

AUG 03 2022

OFFICE OF THE CLERK

No. 22-5590

IN THE
SUPREME COURT OF THE UNITED STATES

ROBERT NATHAN HENSLEY — PETITIONER
(Your Name)

vs.
United States of America — 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 Hensley #31650-009
(Your Name)
FCI - HAZELTON
P.O. Box 5000
(Address)

BRUCETON MILLS, WV 26525
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

Is it INEFFECTIVE ASSISTANCE OF COUNSEL
WHERE:

1a) 6 PHONE EXTRACTIONS, ALL DIFFERENT AND FALSIFIED,
THEREBY PROVING "TAMPERED EVIDENCE" WERE NOT ALLOWED
AT TRIAL DUE TO THE JUDGE "CHOOSING" ONE. THIS WAS
"AGREED TO" BY DEFENSE COUNCIL WITHOUT DEFENDANT'S
APPROVAL OR KNOWLEDGE.

2b) THE JUDGE RULED THAT THE DEFENSE COULD NOT
BRING UP THE "LEAD AGENT", ALEXANDER, CRIMINAL BEHAVIOR
SINCE THAT FBI AGENT HAD NOT PLEAD GUILTY. BUT, PRIOR
TO TRIAL, ALEXANDER DID PLEAD GUILTY TO FRAUDULENTLY
ALTERING GOVERNMENT DOCUMENTS. DEFENSE ATTORNEY
NEVER FOLLOWED UP.

3.c) ^{a)} DOES "KNOWINGLY" IN THE SEXUAL OFFENSE STATUTES AT ISSUE
HERE, 18 U.S.C. AT 2422(b); 2251(a); 2252(a)(4)(B), HAVE THE
SAME DEFINITION FOR SCIENTER'S MENS REA AS IN THE SUPREME COURTS'
RULINGS IN REHAIF v U.S. AND U.S. v RUAN? ^{b)} MUST THIS BE IN THE
JURY INSTRUCTIONS?

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:

RELATED CASES

APPEALING:

U.S. COURT OF APPEALS EIGHTH CIRCUIT No. 22-1092

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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 A to the petition and is

reported at LEXIS 16669; 16. 22-1092; 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[] is unpublished.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 B to the petition and is

reported at LEXIS 247610; 4:17-cr-00310 SWB; 4:21-cv-01160-SWW; 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[] is unpublished.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 June 15, 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: June 15, 2022, and a copy of the order denying rehearing appears at Appendix A.

[] 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

the SIXTH AMENDMENT TO THE CONSTITUTION

the FIFTH AMENDMENT TO THE CONSTITUTION

18 U.S.C. at 2422 (b)

18 U.S.C. at 2251 (a)

18 U.S.C. at ²²~~25~~(a)(4)(B)

STATEMENT OF THE CASE

SIX CELL PHONE EXTRCTIONS WERE PROVIDED, IN DISCOVERY, BY THE FBI. EACH WAS DIFFERENT. ALEXANDER, THE AGENT AT ISSUE, HAD THE PHONE FOR 5 MONTHS BEFORE TURNING IT OVER TO AN AGENT WHITLOCK. THE "10/16/17" MISSING 3 TEXT MESSAGES FROM AGENT ALEXANDER TO THE DEFENDANT (HENSLEY). THE NEXT DOWNLOAD, EXTRACTED BY AGENT ALEXANDER, SHOWS 3 TEXTS ADDED FROM HENSLEY TO ALEXANDER (HE ADDED THE WRONG SIDE).

5 MONTHS LATER, AGENT WHITLOCK MADE 4 EXTRCTIONS - EACH WAS A DIFFERENT RESULT, BECAUSE OF THE TEMPERING DONE BY ALEXANDER. THIS WAS NOTED AT PRE TRIAL BUT NOT ALLOWED AT TRIAL. ALEXANDER PLEADS GUILTY, PRIOR TO TRIAL, TO ALTERING GOVERNMENT DOCUMENTS (AFTER THE PLEA BARGAIN).

Both in REHAF, and Ruan... THE SUPREME COURT HAS STEADFASTLY MAINTAINED THAT "KNOWINGLY" MUST BE PROVEN TO CONVICT IF THE STATUTE SAYS "KNOWINGLY." DEFENDANT WAS TRIED WITHOUT THIS DUE PROCESS!

REASONS FOR GRANTING THE PETITION

INEFFECTIVE ASSISTANCE OF COUNSEL CONTINUES TO BE AN ISSUE WHERE MULTIPLE CIRCUITS HAVE CONFLICTING VIEWS. HERE, THE DISTRICT COURT AND THE EIGHTH CIRCUIT APPELLATE COURT ALLOWED TAMPERED EVIDENCE AND A BAD AGENT TO CONVICT AN INNOCENT MAN.

THE SEXUAL OFFENSE STATUTES ALL HAVE "KNOWINGLY." WITH THE SUPREME COURT RULINGS, IN REHAB AND RUAR, THE MENS REA OF THE SCIENTER IS AT ISSUE. MANY INNOCENT MEN ARE IN PRISON, AND NEED RELIEF THROUGH THE SUPREME COURT. THE CIRCUIT COURTS ARE NOT FOLLOWING THE "RULE OF LAW." CLARIFICATION IS NEEDED.

CONCLUSION

The petition for a writ of certiorari should be granted. *Petitioner ASKS A LAWYER
then be ASSIGNED.*

Respectfully submitted,

Mr. Hardy

Date: 3 Aug 22