

No. 20-8105

ORIGINAL

FILED

MAR 30 2021

OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

DANIEL LITTLEPAGE — PETITIONER
(Your Name)

vs.

STATE OF OHIO — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

DANIEL LITTLEPAGE
(Your Name)

P.O. BOX 5500
(Address)

CHILLICOTHE, OHIO 45601
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Is a Petitioner Entitled to a New Trial when the "Bias" and "Partial" behavior of a Trial Judge exceeds the Requirement to prove "Structural" Error?(See Appendix E)
2. Does the "Bias" and "Partial" behavior that went into Appendix E Violate Petitioner's Due Process and Equal Protection Rights under the Fifth and Fourteenth Amendments to the United States Constitution?
3. Is it an Abuse of Discretion and a Violation of Ohio Civ.R.8 (D) for the Court of Common Pleas, to Not respond to a properly filed "Structural" Error Motion? (See Appendix B in lieu of Order / Judgment that has Not been rendered.)
- 3a. Does this failure to respond as noted in 3. above represent the admission on the part of the Court of Common Pleas, Hamilton County, Ohio, that Petitioner's Argument is Correct?
4. Is it an Abuse of Discretion for the First District Court of Appeals to Not respond to Petitioner's "Summary Judgment," Motion against the Court of Common Pleas? (See Appendix A in lieu of Order / Judgment that has Not been rendered.)
5. Is it an Abuse of Discretion for the State Supreme Court of Ohio to Dismiss a properly filed Writ of Mandamus, requesting them to order the First District Court of Appeals to address Petitioner's "Summary Judgment"? (See Appendix C and D)
6. Does a Trial Judge Lose his Immunity when he executes a Fraudulent Order and Violates 28 U.S.C. § 47, which states "No Judge Shall Hear or Determine An Appeal From The Decision of A Case Or Issue Tried By Him"? (See Appendix E)
7. Is a Trial Judge's Judicial Immunity overcome if 1) The actions "Alleged" were not taken in the Judge's Judicial Capacity, or 2) If the actions, though judicial in nature, were

taken in the complete absence of all jurisdiction? (See Appendix E)

8. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Using Sham Legal Process" - A Violation of Ohio R.C. 2921.52? (See Appendix E)
9. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Impersonating" - A Violation of Ohio R.C. 2921.51? (See Appendix E)
10. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Fraud" - A Violation of Ohio R.C. 2913.01? (See Appendix E)
11. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Falsification" - A Violation of Ohio R.C. 2921.13? (See Appendix E)
12. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Forgery" - A Violation of Ohio R.C. 2913.31? (See Appendix E)
- 13.
13. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Corrupt Activity" - A Violation of Ohio R.C. 2923.32? (See Appendix E)
14. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Obstructing Justice" - A Violation of Ohio R.C. 2921.32? (See Appendix E)
15. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Identity Fraud" - A Violation of Ohio R.C. 2913.49? (See Appendix E)

16. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Dereliction of Duty" - A Violation of Ohio R.C. 2921.44? (See Appendix E)
17. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Tampering with Evidence" - A Violation of Ohio R.C. 2921.13? (See Appendix E)
18. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Conspiracy" - A Violation of Ohio R.C. 2923.01? (See Appendix E)
19. Is a Court of Common Pleas Judge, who Executes a Fraudulent Order Guilty of "Complicity" - A Violation of Ohio R.C. 2923.03? (See Appendix E)
20. Is a Court of Common Pleas Judge, who Creates and Executes a Forged and Fraudulent Order with No Authority or Jurisdiction Guilty of Fraud Upon The Court? (See Appendix E)
21. Is a Judge, who Executes a Fraudulent Order and who Instructs the Clerk of Courts to Mail it to Petitioner Guilty of "Mail Fraud" - A Violation of 18 U.S.C. 1341 and 18 U.S.C. 1342?
22. Is a Judge, who Executes a Fraudulent Order and who Instructs the Clerk of Courts to Mail it to Petitioner Guilty of "Using Mail To Defraud" - A Violation of 18 U.S.C. 1342?
23. Is a Judge, who Executes a Fraudulent Order and who Instructs the Clerk to Mail it to Petitioner Guilty of "Conspiracy To Commit Mail Fraud" - A Violation of 18 U.S.C. 371?

