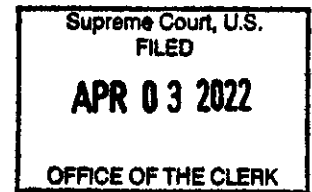


No. 21-7620



IN THE
SUPREME COURT OF THE UNITED STATES

ARIZONA HALL JUNIOR- PETITIONER

Vs.

UNITED STATES, ET AL.- RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIOARARI TO

EITHTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIRORARI

Arizona Hall Junior

939 W. Mound Bayou Rd.

Mound Bayou, Ms. 39762

(662) 741-3213

ORIGINAL

QUESTION PRESENTED

I.

WHETHER WHITE FEDERAL JUDGES OF THE EASTERN DISTRICT OF THE STATE OF MISSOURI UNDER COLOR OF MISSOURI LAWS WILLFULLY SUBJECTED PETITIONER BASED ON HIS COLOR AND RACE TO A DEPRIVATION OF A CONSTITUTIONAL RIGHT OF EQUAL PROTECTION OF MISSOURI LAWS (HASLER, TIMEUS, McQUEEN) AS WELL AS EIGHTH CIRCUIT LAWS (DENMON, ROSNOW).

☐ YES ☐ NO

II.

WHETHER WHITE FEDERAL JUDGE RESPONDENT LIMBAUGH UNDER COLOR OF MISSOURI LAWS AGREED WITH WHITE STATE TRIAL JUDGES MARGARET M. NEILL AND MICHAEL K. MULLIN TO CONFER JURISDICTION IN THE CASE OF MISSOURI V. HALL, NO. 0922-CR-01820-01 WHERE NONE EXISTED ACCORDING TO SCHAEFFER.

☐ YES ☐ NO

III.

WHETHER WHITE FEDERAL JUDGE RESPONDENT LIMBAUGH A FORMER MISSOURI SUPREME COURT JUDGE IN HIBLER IN 1999 AND COOPER IN 2007 UNDER COLOR OF MISSOURI LAWS WILLFULLY SUBJECTED PETITIONER BASED ON HIS COLOR AND RACE TO A DEPRIVATION OF HIS CONSTITUTIONAL RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF THE LAWS SECURED OR PROTECTED BY THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

☐ YES ☐ NO

IV

WHETHER WHITE FEDERAL JUDGE RESPONDENT LIMBAUGH WHO WROTE THE OPINION OF MISSOURI LAW OF HIBLER WAS AWARE OF MISSOURI SUPREME COURT LAW McQUEEN IN 1955 AS FOLLOWED BY TURNAGE IN 1989 AND BROWN IN 2000 OF A MEMORANDUM AND ORDER IN 2012.

☐ YES ☐ NO

V.

WHETHER WHITE FEDERAL JUDGE RESONDENTS
LIMBAUGH, NOCE, AND ADELMAN KNEW THAT UNDER
MISSOURI SUPREME COURT LAW TIMEUS IN 1911 THAT THE
GRAND JURY INDICTMENT 0922-CR-1820-01 WAS LEGALLY
INSUFFICIENT UNDER MISSOURI LAW (HASLER) AND EIGHTH
CIRCUIT LAW (DENMON) BY FAILING TO STATE AN OFFENSE
(ROSNOW) UNDER MISSOURI SUPREME COURT RULE 23.01(b)2)
CRIMINAL PROCEDURE BY OMMITTING AN ESSENTIAL
ELEMENT OF "KNOWINGLY" OF MISSOURI CRIMINAL STATUTE
SUBSECTION 565.073.1(1) OF SECTION 565.073, RSMo (2000) SHALL
HAVE THE SAME FORCE AND EFFECT OF LAW UNDER MISSOURI
CONSTITUTION ARTILE V, SECTION 5.

☐ YES ☐ NO

VI.

WHETHER WHITE FEDERAL JUDGE RESPONDENT
LIMBAUGH KNEW THAT THE GRAND JURY INDICTMENT 0922-
CR-01820-01 WAS VOID THREATEN PETITIONER AN INNOCENT
BLACK MAN OF A WARNING THAT THE MATTER WAS CLOSED
VIOLATED UNITED STATES LAWS

☐ YES ☐ NO

VII.

WHETHER WHITE FEDERAL JUDGE CATHERIN D. PERRY ENGAGED IN A CONSPIRACY WITH RESPONDENT LMBAUGH ON SEPTEMBER 09, 2016 WHEN SHE ACKNOWLEDGE THAT PETITIOER ALLEGED THAT THE GRAND JURY INDICTMENT 0922-CR-01820-01 WAS INSUFFICIENT A VIOLATION OF HIBLER AND THAT THE VERDICT DIRECTOR USED IN THE CASE WAS WRONG A VIOLATION OF COOPER BOTH OF RESPONDENT LIMBAUGH DENIED HABEAS RELIEF AND DID NOT ALLOW PETITIONER TO PROCEED WITH HIS CIVIL RIGHT ACTION ON THE LEGAL ISSUE (HUTTON).

☐ YS ☐ NO

VIII.

WHETHER WHITE FEDERAL JUDGE AUDREY G. FLEISSI ON APRIL 11, 2018 ENGAGED IN A CONSPIRACY UNDER COLOR OF MISSOURI LAW 565.073.2 AGREED WITH THE GOVERNMENT OF THE STATE OF MISSOURI TO COMMIT FRAUD ON THE COURT TO WILLFULLY SUBJECT PETITIONER BASED ON HIS COLOR AND RACE TO A DEPRIVATION OF HIS CONSTITUITONAL AND

STAUTORY RIGHTS TO AN ORDER OF WRIT OF HABEAS CORPUS
VACATING THE CONVICTION OF JUNE 27, 2013 AND SENTENCE
OCTOBER 03, 2013 AS REQUIRED BY HALSER AND DENMON.

