C. Findley lied of NO CCAP/WCCA records on Gimbel-Chambliss 1996-99. On 99-1521-CR and NO PERMISSION by Me for a NO-MERIT to Wis. Supreme Court, denied 12/20/00 and 2/7/01. Appeal 99-1521-CR to Distr. II Bauer not investigate photos to jury, used by Dr. Johnson.

Rymer's research with Innocence Consulting found Dr. L. Thomas Johnson/Raymond Rawson on "bite marks" lied 1986 put Robert Lee Stinson prison till 2009. The photo to jury "pattern mark" Justin's head with My "shoe sole photos" NOT 9/22/97 autopsy in photo 8 X 12 Det. Eischen made 10/2/97 to Dr. Chambliss=Suppr./Wrongfully Withheld = Rymer's state trial violated his right under **Due Process Clause to a fair trial**. See Chambers V Mississippi, 410 U.S. 62, 68 Under this very deferential standard, due process is violated, and thus habeas relief warranted. Results in denial fundamental/unfair.

REASONS FOR GRANTING THE PETITION

- A. To avoid erroneous deprivations of the right to guaranteed counsel which occurred in Br. II violating Rymer's 6th amdt. in 28 U.S.C. §455(b) restraint ORDER as their FIDUCIARY. Judge bent of mind=ACCUSER 9/20 then 9/30/97 bias and partiality = Sila Luis/Robertson Fowler III = procedural problem/precedent.

Rymer's appeal as of right on Br. II violating 28 U.S.C. §455(b) not challenged by Rymer's counsels' Frank M. Gimbel/Raymond M. Dallo'sto or Steven G. Bauer, and Brian C. Findley whom I asked HOW and WHY My un-tainted assets were froze, they did state judges do what they want. I have since found out in THE RULE OF LAW and laws with Supreme Court Rules, counsel should have enforced laws, rules per their OATHS. The lack of investigations by My four criminal counsel 1997-2001 on INADMISSABLE PHOTOS for "bite mark" and Dr. L. Thomas Johnson's lies on Robert Lee Stinson's (in prison 1985-2009) on him and Raymond Rawson's lies, same as Johnson on CG 14 photos and negatives to Wis. Crime Lab. Tech. Larry Ventura (modify like PHOTO SHOP) into court and Gimbel on SURPRISE testimony. The similar process to INFLAME jury on Justin 9/21 photo from lake, intentionally suppressed and wrongfully withheld by Det. and Dr. M.J. Chambliss the 8 X 12 proving "pattern mark" gone 9/22/97 Eischen took and knew at trial MISINFORMATION as she sat beside Corrupt D.A. Joseph F. Paulus who did go to prison on bribery/tax evasion 2002 and 2006CF0570 pled with Frank M. Gimbel. Like fired Med. Exam. Dr. Michael Joseph Chambliss 11-22-97 arrest, Gimbel entered Chambliss case 1/5/98 on 97CF2261 to 97CM3638 on D.P.A. COVERT = probation at My 4/20/98 trial as state's expert witness = why Gimbel took My \$5K for def. autopsy and pocketed \$5,000.00 with no witnesses for Me = ignored 18 U.S.C. §3005 2nd trial att'y. and witnesses to CONFRONT, he had his P.I. Charlie Hess at trial table. Rymer claims Fundamental Miscarriage of Justice = ALIBI-TIMELINE by Dr. Chambliss and Ms. Kramer's trial testimony if Gimbel presented SKTECH of TIMELINE=T.O.D. = proves My innocence. If the facts in exhibits A-Z, 1-22, and 1-55 = proof Gail came back alone=started fight. A thorough review of My **WHOLE RECORD with EXHIBITS will prove My innocence=NO FAIR TRIAL.**