

No. 22-5956

ORIGINAL

OCTOBER TERM 2022

Supreme Court, U.S.
FILED

SEP 16 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

U.S.A.-U.N./CITIZEN-VETERAN
CHARLES KENNETH WALLACE, SR. — PROSPECTIVE PETITIONER

(Your Name)

VS.

22ND JDC-St.Tammany Parish,Cr.No.194255
IN RE:St.of La.v.Wallace — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the State of Louisiana, No. 2022-KH-00863
22ND JDC-St.Tammany Parish, LA. -Cr.Docket No.194255

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

PETITION FOR WRIT OF CERTIORARI

(Your Name) CHARLES KENNETH WALLACE, SR.

DWCC-#093248 -H3A/Bed #24
670 Bell Hill Road

(Address)

HOMER-LA 71040-2150

(City, State, Zip Code)

(318)927-0400

(Phone Number) 318-927-0400

IV. QUESTION(S) PRESENTED

ARE NONUNANIMOUS INSTRUCTED CASES RIPE TO REMOVAL via 28 U.S.C.A. §1443?

DOES THE UNITED STATE CONSTITUTION AND AMENDMENTS IN AND OF ITSELF VOID AND NULLIFY La.Const.1974,Art.1,§17 AND LSA-C.Cr.P.Art.782 AS THEREIN AUTHORIZING NON-UNANIMOUS JURY INSTRUCTION RELATED TO CASE NON-CAPITAL OR NON-PETTY MANDATING HARD LABOR RETROACTIVE TO JAN. 01,2019;IN OTHER WORDS BEFORE JANUARY 01,2019?

DOES NONUNANIMOUS INSTRUCTION ABORT TRIAL STRUCTURE MECHANISM?

CAN THE STATE WAIVE A DEFENDANTS RIGHT OF ELECTION BETWEEN A JUDGE OR JURY TRIAL AT ARRAIGNMENT[ESPECIALLY WHERE STATE LAW DENIES A RIGHT TO TRIAL BY JURY BEFORE ARREST]BY STATE STEALING FRANCHISES ELECTION BY ELECTING TRIAL BY JURY WITHOUT CONSENT OF ACCUSED

CAN ANY SENTENCE BE LEGAL WHEREIN CASE NO 12 JURORS SWORN INTO JURY; THE RECORD FAILS TO REFLECT A USCS §101-103 CERTIFICATE OF POWER; AND NO UNANIMOUS JURY INSTRUCTION IS AUTHORIZED UNDER STATE LAW,WHERE CONSEQUENCE IS MANDATORY CIVIL DEATH AT HARD LABOR UNDER BILL OF PAINS AND PENALTIES?

STATE HAS BYPASSED THE SUPREME LAW OF THE LAND BY LAWLESSNESS WHEREFORE HAD NO JURISDICTION OVER THIS CASE FROM BEFORE ARREST AND CONTINUING ON TO DATE WHEREFORE DOES STATE HAVE ANY RIGHT TO FRIVOLOUS PROCEEDURAL BAR ALLEGATION DUE TO THEIR PROCEEDING AT THEIR OWN DUTY RISK PERIL,AND INVIOLATE OF USCS §§241-242 et seq.?

DOES INCURABLE STRUTURAL DEFECTS AS FACIALLY REFLECTED HEREIN WHICH AFFECT THE ENTIRE TRIAL MECHANISM SERIOUSLY EFFECT THE FAIRNESS,INTEGRITY AND/OR PUBLIC REPUTATION OF UNITED STATES/STATE JUDICIAL PROCEEDINGS, AND ARE EXEMPT FROM HARMLESS ERROR REVIEW AS JURISDICTIONAL IN NATURE?

DOES INFIRM DEFENDANT DESERVE BETTER ADEQUATE AND EFFECTIVE ASSISTANCE OF COUNSEL IN LAWLESS STATE?