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:

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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 _____ 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 _____ 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 C to the petition and is

☒ reported at 2020-1358; 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 _____.

☐ 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: _____, 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 1/27/21.
A copy of that decision appears at Appendix C.

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
2. Fifth Amendment: 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 the Due Process of law; nor shall private property be taken for public use, without just compensation.
3. Fourteenth Amendment: 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, or liberty, or property, without Due Process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

This Certiorari is about "Structural" Error committed by a Judge, an Officer of the Court, and the Violation of the First, Fifth, and Fourteenth Amendments to the United States Constitution as well as the Abuse of Discretion by the Lower State Courts failing to do their Sworn Duty to Impartially Adjudicate these serious Crimes and Violations. This attack on the machinery of justice is of National Importance.

— This Certiorari involves a Judge, an Officer of the Court, who under the "Color of Law" and the "Color of Office" knowingly and with Maleasance Impersonated an Appellate Court Judge or one having Appellate Court Authority while he himself was a Common Pleas Judge. This conduct by a Public Official is of National Importance and its impact on the delivery of justice. See Appendix E Herein.

This Certiorari involves a Court of Common Pleas Judge, who Created and Executed a Forged and Fraudulent Order with No Authority or Jurisdiction to do so. This constitutes "Structural" Error and shows that a "Biased" and "Partial" Judge presided over Petitioner in his "Original" and Subsequent proceedings. This is of National Importance. See Appendix E Herein.

It is of National Importance that while Common Pleas Judge Norbert A. Nadel, was, with Malfeasance, willingly and knowingly Creating and Executing this Forged and Fraudulent Order Herein Appendix E, he also committed Multiple Crimes and Violations that are listed under Questions Presented in this Certiorari 7 thru 22 for which he has No Immunity.

These Crimes that were committed by Common Pleas Judge Norbert A. Nadel, in the Creation and Execution of Appendix E Herein are Felonies and are of National Importance and for the Court of Common Pleas, Hamilton County, Ohio, The First District Court of Appeals, Hamilton County, Ohio, and the State Supreme Court of

Ohio to refuse to adjudicate these serious Crimes and Violations is Disrespectful and Disgraceful to the Judicial Process. These Officers of the Court, who took an Oath to be Impartial, Failed.

It is of National Importance when the Court of Common Pleas, Hamilton County, Ohio, Refuses to Render a Decision in a properly Filed "Structural" Error Motion against a "Biased," "Partial," and "Corrupt" Judge, an Officer of the Court, when the Facts and Evidence presented to them Support the Motion. See Appendix B Herein, in lieu of Order or Judgment that has Not been Rendered.

It is of National Importance when the First District Court of Appeals, Hamilton County, Ohio, Refuses to Answer or Grant Petitioner his properly Filed "Summary Judgment" against the Court of Common Pleas, Hamilton County, Ohio, for its Failure to Respond to the "Structural" Error Motion against Common Pleas Judge Norbert A. Nadel, when the Facts and Evidence presented support the Motion. See Appendix A Herein, in lieu of Order or Judgment that has Not been Rendered.

It is of National Importance when a State Supreme Court Dismisses a properly Filed Writ of Mandamus Requesting that the First District Court of Appeals, Hamilton County, Ohio, to do its Sworn Duty and Rule On / Grant the properly Filed "Summary Judgment" against the Court of Common Pleas, Hamilton County, Ohio, Filed by the Petitioner. See Appendix C which is the Order from the State Supreme Court of Ohio Dismissing the Writ of Mandamus. Also See Appendix D, the Writ of Mandamus to the State Supreme Court of Ohio Filed by the Petitioner.

