

Supreme Court, U.S.
FILED

MAR 03 2021

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No. USAP8 No. 19-2417

21-5599

IN THE
SUPREME COURT OF THE UNITED STATES

Robert N. Hensley PETITIONER
(Your Name)

vs.

U.S. of A. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Robert N. Hensley
(Your Name) By Judy Allen POA

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(City, State, Zip Code)

501-612-3877 - Judy Allen POA
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JUN 16 2021

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ORIGINAL

Questions Presented

1. Can there be an indictment, and subsequent conviction, if the statute says "knowingly" and the government NEVER proved "knowingly" by the petitioner; nor was this addressed in the jury instruction?
2. Is it a 4th Amendment violation, of the Constitution, to handcuff a witness, place him in the back seat of an FBI vehicle and question him without Miranda warnings?
3. Is it "abuse of discretion" for the judge to give improper, and wrong, examples to the jury while instructing the jury, which clearly implicate the defendant?
4. Is it a Constitutional Violation if the Prosecutor knowingly AND purposefully mis-states facts and witness statements, LIES, during his closing arguments?

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

U.S. v. MARTINEZ, 462 F.3d 903 (8 th Cir. 2006)	
U.S. v. Ollie, 442 F.3d 1135 (8 th Cir. 2006)	
U.S. v. Dobbs, 629 F.3d 1199 (10 th Cir. 2011)	
U.S. v. Johnson, 652 F.3d 918 (8 th Cir. 2011)	
U.S. v. DeGeratto, 876 F.2d 576 (7 th Cir. 1989)	
U.S. v. White, 863 F.3d 784 (8 th Cir. 2017)	
U.S. v. Holmes, 413 F.3d 770 (8 th Cir. 2005)	
U.S. v. Miller, 621 F.3d 723 (8 th Cir. 2010)	

STATUTES AND RULES

U.S. Constitution, Fourth Amendment.	
U.S. Constitution, Fifth Amendment	
U.S. Constitution, Sixth Amendment.	
18 U.S.C § 2251(a), (e);	
18 U.S.C § 2252(a)(2), (a)(4)(B), (b)(2)	
18 U.S.C § 2256(2), (2)(A)(v)	

OTHER

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:

Enron
~~Eighth Circuit Court of Appeals
Federal Court Eastern Division - Little Rock, Ar~~

RELATED CASES

~~See appeal~~ *Nme*

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	<i>appeal request to 8th Circuit</i>
APPENDIX B	<i>Eighth Circuit Court Answer</i>
APPENDIX C	<i>conclusion motion to leave to Proceed in forma pauperis</i>
APPENDIX D	<i>conclusion</i>
APPENDIX E	<i>District Court NA</i>
APPENDIX F	

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 B to the petition and is

☒ reported at LEXIS 10936 ; NO. 19-2417; 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 _____ 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 December 16, 2020

☐ 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: April 15, 2021, and a copy of the order denying rehearing appears at Appendix NOT AVAILABLE / NOT ATTACHED!

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

As is discussed in my Direct Appeal, there are
MULTIPLE Constitutional Violations: 4th, 5th, and 6th.
Being detained, in handcuffs, questioned without my Miranda
rights.

The Federal Statutes charged clearly STATE "Knowingly"
see 18 USC § 2251, 2252, 2256, 2422

STATEMENT OF THE CASE

The District Court reversibly erred in denying the motion to suppress. Defendant was handcuffed and detained in an FBI vehicle. He was never "released" or told "you can leave any time." He was told "if you answer our questions, you can leave." Defendant has repeatedly averred his handcuffs were not removed, and the agents recorded the interrogation. The agents stated they removed the handcuffs while the defendant was still in the car. A BLATANT LIE, which the District Court found credible.

There was NEVER any evidence presented that defendant "knowingly" did anything, or knew of anything to do with child pornography. The statute clearly states "knowingly."

The District Court presented false "examples" to the jury while instructing said jury. These blatantly improper, and frankly wrong, examples implicated defendant. This is a Constitutional Violation. The government purposefully lied in closing, misrepresenting witness testimony. BLATANT DISRESPECT FOR THE LAW and proper trial etiquette is a Constitutional Violation necessitating a reversal, and new trial.

I have listed multiple cases, statutes and rules under TABLE OF AUTHORITIES. I WILL NOT RE-ITERATE my DIRECT appeal BUT prefer TO ALLOW THE COURT to know that EACH LISTED supports my claim and is NOTED IN THIS STATEMENT. THE LAW, AND COMMON SENSE support my writ.

* Additionally, the JUDGE DID NOT INSTRUCT THE JURY ON THE "KNOWINGLY" ASPECT OF THE STATUTES AT ISSUE. AT TRIAL, THE GOVERNMENT ADMITTED THAT THEY COULD NOT PROVE THAT DEFENDANT VIEWED THE COMPUTER FILES. DEFENDANT DID NOT "KNOWINGLY" SEE THE COMPUTER FILES. THE 3 PICTURES INVOLVED, BY THE WAY, COULD NOT BE PROVEN "TO BE" OF UNDERAGE MINORS, NOR MALE OR FEMALE!

REASONS FOR GRANTING THE PETITION

The 4th Amendment has been weakened and abused for decades. We are now talking handcuffs, being detained in the backseat of a FBI car, and NO MIRANDA WARNING. A first year law student knows, in the law and their heart, that this is illegal, unethical and wrong. The District Court and Appellate Court have lost their way. ONLY the Supreme Court can RIGHT this wrong. In today's world, technology can avoid ALL THESE ISSUES. A recording was made, and then denied. You know why.

The STATUTES say "knowingly." Never was this proved, but the gov't DOESN'T NEED TO PROVE THIS, until a case like REHAIF comes to light. Please make the SAME RULING HERE.

Judges CAN NOT IMPLICATE DEFENDANTS WHILE SKEWING Jury INSTRUCTIONS. THAT'S WRONG, AND NEEDS TO BE DECIDED. Concurrently, the gov't lies in closing. Knowingly and purposefully. Where is the integrity? Where is the law?

Only the Supreme Court can grant this writ and address these 4 Constitutional wrongs, any one of which allows defendant his rights as a U.S. Citizen

* the Supreme Court should, and must, exercise its Supervisory Powers to correct the District Court's mistakes in this instance. The 8th Circuit has supported the bad, and illegal, decisions of the District Court. Decisions both in opposition to the STATUTES AND CONSTITUTION of the United States of America.

CONCLUSION

Petitioner was illegally convicted by misrepresentation, of the court, of the U.S. STATUTES AND CONSTITUTION. The District Court misinterpreted both. The Supreme Court is tasked to supervise said District, and Appellate Courts.
The petition for a writ of certiorari should be granted, and an attorney assigned.

Respectfully submitted,

Robert N. Hensley By Judy Allen (POA)

Date: March 2, 2021

Rob Hensley
8-5-21