NO. 20-____

In the Supreme Court of the United States

ANNE RICHARDS ET AL.,

Petitioners,

v.

SAM OLENS ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the Supreme Court of Georgia

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

In a related RICO action, former Georgia Attorney General Sam Olens made knowing misrepresentations about University System of Georgia (USG) finances in order to block a hearing required by USG policy and obstruct a criminal investigation of the USG—later discovered to be engaged in a multi-billion-dollar fraud in federal funding scheme. Post-obstruction, the USG Board of Regents appointed Olens—as the sole candidate considered, in violation of Board of Regents policies—to a $500,000 a year position as president of Kennesaw State University (KSU)—after the USG removed the sitting president, with Olens' knowledge, through extortionate threats. When Petitioners sued to enjoin the Olens appointment as part of an ongoing RICO scheme, the Attorney General appointed by the Governor to replace Olens never filed a responsive pleading to the instant KSU action. In the face of more than a year of Petitioners' uncontested pleadings, the trial court ruled against Petitioners in a one-sentence order with no explanation. The Georgia Court of Appeals refused to hear Petitioners' appeal. Conflicted justices on the Georgia Supreme Court refused to recuse and also refused to review the denial of constitutional due process in violation of their oaths of office.

1. Whether the total breakdown of Georgia's justice system—in which the state never responded to documented allegations of fraud, obstruction, bribery, and extortion, and the courts denied review of uncontested corruption by political allies—is such a flagrant violation of constitutional due process and the rule of law that this Court must order a summary reversal to require actual adjudication of the cause below under the governing laws.

PARTIES TO THE PROCEEDINGS

Petitioners and Plaintiffs-Appellants Below

- Anne Richards
- Amanda Harrell
- Dr. Benjamin Williams

Respondents and Defendants-Appellees Below

- Sam Olens, the Office of Georgia Attorney General (Department of Law)
- Governor Nathan Deal,[1]
- Hank Huckaby
- Steve Wrigley
- Houston Davis
- John Fuchko
- The Board of Regents of the University System of Georgia

[1] Since the case was dismissed, Brian Kemp took office as Governor of Georgia.

LIST OF PROCEEDINGS

Supreme Court of Georgia

Case No. S20c0106

Anne Richards Et Al. v. Sam Olens Et Al.

Date of Petition for Certiorari Denial: March 26, 2020

Motion to Vacate Denial Date: July 15, 2020

Reconsideration Denial Date: July 15, 2020

Court of Appeals of the State of Georgia

Case No. A19A2010

Anne Richards Et Al. v. Sam Olens Et Al.

Date of Final Order: July 26, 2019

Superior Court of Fulton County Georgia

Case No. 2016-cv-282020

Leonard Witt, Susan Raines, Anne Richards, Scott Ritchey, Nicki Ayon, Virginia Bellew, Erin Ann Exum, Lane Hunter, Amanda Harrell, Brian Lawler, Jessica Boudreaux, Tiffany Griff'm, Valerie Dribble Joshua Goodwin, Sarah Larkin, Elizabeth Gordon, Dr. Ben Williams, and the Cobb Chapter Leadership Conference of the Southern Christian Leadership Conference, *Plaintiffs,* v. Sam Olens, the Attorney General of Georgia, John Does, Hank Huckaby Steve Wrigley, Houston Davis, John Fuchko, the Board of Regents of the University System of Georgia, and Governor Nathan Deal, *Defendants*

Date of Final Order: November 14, 2016

RELATED CASE
TRICOLI V. WATTS ET AL.

Supreme Court of Georgia

Case No. S16c1469

Anthony S. Tricoli v. Rob Watts Et Al.

Date of Final Order: November 7, 2016

Court of Appeals of the State of Georgia

Case No. A15a2256

Tricoli v. Watts Et Al.

Date of Final Opinion: March 30, 2016

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The Superior Court of Fulton County Georgia entered an order on November 14, 2016, barring Plaintiffs-Petitioners claims and dismissing the complaint on the basis of sovereign immunity. (App.10a). The Court of Appeals of Georgia affirmed this dismissal on July 26, 2019. (App.15a). The Supreme Court of Georgia denied a petition for certiorari on March 26, 2020. (App.3a)

JURISDICTION

Timely motions to vacate and for reconsideration were denied by the Supreme Court of Georgia on July 15, 2020. (App.1a, 2a) This Court granted a 60-day extension of the time to file a petition for writ of certiorari through December 12, 2020. This Court has jurisdiction 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS

U.S. Const., amend. I

> 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.