☐ YES ☐ NO

IX.

WHETHER WHITE RESPONDENTS LIMBAUGH, AND
DISTRICT JUDGES PERRY AND FLESSIG UNDER COLOR OF
MISSOURI LAW KNEW THAT THE GOVERNMENT OF THE STATE
OF MISSOURI USED VOID DOCUMENTS TO EXTRADITE
PETITIONER FROM THE STATE OF MISSOURI IN EXCESS OF
MISSOURI THREE YEARS STATUTE OF LIMITATION SUBSECTION
556.036.3(3) OF SECTION 556.036, RSMo (2000) CONSTITUTING
KIDNAPPING UNDER MISSISSIPPI LAW SECTION 93-3-53 THAT
DOES NOT HAVE A STATUTE OF LIMITATION UNDER SECTION 9-
1-5.

☐ YES ☐ NO

X.

WHETHER PETITIONER WAS DENIEND OF HIS
CONSTITUTIONAL RIGHTS NOT TO BE DEPRIVED OF HIS LIFE,
LIBERTY AND PROERTY WITHOUT DUE PROCES OF MISSOURI

SUPPREM COURT LAWS TIMEUS AND McQUEEN WHEN
FALSELY ARRESTED ON FEBRUARY 22, 2012 BY UNITED STATES
MARSHALS FOR DOMESTIC ASSAULT.

☐ YES ☐ NO

XI.

WHETHER WHITE FEDERAL JUDGE FLESSIG UNDER COLOR
OF MISSOURI LAW CONTENTITON THAT PETITIONER DID NOT
HAVE A CONSTITUTIONAL RIGHT UNDER THE UNITED STATES
CONSTITUTION TO HAVE THAT THE TRIAL COURT'S DOCKET
SHEET REFLECT AN INFORMATION OF THE NATURE AND CAUSE
OF THE ACCUSATION AGAINST HIM.

☐ YES ☐ NO

XII.

WHETHER WHITE FEDERAL JUDGE FLESSIS UNDER COLOR
OF MISSOURI LAWS ENGAGESD IN A CONSPIRACY WITH THE
GOVERNMENT OF THE STATE OF MISSOURI TO DEPRIVE
PETITIONER OF EQUAL PROECTION OF MISSOURI SUPREME
COURT LAW ROBERTS WHEN SHE AGREED THE MENTAL STATE

OF RECKLESSLY WAS REQUIRED FOR A CHARGE AND
CONVICTION OF SECOND DEGREE DOMESTIC ASSAULT.

☐ YES ☐ NO

XIII.

WHETHER PETITIONER WAS DENIED HIS CONSTITUTIONAL
RIGHT TO EQUAL PROTECTION OF MISSOURI LAW AS DETERMINE
BY THE MISSOURI SUPREME COURT McQUEEN WHEN
RESPONDENT FLESSIG ALLOWED PETITIONER BEING TRIED ON
JUNE 24, 2013, CONVICTED ON JUNE 27, 2013 AND PUNISHED ON
OCTOBER 03, 2013 BY RESPONDENT NEILL WITHOUT THE TRIAL
COURT'S DOCKET SHEET REFLECTING AN INFORMATION BEING
FILED WITH THE CLERK OF THE COURT ON JUNE 04, 2013 AS IN
TURNAGE AND BROWN.

☐ YES ☐ NO

XIV.

WHETHER WHITE FEDERAL JUDGES ERRED IN
CONTENDING THAT PETITIONER'S JURISDICTIONAL DEFECT
CLAIMS WAS LEGALLY FRIVOUS AND THAT MISSOURI FIVE
YEARS STATUTE OF LIMITATION BARRED LIABILITY

CONVICTIONS IN 2013 DID NOT APPLY TO A SUIT IN EQUITY TO
VACATE VOID JUDGMENTS.

☐ YES ☐ NO

XV.

WHETHER WHITE GOVERNMENT OFFICIALS OF THE
STATE OF MISSOURI AND MISSISSIPPI ENGAGED IN A
CONSPIRACY TO KIDNAP PETITIONER BASED ON HIS COLOL AND
RACE TO MALICIOUSLY PROSEUCTE HIM FOR PURPOSE OF
WRONGFUL IMPRISONMENT BY DEPRIVING HIM OF A
CONSTITUTIONAL RIGHT OF DUE PROCESS OF AN EXTRADITION
HEARING IS ENTITLED TO MONEY DAMAGES.

☐ YES ☐ NO

XVI.

WHETHER UNDER MISSISSIPPI LAW 93-3-53 REMOVING
PETITIONER WITHOUT EXECUTIVE AUTHORITY OF THE UNITED
STATES CONSTITUTION OF THE EXTRATION CLAUSE AND
WITHOUT PETITIONER'S CONSENT TO BE SECRETLY CONFINED
IN THE CITY OF ST. LOUIS CRIMINAL JUSTICE CENTER (CJC)
AGAINST HIS WILL CONSTITUTE KIDNAPPING THAT DOES NOT

HAVE A STATUTE OF LIMITATION UNDER 99-1-5 CAN BE
PROSECUTED UNDER 18 U.S.C. 242.

☐ YES ☐ NO

XVII.