It is of National Importance when the State Supreme Court of Ohio Dismisses a properly Filed Writ of Mandamus against the First District Court of Appeals, Hamilton County, Ohio, when Two (2) of the Justices sitting on the State Supreme Court of Ohio, Justice Patrick R. DeWine and Justice Patrick F. Fischer, both served with "Biased" and "Partial" Judge Norbert A. Nadel, when he Created and Executed his Forged and Fraudulent order

with No Authority or Jurisdiction. See Appendix E Herein.

It cannot be said that No Influence was present in the State Supreme Court of Ohio in Denying Petitioner's properly Filed Writ of Mandamus. See Appendix D Herein.

The appearance of impropriety pervades these proceedings and cries out to the presence of undue influence. It is evident that undue influence was exerted in this denial by the State Supreme Court of Ohio.

The only path a Petitioner / Defendant has to get Justice in His / Her case is through the Courts. It starts out in the Court of Common Pleas / Trial Court and proceeds through the Judicial stages until, if need be, it reaches the Supreme Court of the United States.

But ~~The~~ Legal Process is Abused by the State Courts when they Refuse to Render a Decision at all or to Grant the Entitled relief all because the Crimes and Violations were committed by a Judge, an Officer of the Court who Abused his Office and his Position under the "Color of Law" and the "Color of Office."

What happen to the Courts being Impartial? This sets a Dangerous precedent that when a Petitioner / Defendant has a Case with Merit and Evidence against a "Biased," "Partial" and "Corrupt" Judge, an Officer of the Court, that it is Ok to Cover it Up by Refusing to Render a Decision at all. See Appendix B and E Herein.

This Honorable Court has stated "That A Biased Decision Maker Is Constitutionally Unacceptable." Withrow v. Larkin, 421 U.S. 35, 47, 95 S.Ct. 1456, 43 L.Ed.2d 712 (1975). This couldn't be more true than in the Petitioner's case before this Honorable Court.

REASONS FOR GRANTING THE PETITION

Petitioner was charged with Aggravated Murder and a Firearm Specification in July 2013. In January 2014, Common Pleas Judge Norbert A. Nadel, sentenced Petitioner to (20) Years to Life, plus (3) Years on the Firearm Specification when No Firearm was Ever recovered or Proven to be used by Petitioner.

To set the stage for this properly Filed Certiorari before this Honorable Court, the Judge involved, an Officer of the Court, has been the overseer both Legally and Illegally of Petitioner's case from 2013 thru 2016.

The right of an Accused to be presided over by a Fair and Impartial Judge (Emphasis Added) is a Basic Right of Due Process and Equal Protection under the Fifth and Fourteenth Amendments of the United States Constitution. Arizona v. Fulminante, 499 U.S. 279 (1991); Tumey v. Ohio, 273 U.S. 510 (1927); Re Murchinson, 349 U.S. 57 (1955); Ward v. Village of Monroeville, 409 U.S. 57 (1972).

"[T]he Due Process Clause Clearly requires a Fair Trial in a Fair Tribunal Before a Judge with No Actual Bias against the Defendant or Interest in the outcome of his particular case." Bracy v. Gramley, 520 U.S. 899 (1997). But Obviously, Judge Norbert A. Nadel Proved by his Corrupt Actions in the Creation and Execution of Appendix E Herein, that he had a personal interest and was more than "Biased" in Petitioner's case.

Fairness for purposes of the Due Process Guarantee "Requires the absence of Actual Bias in the trial of cases" and "A system of law [T]hat endeavor[s] to prevent even the probability of unfairness." In Re Murchinson, 349 U.S. 133 (1955). Appendix E Herein supports the claim of "Actual Bias" and that Petitioner was Not tried before a "Fair" Tribunal.