U.S. Const. amend. XIV, § 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.

STATEMENT OF THE CASE

In the lead-up to the instant KSU case, a financial scandal erupted in 2012 at another USG institution, Georgia Perimeter College (GPC). Though it is admitted by Respondents that two set of books were kept at GPC and financial reports to the GPC administration were wildly inaccurate, GPC President Anthony Tricoli was scapegoated and terminated. Tricoli sued the

USG Board of Regents for knowingly aiding and concealing financial fraud under the RICO statute, a suit that was dismissed on the purported grounds that state officials enjoy sovereign immunity protection to commit RICO felonies, notwithstanding the contrary language of the Georgia RICO Act according to the precedents of the Georgia Supreme Court. *Caldwell v. State*, 253 Ga. 400, 402 (1984) (Georgia RICO statute expressly authorizes civil action against state officials, rejecting the argument of Georgia Labor Commissioner Sam Caldwell that, as a state official, he was not subject to a civil RICO action).

This Court denied certiorari in that case, but in the course of preparing his petition, Tricoli discovered new evidence of fraud by USG officials affecting the judgment below, as well as the due process violations from Georgia's evasion of its own RICO statute and controlling Georgia Supreme Court precedent. Tricoli also discovered direct evidence of Georgia Attorney General Sam Olens blocking a hearing that was required when Tricoli was terminated and making knowing misrepresentations about USG financial records to obstruct a criminal investigation of the USG. Ultimately, Tricoli uncovered a scheme of USG fraud on the federal government totaling billions of dollars annually in federal aid.

Based on the new evidence of fraud and due process violations, Tricoli filed a motion to set aside the judgment against him pursuant to OCGA 9-11-60 on April 1, 2019. The State of Georgia to this day has never responded. It is alleged in the Tricoli motion that this massive fraud scheme in the USG was the impetus behind Attorney General Olens obstructing a hearing required upon Tricoli's firing, as well as

criminal investigation of the USG for millions of dollars that remain unaccounted-for to this day.

The instant KSU case was originally filed in October 2016 to bar the USG from appointing former Georgia Attorney General Sam Olens to a $500,000 a year USG position after Olens obstructed the hearings and criminal investigation concerning financial fraud in the USG, as alleged and documented in the Tricoli action. The KSU action for injunctive relief alleged a RICO scheme, including bribery in the USG appointment of Olens after Olens obstructed criminal investigation of the USG-as well as extortion and fraud in the removal of KSU President Dan Papp, to make way for Olens.

More than four years later, the State of Georgia, as represented by the Attorney General who was appointed to the position when Olens stepped down to become president of Kennesaw State University (KSU), still has never answered those allegations. In fact, Attorney General Chris Carr has never filed a substantive responsive pleading in the case.[1]

A hearing on Petitioners' TRO motion was not held until after Olens assumed the KSU presidency. Subpoenaed USG witnesses did not appear at the hearing, based on the attorney General's misrepresentations, contradicted by the evidence, that the subpoenas had been hidden inside the service papers. The Attor-

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[1] The only pleadings ever filed by the Attorney General were a notice of appearance and a pleading in support of the Georgia Court of Appeals refusal to review the case on the procedural pretext that a one-sentence order with no explanation denying an uncontested motion was res judicata of all possible issues on appeal.

ney General did produce, however, an order the Georgia Supreme Court entered that very morning before the court's normal business hours denying review of the Court of Appeals order conferring sovereign immunity on Georgia state officials for RICO felonies, contrary to controlling Georgia Supreme Court precedents that are binding on the Court of Appeals.

Despite the State of Georgia's failure to file a responsive pleading or produce subpoenaed witnesses, the trial court entered an order written by the Attorney General, dismissing the case for injunctive relief—an issue not addressed or decided in *Tricoli*[2]—and including knowing misrepresentations, including false grounds for the non-appearance of subpoenaed USG witnesses. 2R386.

Petitioners filed a motion to set aside that judgment based on due process violations, under OCGA 9-11-60(a), and evidence of fraud affecting the judgment, under OCGA 9-11-60(d). 2R393. To this day, Attorney General Chris Carr has never filed a responsive pleading

With no response forthcoming from the Attorney General or the Court, Petitioners filed a Supplement to the motion detailing new evidence discovered concerning the fraud and extortion in Dr Papp's removal. 2R513.