WHETHER PETITIONER HAS A CONSTITUTIONAL RIGHT TO
PETITION THE FEDERAL GOVERNMENT OF REDRESS OF A
GRIEVANCE TO BE FREE FROM CRUEL AND UNUSUAL
PUNISHMENT WHEN PRISON OFFICIALS DENIED HIM
DOCUMENTED MEDICATIONS FOR HIS HEART, KIDNEY, BLOOD
PRESSURE, GOUT AND OTHER ELEMENTS THAT RESULTED IN
NUMEROUS OF HEART ATTACKS, PLACED ON DIALYSIS, AND
ASSIGNED TO A WHEEL CHAIR UPON BEING RELEASED ON
PAROLE.

☐ YES ☐ NO

XVIII.

WHETHER WHEN THE GOVERNMENT OF THE STATE OF
MISSOURI CONCEDED TO JURISDICTIONAL DEFECTS
PETITIONER WAS ENTITLED TO A TRIAL BY JURY ON THOSE
LEGAL ISSUES.

☐ YES ☐ NO

XIX.

WHETHER WHEN RESPONDENT FLEISSIG ON APRIL 11, 2018 ENGAGED IN A CONSPIRACY WITH STATE OFFICIAL TO DEPRIVE CONSTITUTIONAL RIGHTS, THE STATE OFFICIALS PROVIDE THE REQUISITE STATE ACTION TO MAKE THE ENTIRE CONSPIRACY ACTIONABLE UNDER SECTION 1983.

☐ YES ☐ NO

XX.

WHETHER WHITE PRIVATE DEFENSE ATTORNEYS KRISTY L. RIDINGS, GILBERT SISON, AND ERIC SELIG MAY NOT BE HELD LIABLE FOR THEIR CONDUCT UNDER CIVIL RIGHT STATUTE PROHIBITING DEPRIVATION OF CONSTITUTIONAL RIGHTS UNDER COLOR OF STATE LAW, THEY MAY NEVERTHELESS BE HELD LIABLE UNDER SUCH STATUTE IF THEY CONSISTED WITH WHITE ASSISTANT CIRCUIT ATTORNEY JENNIFER MATTHEW WHO ACTED UNDER COLOR OF STATE LAW.

☐ YES ☐ NO

XXI.

WHETHER ON SEPTEMBER 09, 2010 WHITE PRIVATE DEFENSE ATTORNEY KRISTY L. RIDINGS UNDER COLOR OF MISSOURI LAW AGREED WITH WHITE ASSISTANT CIRCUIT ATTORNEY RACHEL D. SCHWARZLOSE TO PLEAD PETITIONER GUILTY BASED ON HIS COLOR AND RACE TO AN INSUFFICIENT GRAND JURY INDICTMENT 0922-CR-01820-01 BASED ON SCHAEFFER IN 1989 AND BLACKBURN IN 2005 WILLFULLY SUBJECTED PETITIONER TO A DEPRIVATION OF HIS CONSTITUTIONAL RIGHTS OF THE FIFTH, SIXTH, AND FOURTEENTH AMENDMENTS RIGHTS TO THE UNITED STATES CONSTITUTION.

[] YES [] NO

XXII.

WHETHER WHITE TRIAL JUDGE, RESPONDENT NEILL, WHITE ASSISTANT CIRCUIT ATTORNEY, AND WHITE PRIVATE DEFENSE ATTORNEY UNDER COLOR OF MISSOURI LAW 565.073.1(1) WILLFULLY SUBJECTED PETITIONER TO A DEPRIVATION OF DUE PROCESS WHEN THE JURY OR JUROR INQUIRED OF THE DIFFERENCE OF SECOND AND THIRD DEGREE

DOMESTIC ASSAULT OF TRIAL JUDGE INSTRUCTION OF
'RECKLESSLY' FOR BOTH OFFENSES WHEN MISSOURI LAW
REQUIRED "KNOWINGLY" FOR SECOND DEGREE. DOMESTIC
ASSAULT.

[] YES [] NO

XXIII.

WHETHER UNDER MISSOURI SUPREME COURT LAW
TIMEUS THAT GARMS TESTED MISSOURI SUPREME COURT
RULE 23.01(b)(2) OF CRIMINAL PROCEDURE OF THE
AUTHORITIES OF MISSOURI CRIMINAL STATUTES SUBSECTION
565.073.1(1) OF SECTION 565.073, RSMo (2000) THE INDICTMENT
AND INFORMATION WERE WHOLLY INSUFFICIENT TO
CONSTITUTE A VALID CHARGE UNDER THE AFORESAID
STATUTE THE JUDGMENT OF OCTOBER 03, 2013 SHOULD HAVE
BEEN REVERSED AND PETITIONER DISCHARGED.

[] YES [] NO

XXIV.

WHETHER WHITE EIGHTH CIRCUIT JUDGES ENGAGED IN A
CONSPIRACY TO DENY PETITIONER BASED ON HIS COLOR AND
RACE WHEN THEY ON APPEAL NO. 17-1090 INSTRUCTED

RESPONDENT FLESSIG TO APPLY PROCEDURAL DEFAULT TO AN INSUFICIENT GRAND JURY INDICTMENT KNOWING THAT AN ERROR IN THE INDICTMENT PROCESS BY CONTRAST CAN NOT BE PROCEDURALLY DEFAULTED.

[] YES [] NO

XXV.