It is well established that a Criminal Defendant who is tried before a "Biased" Judge has been Denied Due Process. State v. Lamar, 95 Ohio St.3d 181, 2002-Ohio-2128, 767 N.E. 2d 166, ¶34, citing Rose v. Clark, 478 U.S. 570, 577, 106 S.Ct. 3101, 92 L.Ed. 2d 460 (1986); Tumey v. Ohio, 273 U.S. 510 (1927). Appendix E Herein supports a claim of a "Biased" Judge.

Appendix E Herein supports the claim that Petitioner was tried by a "Biased" and "Partial" Judge, and that Petitioner's Due Process and Equal Protection Rights under the First, Fifth, and Fourteenth Amendments to the United States Constitution were Violated.

Any Judge, an Officer of the Court, who Lies in wait, Not Weeks but Months, after he sentenced Petitioner, intercepts an "Original" Appeal from His / Her Judgment and Sentence and who Creates and Executes a Forged and Fraudulent Order, as is demonstrated in Appendix E Herein, without Authority or Jurisdiction to do so, Establishes Definitively that He / She was "Biased," "Partial," and "Corrupt." This is also "Structural" Error.

When this "Biased" Decision Maker Created and Executed his Forged and Fraudulent Order in Appendix E Herein, he also Committed Multiple Crimes and Violations listed in Questions 7 thru 22 in this Certiorari for which he has No Immunity.

This Honorable Court made it clear about the loss of Immunity of a Judge and it is as follows: "Judicial Immunity" is overcome if 1) The actions "Alleged" were not taken in the Judge's Judicial Capacity, or 2) If the actions, though Judicial in nature, were taken in the complete absence of all Jurisdiction. Forrester v. White, 484 U.S. at 227-229; Stump v. Sparkman, 435 U.S. at 360. Appendix E Herein supports this Loss of Immunity.

This Honorable Court has also reconized that a Judge is Not absolutely Immune from Criminal Liability, Ex Parte Virginia, 100 U.S. 339, 348-349, 25 L.Ed 676 (1880). Appendix E Herein supports this.

A Judge has No Immunity if an act is done in the clear absence of all jurisdiction, for "Judicial Immunity" purposes, if the matter upon which the Judge acts is clearly outside the subject matter jurisdiction of the Court over which the Judge presides. Ireland v. Tunis, 113 F.3d 1435, 1997 Fed. App. 0156 (1997); Bradley v. Fischer, 13 Wall. at 351. Appendix E Herein supports this.

This Honorable Court has stated "That A "Biased" Decision Maker Is Constitutionally Unacceptable." Withrow v. Larkin, 421 U.S. 35 47, 95 S.Ct. 1456, 43 L.Ed. 2d 712 (1975).

"Judicial Bias" is a Deep-Seated favoritism or antagonism that makes Fair Judgment Impossible. The Due Process Clause Clearly requires a Fair Trial in a Fair Tribunal before a Judge with No Actual "Bias" against the Petitioner / Defendant or interest in the outcome of his particular case. Coley v. Bagley, 706 F.3d 741 (2013).

To establish "Judicial Bias" a Petitioner / Defendant need Not prove "Actual Bias" but merely an Unconstitutionally High Probability of Actual Bias. Coley v. Bagley, 706 F.3d 741 (2013). Appendix E Herein proves "Judicial Bias" and "Actual Bias."

It is obvious that Appendix E Herein, which is the Forged and Fraudulent Order Created and Executed by Common Pleas Judge Norbert A. Nadel, with No Authority or Jurisdiction, fits well within what is needed to prove "Judicial Bias" and "Actual Bias" and that Common Pleas Judge Norbert A. Nadel, had a personal interest in the outcome of Petitioner's case.

Again, as stated by this Honorable Court "That A "Biased" Decision Maker Is Constitutionally Unacceptable." Withrow v. Larkin, 421 U.S. 35, 47, 95 S.Ct. 1456, 43 L.Ed. 2d 712 (1975).