Still with no response from the AG or the trial court, Petitioner's filed a second supplement, with additional evidence of fraud, including the after-the-fact amendment of USG Board of Regents policies that had been violated in the ouster of Dr. Papp.

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2 *Tricoli v. Watts*, 336 Ga. App. 837 (2016).

Petitioners' pleading urged the trial court to rule on the uncontested motion that had now been pending for months. 2R550. Because all Petitioners' pleadings were disappearing in a well of darkness and silence, the case has been dubbed the Phantom Case at Kennesaw State.[3]

Still pushing for a response from the Attorney General or some action from the trial court, Petitioners filed a renewed motion to set aside the judgment supported by an affidavit. 2R562. Again, the Attorney General's 30 days to answer came and went with no responsive pleading or action by the court.

More than a year later, near the time that Olens announced he was leaving KSU, the trial court entered a one-sentence order denying the uncontested motion to set aside. (App.4a)

Even though Olens was now leaving KSU, all issues in the action were not resolved, including a demand for the Governor to use his statutory authority under OCGA 45-15-18 to appoint an independent investigator to examine the evidence of fraud, bribery, and extortion. Petitioners were also entitled to costs and legal fees under the RICO statute. OCGA 16-14-6(c).

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[3] A timeline of these seemingly phantom proceedings can be found at the following link: https://creativeloafing.com/content-470581-outlandish-conspiracy-theories-timeline-of-the-phantom-case-at

Documentation of Olens' evasion of service, with the collusion of state authorities, can be found at the following link: https://atlanta.creativeloafing.com/content-418315-Outlandish-Conspiracy-Theories-Serving-Sam-Olens

A. The Historical and Legal Context

Over 50 years ago, this Court quashed attempts by the Georgia executive and judiciary to defy the laws and Constitutions in defense of the evils of segregation—by making up their own law as they went along to fit their pre-ordained outcome adverse to Civil Rights litigants. *Wright v. Georgia*, 373 U.S. 284, 292 (1963). The Court declared to Georgia and any defiant state that followed suit that a state could not shade its own procedural requirements as a pretext to prejudice disfavored litigants. *NAACP v Alabama*, 357 U.S. 449, 456-57 (1958).

Attempts to evade and shapeshift its own law violated due process and were rejected as based on no evidence at all. *Shuttlesworth v. City of Birmingham*, 382 U.S. 87, 93 (1965).

Georgia's own law is clear that defiance of constitutional due process deprives a court of jurisdiction. *Johnson v. Carrollton*, 249 Ga. 173, 175-76 (1982); *Coweta County v. Simmons*, 507 SE2d 440, 269 Ga. 694, 695 (1998) (court denying due process lacks jurisdiction). Judgments rendered by courts without jurisdiction are void. *Murphy v. Murphy*, 263 Ga. 280, 282 (1993); *Williams v. Fuller*, 244 Ga. 846, 848(2), 262 S.E.2d 135 (1979).

The fundamental legal principles that applied to segregation in the 1960s also ring true for public corruption today. Courts cannot re-shape or misconstrue the law to protect their political allies. *United States v. Ammidown*, 497 F.2d 615 (D.C. Cir. 1973); *United States v. Woody*, 2 F.2d 262 (D. Mont. 1924).

In 2020, the Georgia executive and judicial branches have combined and colluded to bypass all constitu-

tional, statutory, and precedential requirements in defense of corruption in state government—to the tune of billions in financial fraud, obstruction, extortion, and bribery committed to conceal it.

B. The State Appeals Court's Fly-By Dismissal

This phantom case took a stranger procedural turn when the appeal was dismissed. It is a wonder how that happened in case in which the Attorney General had never responded at any level.

After the one-sentence denial of the uncontested motion to set aside went up on appeal, the Court of Appeals granted an extension of time to file Appellants' Brief. On the afternoon the brief was due, however, as appellants were preparing to file it, the appeals court entered an order *dismissing the appeal*, without so much as waiting for the appeal brief to be filed.

There was of course, no adversarial motion challenging appellants' right to appeal—of necessity since the Attorney General had never filed any responsive pleading whatsoever in the entirely of the case, over the course of almost four years.

Yet the appeals court, literally out of the blue, entered an order dismissing the appeal, claiming it was res judicata.

Not only was it a strange time to enter a res judicata order dismissing the appeal—because the court had no motion before it and Petitioners' brief arguing for reversal of the trial court's one-sentence order was still a couple of hours away from being filed. It also had a flimsy, pretextual basis that is out of step with Georgia law.