WHETHER WHITE FEDERAL JUDGES UNDER COLOR OF MISSOURI LAWS ON SEPTEMBER 25, 2018 WILLFULLY SUBJECTED PETITIONER BASED ON HIS COLOR AND RACE TO DENY HIM EQUAL PROTECTION OF MISSOURI SUPREME COURT LAW McQUEEN SECURED OR PROTECTED BY THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION WHEN PETITIONER FILED A COMPLAINT JCP NO. 08=18-90052 AGAINST RESPONDENT LIMBAUGH WHO ALLOWED WHITE STATE JUDGES TO TRY, CONVICT, AND PUNISH PETITIONER WHILE JURISDICIONAL DEFECT EXISTED

[] YES [] NO

XXVI.

WHETHER WHITE STATE APPELLATE JUDGES UNDER COLOR OF MISSOURI LAWS WILLFULLY SUBJECTED

PETITIONER BASED ON HIS COLOR AND RACE TO A DEPRIVATION OF EQUAL PROTECTION OF MISSOURI SUPREME COURT LAWS TIMEUS, McQUEEN AND HIBLER ON DIRECT APPEAL NO. ED10015 REPORTED IN MISSOURI V. HALL, 445 S.W.3D 461 (Mo. APP. E.D. 2014) OF A FINDING OF GUILTY FOR THIRD DEGREE DOMESTIC ASSAULT NOT CHARGED IN THE INDICTMENT OR INFORMATION.

[] YES [] NO

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 subject of this petition is as follows:

United States District Judge Stephen N. Limbaugh

United States Magistrate Judge Terry L. Ademan

United States Magistrate Judge David D. Noce

Missouri Judge Margaret M. Neill

Missouri Judge Michael K. Mullin

RELATED CASES

Hall v. United States, no. 4:21CV-162 HEA, Appeal No. 21-1952

Hall v. Missouri, et al., no. 4:16-CV-291 CDP

Hall v. Koster, no. 4:16-CV01528 AGF, Appeal No. 17-1090

Hall v. City of St. Louis, Missouri, et al., 4:19-CV-02529 SRC, Appeal No.

20—1483

Missouri v. Hall, no. 0922-CR-01820

Missouri v. Hall, no. 1022-CR-04975-01

TABLE OF CONTENTS

OPININIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AD STATUTORY PROVISIONS INVOLVED.....	3
STATEMENT OF CASE.....	4
REASONS FOR GRANTING THE WRIT.....	17
CONCLUSION.....	19

INDEX TO APPENDICES

APPENDIX A	ORDER 10/15/21
APPENDIX B	ORDER OF DISMISSAL 10/19/21
APPENDIX C	MEMORANDUM AND ORDER 10/19/21
APPENDIX D	ORDER 11.12.21
APPENDIX E	MEMORANDUM AND ORDER 12/10/21
APPENDIX F	JUDGMENT 01/18/22
APPENDIX G	ORDER DENYING REHEARING 02/22/22
APPENDIX H	MANDATE 03/01/2
APPENDIX I	MISOURI V. HALL, 455 S.W.3d (Mo. App. E.D. 2014)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Brown v. Missouri, 33 S.W.3d 676 (Mo. App. S.D. 2000).....	5, 10
Drone v. Hutton, 565 F.2d 543 (8 th Cir 1977).....	9
Engel v. Wendl, 921 F.2d 148 (8 th Cir. 1990),.....	6,9
Estelle v. Gamble, 426 U.S. 97 (1976).....	6
Ex Parte Wilson, 114 U.S. 417 ().....	7,12
Hampton v. Harahan, 600 F.2d 600 (7 th Cir. 1979).....	10
In Re Winship, 397 U.S. 358 (1970).....	7
Johnson v. Zeberst, 58 S.Ct. 1019 (1938).....	12
Missouri v. Blackburn, 168 S.W.3d 571 (Mo. App. S.D. 2005).....	2,7
Missouri v. Cooper, 215 S.W.3d 123 (Mo. banc 2007).....	6,7.
Missouri v. Garms, 750 S.W.2d 702 (Mo. App. E.D. 1988).....	9
Missouri v. Hall, 445 S.W.3d 461 (Mo. App. E.D. 2014).....	3,12
Missouri v. Hasler, 449 S.W.2d (Mo. App., St. Louis Dist. 1969).....	9,
Missouri v. Hibler, 5 S.W.3d 147 (Mo. banc 1999).....	3,6,12
Missouri v. McKinney, 768 S.W.2d 178 (Mo.App. E.D. 1989)	8
Missouri v. McQueen, 282 S.W.2d 539 (Mo. Sup. 1955).....	1,5,10
Missouri v. Parkhurst, no. WD 43918 (Mo. App. W.D. 1991).....	12
Missouri v. Ricker, 396 S.W.2d 167 (Mo. App. W.D. 1996).....	12
Missouri v. Roberts, 465 S.W.3d 899 (Mo. en banc 2015).....	2,3,6
Missouri v. Schaeffer, 782 S.W.2d 68 (Mo. App. E.D. 1989).....	3,7,10
Missouri v. Timeus, 135 S.W. 26 (Mo. Sup. 1911).....	1,2,11,12

Old Wayne Mut. L. Assoc. v. McDonough, 204 U.S. 8 (1907).....	4
Omer v. Shalala, 3 F.3d 1307 (Colo 1994).....	9
Slavin v. Curry, 574 F.2d (8 th Cir. 1978).....	4, 5
Southeast Mo. Pro Standards Review Inc., 635 F.Supp. 520 (D.C. Mo 1993)...	4
Turnage v. Missouri, 782 S.W.2d 755 (Mo. App. S.D. 1989).....	3,5,10
United States v. Cook, 84 U.S. 168 (1872).....	8
United States v. Denmon, 483 F.2d 1093 (8 th Cir. 1973).....	6,9,11
United States v. Hess, 124 U.S. 483 (1888).....	2
United States v. Rosnow,	12