So this Honorable Court doesn't get Distracted or Sidetracked about the Indisputable Evidence in Appendix E Herein, the Argument, Evidence and Questions are Not about the "Sham" Appeal mentioned within Appendix E Herein, the Argument, Evidence and Questions presented are all about the Crimes and Violations that were committed by Common Pleas Judge Norbert A. Nadel in the Creation and Execution of Appendix E Herein, under the "Color of Law" and the "Color of Office" that Prove "Structural" Error and that Petitioner was Tried by a "Biased," "Partial" and Corrupt Judge in his "Original" Proceedings and beyond.

"Biased," "Partiality" and "Corruption" by a Judge, an Officer of the Court, is Not something that can be turned on and off like a switch. Once "Biased," "Partial" and / or "Corrupt," always "Biased," "Partial" and / or "Corrupt." It doesn't matter in what part of the Case the "Bias," "Partiality" or "Corruption" took place, it Taints the whole Case and makes it Void.

Because as this Honorable has stated "That A Biased Decision Maker Is Constitutionally Unacceptable." Withrow v. Larkin, 421 U.S. 35, 47, 95 S.Ct. 1456, 43 L.Ed. 2d 712 (1975).

Courts have Repeatedly held that Proof of Partiality of a Judge is Not a requirement, only (Emphasis Added) the appearance of Partiality. Liljeberg v. Health Service Acquisition Corp., 486 U.S. 847, 108 S.Ct. 2194 (1988) (What Matters Is Not The Reality of Bias or Prejudice But Its Appearance) United States v. Balistreri, 779 F.2d 1191 (1985). Appendix E Herein Proves Bias, Partiality by Common Pleas Judge Norbert A. Nadel, against Petitioner.

This also supports Petitioner's claim of "Structural" Error. It is important to Identify and State what this Honorable Court considers "Structural" Error. Appendix E Herein supports "Structural Error.

This Honorable Court has stated, ("[T]he Court's precedents

[have] determin[ed] that certain errors are deemed "Structural" and require reversal because they cause fundamental unfairness, either to the Defendant in the specific case or by pervasive undermining of the systemic requirements of a Fair and open Judicial process. ... Those precedents include ... Tumey v. Ohio, 273 U.S. 510, 535 (1927) ("Biased Judge"); Neder v. United States, 527 U.S. at 8 ("Biased Trial Judge" is 'Structural [Error],' and thus [Is] subject to automatic reversal"); Edwards v. Balisok, 520 U.S. 641, 647 (1997) (A Criminal Defendant Tried By A Partial Judge Is Entitled To Have His Conviction Set Aside, No Matter How Strong The Evidence Against Him.") Appendix E Herein supports this.

"Structural" Errors are errors that the Court will always consider to have violated your right to a Fair Trial. Therefore, these errors are Not subject to the Harmless Error Rule, and you do Not have to prove to the Court that you were actually harmed. Columbia Human Rights Law Review.

To address the "Structural" Error committed by then "Biased," "Partial" and / or "Corrupt" Common Pleas Judge Norbert A. Nadel, Petitioner, on May 15, 2020, properly Filed a "Motion To Vacate Judgment Of Conviction Due To "Structural Error" Pursuant To The Due Process Clause Of The Fifth And Fourteenth Amendments To The United States Constitution." As of this filing No answer or decision has been Rendered by design of the state court. See Appendix B Herein in lieu of Order or Judgment that has Not been Rendered.

On September 29, 2020, due to the Failure and Refusal of the Court of Common Pleas, Hamilton County, Ohio, to answer the "Structural" Error Motion that was Filed on May 15, 2020, Petitioner properly Filed a Motion for "Summary Judgment" in the First District Court of Appeals, Hamilton County, Ohio, against the Court of Common Pleas. As of this filing No answer or decision has been Rendered by design of the state court. See Appendix A Herein in lieu of Order or Judgment that has Not been Rendered.