Res judicata means all issues have been or should have been litigated. However, when the trial court entered its one-sentence order denying Petitioners' motion to set aside the fraudulent judgment, Petitioners filed a notice of appeal of the denial of their motion under Rule 60(a) for a judgment void for denial of due process. 2R1. *See Johnson v. Carrollton*, 249 Ga. 173, 175-76 (1982). Petitioners have a right of direct appeal of that 60(a) denial under Georgia Law. OCGA 5-6-34.

Petitioners also, out of an abundance of caution, filed an application for review of the denial of their Rule 60(d) motion based on new evidence of fraud affecting the judgment, under Georgia's discretionary review statute.

The Georgia Court of Appeals denied that application in a one-sentence order with no explanation. (App.4a). It is hard to determine what the basis of that denial would have been since the Attorney General never filed any response to the newly discovered evidence of fraud Petitioners entered into the record during a year of trial court proceedings, uncontested by the Attorney General. The trial court order, moreover, offered no explanation whatsoever, much less a discussion of what issues, legal theories, are claims for relief were considered. It certainly cannot be said that Petitioners failed to raise the directly appealable issue of due process denial voiding the judgment under OCGA 9-11-60(a).

Res judicata requires identity of issues decided on the merits, and does not apply to separate substantive grounds, especially where there is no evidence they were even considered. *Trend Development Corporation v. Douglas County*, 259 Ga. 425, 427 (1989)

(requiring identity of issues for res judicata). That requirement for foreclosing Petitioners' claims cannot by any stretch of the imagination be established by a series of one-sentence orders with no explanation. The supposed grounds for res judicata are, in other words, pure pretext. It was never litigated whether the due process violations contested under OCGA 9-11-60 were identical to the evidence of fraud affecting the judgment under OCGA 9-11-60(d).

Here, Georgia was once again, as in its anti-Civil Rights days, clearly circumventing its own settled procedures and precedents. The law in Georgia is not that Petitioners' issue on direct appeal would be precluded by denial of a discretionary appeal (with no explanation or no grounds cited in the order). To the contrary, Georgia law and procedure, in normal circumstances, would not subject plaintiff to prejudice in an attempt to protect state officials who had committed felonies, including obstruction and knowing misrepresentations by the Attorney General. These issues directly appealable under OCGA 5-6-34 cannot be blocked in real life. To the contrary, they go forward, carrying all other issues affecting the appeal with them. *Keogh v. Bryson*, 319 Ga. App. 294, 297-298 (Ga. App., 2012) (all judgments, rulings, or orders rendered in the case which are raised on appeal and which may affect the proceedings below shall be reviewed and determined by the appellate court, without regard to the appealability of the judgment, ruling, or order standing alone).

In. this instance, Georgia was clearly breaching the rule of *NAACP v. Alabama*, varying its normal procedures to suit the motives of the RICO conspirators, including the Attorney General managing

the litigation, accused of knowing misrepresentation of state agency finances and obstruction.

Since no motion opposing Petitioners' appeal was filed, moreover, issue preclusion was never raised or argued by any party. However, it is an interesting question: what could form the basis of the sua sponte res judicata determination?

C. Why Did the Appeals Court Panel Meet to Discuss the Case Before the Briefs Were Filed?

The grounds for reaching the res judicata conclusion could not have been anything filed by the Attorney General, who had never filed a responsive pleading of any kind, including to the motion for an extension of time to file the appeal brief. It was not the order of the trial court that formed the basis of this sue sponte order of res judicata. It was one-sentence long, discussed no issue, and cited no facts or authority.

The pre-emptive rejection could not have been prompted by anything in Appellants' Brief, which would not be filed for another hour. So the appeals court could not have seen the basis of the appeal to determine it had already been litigated.

It certainly smacks of maximum harassment since the appeals court allowed Appellants to work on their brief for weeks and then dismissed the appeal at the last second before the brief was filed.

What prompted this Deus Ex Machina that saved the Attorney General from having to respond to allegations, law, admitted facts, and evidence of fraud, extortion, and bribery for the very first time after three years of silence?

Why was there some proactive investigation of the docket in the instant case before a brief was filed, on the very day it was scheduled? Was there some ex parte communication?

The only clue as to how this case would even come to the appeals panel decision raises questions of ex parte communications or ethical violations. One judge on the panel, Ken Hodges, had been previously consulted, as a private attorney, by Petitioners' counsel about joining in this series of related RICO cases against the USG and Attorney General. In this capacity, Judge Hodges had received work product and facts to review about the cases—outside the record on appeal in this case.