STATUTES AND RULES

Missouri Criminal Statute section 558.016, RSMo (2000)

Missouri Criminal Statute section 565.073, RSMo (2000)

Missouri Criminal Statute section 565.074, RSMo (2000)

Missouri Supreme Court Rule 23.01(b)(2) Criminal Procedure

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 D to the petition and is

☒ reported at Hall v. United States et al., No 21-3557; 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 C to the petition and is

☒ reported at Hall v. United States et al No 4:21-cv-1232 RLW; 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 H to the petition and is

☒ reported at 455 S.W.3d 461 (Mo. App E.D. CV14); 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 March 01, 2022.

☐ 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 22, 2022, 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 Oct. 04, 2014.
A copy of that decision appears at Appendix I.

☐ 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

ARTICLE IV, SECTION 2, CLAUSE 2 OF THE UNITED STATES
CONSTITUTION

ARTICE VI, CLAUSE 2 OF THE UNITED STATES CONSTITUTION

FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION

FOURTEENTH AMENDMENT TO THE UNITED STATES
CONSTITUTION

MISSOURI CONSTITUTION ARTICLE V, SECTION 2

MISSOURI CONSTITUTION ARTICLE V, SECTION 5

UNITED STATES LAW 18 U.S.C. 3182(b)

STATEMENT OF CASE

1. Petitioner has a constitutional right of the First Amendment to the United States Constitution to petition the Federal Government for redress of a grievance and the white presiding Judge of the United States District Court for the Eastern District of Missouri took an oath of office to defend, support and protect the Constitution of the United States against foreign and domestic and the Supremacy Clause of the United State Constitution mandate that Judges in every State are bound by any Thing in Missouri Constitution Article V, Section 2, that all other courts are bound by the decision of Timeus and McQueen of the Missouri Supreme Court.

2. On May 06, 2009 the City of St. Louis, State of Missouri purported to charge Petitioner with second degree domestic assault in count IV of the indictment 0922-CR-01820-01 under Missouri Supreme Court Rule 23.01(b)(2) Criminal Procedure, Exhibit A, that shall have the same force and effect of law under Missouri Constitution Article V, Section 5, however, the City of St. Louis mistaken the essential fact of the mental state of "recklessly for a charge under Missouri Criminal Statute subsection 565.073.1(1) of Section 565.073, RSMo (2000), whereas, under the decision of the Missouri Supreme Court the original indictment 0922-CR-01820-01 was itself void. See Missouri v. Timues, 135 S.W. s26, 27 (Mo. Sup.

1911), "It is a well settled rule of Criminal Procedure that an indictment or information must charge every essential fact constituting the offense... the indictment must contain an allegation of every fact which is legally essential to the punishment to be inflicted." See also United States v. Hess, 125 U.S. 483,s 486 (1888), "the universal rule, on this subject, is that the material facts and circumstances embraced in the definition of the offence must be stated, or the indictment will be defective. No essential element of the crime can be omitted without destroying the whole pleading." Missouri v. Blackburn, 168 S.W.3d n.7 (Mo. App. S.D. 2005), "A person commits the class C felony of domestic assault in the second-degree when he or she attempts to cause or knowingly causes physical injury to such family or household member.... Mo. Rev. Stat. [sec] 565.073.1(1). The culpable mental state required fro conviction is "knowingly,". Missouri v. Roberts, 465 S.W.3d 899, 902 (Mo. en banc 2015), "In pertinent part, section 565.073 defines the crime of second degree domestic assault as "knowingly" causing physical injury to a family or household member... the State's argument is without merit. The offenses of second and third degree domestic assault required the State to prove that the defendant acted with a different intent with respect to the infliction of physical injury. Different mental states are required to prove the separate offenses of second

and third degree domestic assault.”; Missouri v. Schaeffer, 782 S.W.2d 68, 70 (Mo. App. E.D. 1989), “An indictment is insufficient if it does not contain all the essential elements of the crime. See State v. Gilmore, 650 S.W.2d 627, 628 (Mo. banc 1983). The lack of an essential element of the crime renders an indictment void” Turnage v. Missouri, 782 S.W.2d 755 (Mo. App. S.D. 1989), “failure of docket sheet to reflect that indictment was ever filed charging defendant with various crimes was a jurisdictional defect that required vacation of defendant’s conviction.”

3. In the present case of Missouri v. Hall, no. 0922-CR-01820-01, filed May 08, 2009, the indictment used to the extradite him failed to state an offense, second –degree domestic assault that he acted “knowingly” an essential element of the aforesaid crime and under Missouri law as decided by the Missouri Supreme Court, “Due process require that a defendant may not be convicted of an offense not charged in the information or indictment.” Missouri v. Hibler, 5 S.W.3d 147,, 150 (1999). See also Fifth Amendment to the United States Constitution, “No person shall be held to answer fro a capital or otherwise infamous crime unless by a presentment or indictment of a grad jury.”

4. On September 09, 2010 in violation of United States laws 19 U.S.C.A. 241-242 Petitioner because a victim of a racial conspiracy to

maliciously prosecute him in retaliation of another crime not involving him but his two (2) sons, Arizona Hal the third (III), Eugene M. Hall, and nephew, Anthony Cleveland that resulted in killing a white woman, Exhibit T. See **Kwown v. Southeast Mo. Pro standards Review Inc.**, 633 F.Supp. 520, 527 (D.C. Mo. 1983), "In a civil rights action, pleading are to be liberally construed."

5. As asserted elsewhere herein the original indictment 0922-CR-0128-01 was itself void, yet Petitioner's white private defense attorney Kristy L. Ridings under color of Missouri laws agreed with City of St. Louis white Assistant Circuit Attorney (ACA) Rachel D. Schwarzlose to willfully subject Petitioner to a deprivation of his constitutional right of the 5th Amendment by seeking to plead him guilty to the original indictment 0922 – CR-01820-01 that was itself void. See **Old Wayne Mut. L. Assoc v. McDonough**, 204 U.S. 8 (1907), "A court can not confer jurisdiction where none existed and can not make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court." See also **Slavin v. Curry**, 574 F.2d 1256, 1257 (5th Cir. 1978), "While private individual may not be held liable or their conduct under civil rights statute prohibiting deprivations of constitutional rights under color of State law, the

may nevertheless be held liable under such statute if they conspired with person who acted under color of State law. 42 U.S.C. 1983.

6. Those two (2) white women were named in a hybrid action of habeas corpus and civil rights action on March 02, 2016 in Hall v. Missouri, et al. no. 4:16-CV-00291 CDP that three (3) Eight Circuit Judges held as being timely filed but which federal Judge Catherin D. Perry contrary to Curry contend that Mrs. Ridings and her colleagues could not be held liable in a 1983 action and deprived Petitioner of his constitutional right of a trial by jury on the legal issue of a jurisdictional defect claim. See Drone v. Hutton, 565 F.2d 543, 544 (8th Cir. 1977), "In the concluding action of his pro se complaint appellant requested among other things a trial by jury on all facts triable [sic] by jury (.)" The district court had denied a jury trial because appellant sought equitable relief as well as damages. The court committed error in this regard, for it is well established that a plaintiff in federal court asserting both legal and equitable claims in the same lawsuit is entitled to a jury trial on the legal issue. Citation omitted."

7. Those Eighth Circuit Judges committed an error by instructing white Federal Judge Audrey G. Fleissig to include procedural default on a **jurisdictional defect** claim of white Federal Judge Perry on September 09, 2016. An error in the indictment process of Missouri laws Turnage and

Brown of Missouri Supreme Court law McQueen is a **jurisdictional defect** and b contrast a **jurisdictional defect** can not be procedurally defaulted because there can be no trial, conviction or punishment when an indictment 0922-CR-01920-01 s void/legally insufficient under Eighth Circuit law Denmon.

8. White used in the case, a violation of Cooper both by white federal Judge Stephen N. Limbaugh who wrote the opinion of Missouri law, Hibler a violation of Eighth Circuit law Wendl, infra at page 9 as well as other Eighth Circuit laws cited elsewhere herein.

9. White Federal Judge Limbaugh denied Petitioner based on his color and race of equal protection of United States Supreme Court law Estelle v. Gamble in another civil rights action Hall v. Buescher et al., no. 90-01933 C (5), stating, **"YOU WON YOUR CASE BUT ICAN'T LET YOU WIN BECAUSE OF WHO YOU ARE"** is a racial discrimination. See Estele v. Gamble, 429 U.S. 97 n.7 (1976), **"Infliction of unnecessary suffering on prisoner by failure to treat medical needs is inconsistent with contemporary standards of decency and violates the Eighth Amendment."**

10. Which is why Petitioner motion that Judge Limbaugh rescue himself in the habeas corpus proceeding. See Petitioner's Exhibits O and P. See also Missouri v. Roberts, supra., 465 S.W.3d at 902, **"In pertinent**

part, Mo. Res Stat. [sec] 565.073 (2000) defines the crime of second degree domestic assault s "knowingly." See also Missouri v. Cooper, 215 S.W.3d 123, 125 (Mo. banc 2007), "A verdict director instruction must contain each element of the offense charged."

11. White Federal Judge Limbaugh denied habeas relief in January, 2014, "Due process commands that no man shall lose his liberty unless the Government has borne the burden of * * * convincing the factfinder of his guilty." In re Winship, 397 U.S. 358, 364 (1970). See also Ex Parte Wilson, 114 U.S. 417 (), "The court determined that a crime punishable by a term of years was infamous crime within the meaning of the Fifth Amendment. The Court ruled that district court exceeded its jurisdiction by trying and sentencing Petitioner for infamous crime without indictment or presentment by a grand jury. The court held that petitioner was entitled to be discharge and a writ of habeas corpus was to be issued.."

12. On September 17, 2010 white Judge Dennis Schauman conferred jurisdiction where none existed in Missouri v. Hall, no. 0822-CR-01820-01 because of Schaeffer in 1989 and Blackburn in 2005. Judge Schauman made a void proceeding valid by issuing a void order of a warrant for arrest, Exhibit R on the aforesaid date for domestic assault, Exhibit S.

13. Under Missouri law the indictment 0922-CR-01280-01 is jurisdictional under the 5th Amendment and Petitioner has a due process right under the Due process Clause of the 14th Amendment of Timeus and the City of St. Louis ACA Schwarzlose failed to charge the offense, second degree domestic assault, whereas, when the United States Marshals arrested Petitioner on February 22, 2012 for domestic assault, Exhibit S, constitute false arrest in excess of Missouri three (3) years statute of limitation subsection 556.036.3(3) of section 556.036, RSMo (2000) because no indictment was ever filed prior to September 12, 2011 alleging that Petitioner acted "knowingly." See Missouri v. McKinney, 768 S.w.2d178, 180 (Mo. App. E.D. 1989), " The statute of limitation in a criminal case Is not merely a statute of repose but creates a bar to prosecution that deprives the court of jurisdiction. See also United States v. Cook, 84 U.S. 168 n.1 (1872), "The bar of the statute of limitation against an indictment is available under the plea of not guilty."