Moreover, Judge Hodges had been approached by undersigned counsel when counsel was threatened with sanctions for persisting in the argument, in the related Tricoli case, that state officials did not enjoy sovereign immunity protection for RICO felonies. At the time, Judge Hodges was President of the Georgia Bar Association. In that capacity, he received a memo he requested on the facts of the cases and the legal issues, and the threat of sanctions on undersigned counsel for persisting in arguing that Georgia state officials did not enjoy sovereign immunity for crimes under the Georgia Constitution, The Georgia RICO Act, and Georgia Supreme Court precedents such as *Caldwell*.

One more clue is that in three related RICO cases brought against the Attorney General and USG, the courts resorted to attempts to dismiss the appeals—as opposed to dismissing the cases. The attempt to attack the appeals themselves, on a procedural basis unrelated to the merits of the cases, allowed the USG

and Attorney General—once again—to evade judicial attention to the underlying crimes.

D. RICO Injunction Ruse

Why does the Attorney General not want to file a responsive pleading in this case, to address the facts of bribery and extortion, or to argue the controlling law? The answer is simple. The allegations are true, and can be taken as admitted by the State's failure to respond. and the Attorney General knows the dismissal of the instant KSU case is based on a knowing misrepresentation of the law. By their silence, the Georgia executive and judiciary are dissembling to avoid making any further knowing misrepresentation of law before the courts.

That is especially true when it comes to the law governing a demand for an injunction under the Georgia RICO Act. Nowhere in the RICO statute is the express authorization of relief against the state, satisfying the requirement for waiver of sovereign immunity, as clear as it is with injunctive relief. As the Georgia Supreme Court established, in *Caldwell*, in 1984:

> OCGA 16-14-3 (3) "Enterprise" means any person, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity; or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and *governmental* as well as other entities.

Therefore, any time the word enterprise appears, the phrase governmental entity may be substituted. *Caldwell* at 402. The result is clear if that is applied to the RICO statute's authorization for injunctive relief.

> OCGA 16-14-6(a) Any superior court may, after making due provisions for the rights of innocent persons, enjoin violations of Code Section 16-14-4 by issuing appropriate orders and judgments including, but not limited to:
>
> (1) Ordering any defendant to divest himself of any interest in any enterprise, real property, or personal property; (2) Imposing reasonable restrictions upon the future activities or investments of any defendant including, but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of Code Section 16-14-4; (3) Ordering the dissolution or reorganization of any enterprise; (4) Ordering the suspension or revocation of any license, permit, or prior approval granted to any enterprise by any agency of the state;
>
> . . .
>
> (b) Any aggrieved person or the state may institute a proceeding under subsection (a) of this Code section. In such proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, provided that no showing of special or irreparable damage to the person shall have to be made. Upon

> the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of significant loss or damage, a temporary restraining order and a preliminary injunction may be issued in any such action before a final determination on the merits.

That exactly describes the relief Petitioners sought in voiding the USG appointment. The Attorney General never responded to this clear authority. The Georgia courts never addressed it at any level.

E. Conflicted Justices Participated

After Georgia Supreme Court Justices participated in rulings against the Petitioner in the Tricoli case—including Georgia Supreme Court Justices who worked in the Georgia Attorney General's office on the case, including one who signed the notice of appearance before this Court-a motion to recuse resulted in the disqualification of a majority of the Justices in that case.

Those Justices in the related Tricoli case were only able to participate in denying review in this instant KSU case by refusing to grant either a motion to consolidate it with the related case or to vacate the denial of certiorari in this case based on the participation of disqualified Justices.

Conflicted justices denied review of the most flagrant violations of due process in aid of state government corruption of political allies—including the Governor who evaded the state law requirement for Georgia voters to elect Justices—in order to appoint the compromised Justices.

F. Governor Failed to Appoint Independent Investigator

The same Governors who appointed the Georgia Supreme Court Justices who have three times refused to review the related Tricoli and KSU cases, have also failed to respond to repeated demands under OCGA 45-15-18 to order an independent investigation. Now, between them, they have ignored 13 requests to appoint an independent investigator to examine the evidence of financial fraud, bribery, extortion, knowing felony misrepresentations, and obstruction by the USG and Attorney General. It is clear the Attorney General cannot investigate claims of his own wrongdoing. No action has been taken to address this issue, which is why it falls to the Governor's authority to appoint an independent investigator. This is one of the many issues to which the courts and respondents have failed to respond in the four-year course of this litigation.