14. Now according to Missouri Supreme Court Rule 24.01 Criminal Procedure in 1969 the indictment 0922-CR-01820-01 had to contain the essential element of the mental state of "knowingly" of the offense second degree domestic assault in plain, concise, and definite language of Missouri Criminal Statute subsection 565.073.1(1) of section 565.973, RSMo (2000)

and according to Missouri Supreme Court Rule 23.01(b)(2) Criminal Procedure in 2000 "requires an information to state plainly, concisely, and definitely the essential facts of constituting the offense charged. 'Essential fact' means the element of the offense and an information which does not allege the essential elements of the crime charge is void." Missouri v. Garms, 750 S.W.2d 702, 703 (Mo. App. E.D. 1988). See also Misouri v Hasler, 449 S.W.2d 881 (Mo. App. St. Louis Dist. 1969), "According to the court, which cited Mo. Sup. Ct. R. 24.01 the indictment had to contain the essential element of the offense in plain, concise, and definite language. Ruling in favor of defendant, the court reversed te trial courts judgment."; United States v. Denmon, 483 F.2d 1093 (8th Cir. 1973), 'The court reversed the conviction, holding that the indictment was legally insufficient since it failed to allege that defendant acted knowingly... An indictment had to set forth the essential elements of the offense charged, and if it di not a conviction based thereon was fatally defective."; Omer v. Shalala, 3 F.3d 1307 (Colo 1994), "when rule proving for relief from void judgment is a applicable relief not discretion matter but a mandatory." Engel v. Wendl, 921 F.2d 148, ____ (8th Cir. 1990), "Under Harlow v. Fitzgerald, 45t U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 389 (1974), government official performing discretionary function generally are generally shield from

liability for civil damages if their conduct does not violates clearly established statutory or constitutional rights of which a reasonable person would know.”

15. Based on Petitioner’s Exhibit L, it is clearly established statutory, “under Missouri law, the State’s failure to file an information or indictment formally charging a defendant with a crime is a jurisdictional defect and there can be no conviction obtained or punishment assessed in a case in which such a jurisdictional defect occurs. Brown v. Missouri, 33 S.W.3d 676, 678 (Mo. Ct. App. 2000).

16. The Government of the State of Missouri, Andrew J. Crane, Assistant Attorney General conceded in Hall v. Koster, no. 4:16-CV 01258 AGF two 2) jurisdictional defects: (1) “The prosecutor later filed a substitute information in lieu of indictment that charging document included the same element of the original indictment” and (2) “Even if the filing of the substitute document does not appear on the court’s docket sheets, it does not matter.” See Missouri v. Schaeffer, supra., 782 S.W.2d at 70, “the original indictment was itself void.” See also, Turnage v. Missouri, supra., 782 S.W.2d at 755, “failure to docket sheet to reflect that indictment was ever filed charging defendant with various crime was a jurisdictional defect requiring defendant’s conviction be vacated.”; Missouri v.

McQueen, 282 S.W.2d 539, 540 (Mo. Sup. 1955), "The filing of the information is required to confer jurisdiction upon the court over the person of the defendant. State v. Barret, Mo. sup. 44 S.W.2d 76. There can be no trial, conviction or punishment for a crime without a formal and sufficient accusation." **Missouri v Tmeus**, *supra.*, 135 S.W. at 26, "The court found I was the constitutional right of defendant to be informed of the nature and cause of the accusation against him. This guaranty was not complied with by the general language of the information. The judgment was reversed and defendant discharged." Sec. 532.430, RSMo.

17. Petitioner reiterate the Government of the State of Missouri conceded that the original indictment 0922-CR-01820-01, filed May 06, 2009 alleged recklessly, whereas, according to Eighth Circuit law **Denmon** the Government of the State of Missouri a legally insufficient indictment 0922-CR-01280-01 to extradite Petitioner from the State of Mississippi violating United States Constitution Article IV, Section 2, Clause 2 and United States law 19 U.S.C.A. 3182(b) as well as Mississippi law Section 93-9-53 kidnapping which there is no statute of limitation under section 99-1-5.

18. It is the duty of the presiding Judges to vacate the conviction of June 27, 2013 and sentence of October 03, 2013, Exhibit C as required by **Timeus** and quash the indictment 0922-CR-01820-01 as required by

Denmon and issue an order granting leave o proceeding forma pauperis as the United States District Court for the Eastern District of Missouri as wel as the Eighth Circuit Court of Appeals for the State of Missouri,

19. When white Federal Judge Flessig on April 11, 2018 under color of law 565.073.2, RSMo 2000) agreed with the AAG Crane that second degree domestic assault required a mental state of “recklessly” for a charge and conviction she too willfully deprived Petitioner of a constitutional and statutory rights to an order of writ of habeas corpus of **Wilson** based on **Timeus**.