REASONS FOR GRANTING THE PETITION

> Whatever springs the State may set for those who are endeavoring to assert rights that the State confers, the assertion of Federal rights . . . is not to be defeated under the name of local practice.

Wright v. Georgia, 373 U.S. 284 at 289.

In the sense Chief Justice Warren used the term, a springe is a pretextual trap, one with no substantive weight, justification, or authority, but one meant to snare the rule of law itself. *Id.*

The USG's illegal appointment of Olens served to further conceal evidence and obstruct investigation of criminal activity in the University System. That included, inter alia, a multi-billion-dollar scheme to defraud the federal government and the destruction of evidence of federal election interference at the Georgia Election Center at KSU.

Under the totality of the circumstances, none of the stonewalling, evasions, and pretext support the extreme result in this case, for a complaint and a motion to set aside to be tossed out without the slightest attention to the facts, evidence, or supporting law. This is, in fact, a whole new level of denial of due process that goes even beyond what this Court struck down in *Wright v. Georgia*. In that case, the State of Georgia did not feel like letting black kids play basketball in a city park. The consequences of the total and unassailable unaccountability are much greater here—where the state attorney general was rewarded by the USG for obstructing a criminal investigation of billions of dollars in fraud on the federal government.[4]

Both this Court and the Georgia courts themselves have held repeatedly that a court flagrantly denying due process—by way of the silent treatment in the instant KSU action—are acting without jurisdiction. *Wright v. Georgia*, 373 U.S. 284, 292 (1963); *Reich v Collins*, 513 U.S. 106, (1994); *Bouie v. City of Columbia*,

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[4] The financial fraud alleged will be recounted in much more detail in the forthcoming petition from the denial of the motion to set aside—by similar methods of non-response by the Attorney General and conflicts and evasion by the courts—in the case of *Tricoli v. Watts*.

378 U.S. 347, 354 (1964); *NAACP v. Alabama*, 357 U.S. 449, 456-57 (1958); *Shuttlesworth v. City of Birmingham*, 382 U.S. 87 at 93 (state evading controlling law violates constitutional due process under the Fourteenth Amendment); *Johnson v. Carrollton*; *Murphy v. Murphy*; *Coweta County v. Simmons* (court denying due process lacks jurisdiction).

That is reason enough to summarily set aside the springe the State of Georgia presumed to set for law and justice.

Now more than ever, Georgians, and Americans, need to have confidence in their judicial institutions. Judicial institutions need to act with integrity, authority, and jurisdiction—not make up the law as in *Wright v. Georgia*. This Court needs to take seriously its responsibility to ensure that fundamental constitutional norms and requirements of due process of law are observed.

It is not just judicial institutions that have failed in this case, but also the Office of the Attorney General and Governor. In their collusion, there has been a fundamental failure of constitutional separation of powers. Even the Georgia Bar Association and SACS accreditation agency have

Rampant fraud, extortion, bribery, and obstruction cannot be the model through which we rebuild public confidence. We need accountability, not sovereign impunity.

Denying access to the courts on a pretextual basis violates the First Amendment right to petition courts for redress of grievances. *NAACP v Button*, 371 U.S. 415, 438 (1963).

That is why this case should be sent back with direction to follow the laws and Constitution.

CONCLUSION

This is a stranger than fiction phantom case in which the Attorney General, after making a notice of appearance in November 2016, has never since filed a responsive pleading on behalf of the state, has never answered allegations of a criminal enterprise in the USG, fraud in the proceedings below affecting the judgment, or the massive due process violations in a star chamber proceeding, in which Respondents and the courts remain silent while denying relief afforded by the laws of Georgia. That is, the State of Georgia would afford this relief to any litigant who was not challenging State of Georgia officials for abusing their public offices to commit RICO felonies that harm the public.

No greater breakdown of the judicial system is imaginable than the due process violations that occurred in this case. Faced with evidence of financial fraud on the federal government by the USG, Attorney General obstruction to bar required hearings and criminal investigation via knowing misrepresentations, and a quid pro quo in which the USG appointed former Attorney General Sam Olens as sole candidate considered, the justice system simply stonewalled the KSU faculty, staff, students, and alumni who opposed this illegal appointment that violated the USG Board of Regents own rules on presidential selection.

Flagrant violations of due process render the court proceedings below a nullity. This Court must void them to ensure the proper administration of justice in every state of the Union.

Respectfully submitted,

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DECEMBER 13, 2020