20 Finally, See Petitioner’s Exhibit V, following a jury verdict finding him guilty of domestic assault in the third degree in violation of section 565.974 RSMo (2000).” **Missouri v. Hall**, 455 S.W.3d 461 (Mo. App. E.D. 2014). See **Missouri v. Hibler**, supra., 5 S.W.3d at 150, “Due process require that a defendant may not be convicted of an offense not charged in the information or indictment.”; See also **Missouri v. Ricker**, 396 S.W.2d 167, 172 (Mo. App. W.D. 1991), “An accused has the right not to be found guilty of a crime for which he is not on trial. State v. Conley, 873 S.W.2d 23, 236 (Mo. banc 1994).”; **Missouri v. Timeus**, supra., 135 S.W.at 28, “Tested by the rules [23.01(b)(2)] of criminal procedure, and by the foregoing authorities [565.973.1(1) of 565.073] the information is

wholly insufficient to constitute a valid charge under the statute. The judgment is reversed and the defendant discharged." E.G. Missouri v. Parkhurst, no. WD 43918 (Mo. App. W.D. 1991), "the court held that information was fatally flawed because of the omission of the word "knowingly," accordingly, the trial court never obtained jurisdiction, and the conviction was a nullity." Johnson v. Zerbst, 58 S.Ct. 1019, 1025 (1938), "The judgment of conviction pronounced by a court without jurisdiction is void."; United States v. Rosnow, 9 F.3d 728, 729 (8th Cir. 1993), "A defendant may raise at any time the claim that the indictment fails to state an offense. United States v. Clark, 646 F.2d 1259, 1262 (8th Cir. 1981). Therefore, defendants are not precluded from raising this claim." U.S.C. art. VI, Cl. 2; 14th Amend. Const.

REASONS FOR GRANTING THE PETITION

1. In a case filed against white federal judges regarding these matters in Hall v. United States, et al., no. 4:21-CV-00162 HEA a black federal judge granted leave to proceed in forma pauperis but the next day he dismissed the civil rights action **without prejudice**. Why? Because his white colleague in another civil rights action regarding this matter, Hall v. City of St. Louis, et al., no. 4:19-CV-02529 SRC contend that Plaintiff's **jurisdictional defect** claims of the 5th Amendment were **legally frivolous** and that Missouri's five (5) years statute of limitation barred liability for convictions in 2013. Both judges dismissed the civil right actions **without prejudice**. See United States v. Denmon, 483 F.2d 1093 (8th Cir. 1973), "The court reverse the conviction, holding that the indictment was **legally insufficient** since it failed to allege that defendant acted knowingly."

2. The Statute of limitation does not apply to a suit in equity to vacate void judgments.

3. Plaintiff appealed Hall v. United States, et al., no. 21-1952 and was granted leave to proceed in forma pauperis, however, white appellate judge under color of Missouri laws willfully subjected Plaintiff to a deprivation of his constitutional rights to equal protection of Eighth Circuit Laws, Denmon, Wendl, Curry, Hutton, Delo, and Rosnow secured or protected by the 14th Amendment to the United States Constitution, "nor deny to any tperson within its jurisdiction the equal protection of the law."

4. United States Marshalls under color of Missouri law falsely arrested Plaintiff on February 22, 2012 of an allege Missouri offense, domestic assault, Exhibit S pursuant to an original indictment 9022-CR-

01820-01, filed May 06, 2009, Exhibit B that was itself void as was the warrant for arrest issued on September 17, 2010, Exhibits R and S.

5. The United States Marshalls caused involuntary servitude in the Bolivar County Regional Correctional Facility/prison without due process of law of the 5th Amendment to the United States Constitution, "No person shall be held to answer for a capitol or infamous crime unless on a presentment or indictment of a grand jury." See Tower v. Glover, 467 U.s. 914, 919 (1984), "[e]very person" who act under State law to deprive another of a constitutional right shall be liable in a suit of damages."

6. White Missouri Governor Jerimiah W. (Jay) Nixon named in Hall v. Mssouri et al., no 4:16-CV-00291 CDP and white Mississippi Governor Bryant under color of Missouri law never obtained executive authority under the Extradition Clause of the United State Constitution Article IV, Section 2, Clause 2 because Defendant City of St. Louis, State of Missouri never acquired jurisdiction of the crime, second degree domestic assault, caused Plaintiff to answer without an indictment or information an infamous crime, second degree domestic assault by a white trial judge Margaret M. Neill who stated:

"You are Arizona Hall who previously stood trial in this court and was found guilty by jury of domestic assault in the second degree."

See Missouri v. Schaeffer, 782 S.W.2d 68, 70 (Mo. App. E.D. 1989), "the original indictment was itself void." See also Missouri v. Timeus, 135 S.W. 26 (Mo. Sup. 1911), "The court found that it is a constitutional right that a defendant be informed of the nature and cause of the accusation against him. This guaranty was not complied with by the general language of the information." The judgment was reversed and defendant

discharged.”; United States v. Denmon, 483 F.2d 1093 (8th Cir. 1973), “The indictment was legally insufficient to comply with the grand jury indictment clause of the Fifth Amendment.”

7. The Government of the State of Missouri, Andrew J. Crane, Assistant Attorney General has conceded that both indictment and information alleged “recklessly” for a charge of second degree domestic assault when Missouri law required “knowingly.” See Missouri v. Roberts, 465 S.W.3d 899, 902 (Mo. en banc 2015), “In pertinent part, section 565.973 defines the crime second degree domestic assault as ‘knowingly,’ causing physical injury to a family or household member.” See also Missouri v. Garms, 750 S.W.2d 702, 703 (Mo. App. E.D. 1988), “Rule 23.01(b)(2) requires an information to state plainly, concisely, and definitely the essential facts constituting the offense charged. ‘Essential facts’ means the elements of the offense and an information which does not allege the essential element of the crime charged is void.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

Andrew J. Crane

Date: April 08, 2022