LA.CONST.ART.1,§17/LSA-L.C.CR.P.ART.782 VOIDS STATE JURISDICTION BEFORE ARREST RELATED TO NON-CAPITAL/NON-PETTY HARD LABOR CONSEQUENCE STATUTES

DOES THE CURRENT LA.CONST.ART.1,§17/LSA-C.CR.P.ART.782 GIVE RETROACTIVE DUE PROCESS,OR EX POST FACTO APPLICATION OF THE LAW TO CASES BEFORE THE JANUARY 01,2019 DEMARKATION?

IV. QUESTION(S) PRESENTED [CONT.]

WHETHER THE CONSTITUTION OF THE UNITED STATES PROVIDING THAT "THE RIGHT TO TRIAL BY JURY SHALL BE PRESERVED;" OPERATES BY OWN FORCE TO RENDER ANY ONE STATE RULE, STATUTE OR CONSTITUTION VOID THAT CHARGES INSTRUCTION OF CONCURRENCE OF LESS THAN UNANIMOUS VERDICT

WHETHER CONGRESSIONAL RATIFICATION OF STATE CONSTITUTION WHEREIN HAS PLAIN DENIAL OF RIGHT TO UNANIMOUS JURY VERDICT INSTRUCTION ON ITS FACE IS SUBJECT TO REVIEW BY THIS COURT AS INVOLVING THE VALIDITY OF AN ACT OF CONGRESS RELATIVE TO SERIOUS STATE CASES

DOES THE UNITED STATES CONSTITUTION SECURE PROSPECTIVELY THE RIGHT TO UNANIMOUS JURY CHARGE INSTRUCTION TO SUPPORT A VERDICT AS THE ESSENTIAL JURY TRIAL ELEMENT FEATURE IN COMMON AND CRIMINAL LAW CASES.

WHEN STATE CONSTITUTION MANDATES LESS THAN UNANIMOUS JURY VERDICT IN SERIOUS CRIMINAL CASES RETROACTIVE TO JANUARY 01,2019 WITHIN SAME SECTION REQUIRING UNANIMOUS VERDICT IN SERIOUS CRIMINAL CASES PROSPECTIVE TO JANUARY 01,2019 DOES THE PEOPLE RETROACTIVATE RAMOS TO THE DATE OF RATIFICATION OF THE UNITED STATES CONSTITUTION, 14th AMENDMENT OR THE LOUISIANA DATE OF STATEHOOD

DOES LA.CONST.ART.1,§17 PLAIN AND PATENTLY REFLECT DOUBLE STANDARD DEFIANT DENIAL OF DUE PROCESS/EQUAL PROTECTION OF THE LAW RIGHT TO TRIAL BY JURY CHARGES OF UNANIMITY BY RETROACTIVE/PROSPECTIVE VOTE OF THE PEOPLE OF LA STEALTHILY CRAFTED BY LEGISLATURE WITHOUT ANY IMPARTED POWER TO CHANGE THE CONSTITUTIONAL RULE OF THE SCOTUS AND SUPREME LAW OF THE LAND AND THEREBY ABRIDGING RIGHTS, PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES OF AMERICA VIOLATING THE UNITED STATES CONSTITUTION, 14TH AMENDMENT [BROWN V. BOE, Topeka]

LSA-Const.1974,Art.1,§17 CEDES TRIAL OF ALL NON-CAPITAL, NON-PETTY SERIOUS UNANIMOUS JURY TRIAL INSTRUCTION/VERDICT TO USDC INSIDE BORDERS OF LOUISIANA DUE TO UNIFORM U.S.CONST.DYSFUNCTIONAL LAW-LESSNESS OF LEGAL SYSTEM BY CONSISTENT THEME RUNNING UNDER OVER AND AROUND THE GAUNTLET OF SCOTUS PRECEDENTS WITH SUFFICIENT VIGOR ATTEMPTING TO AMEND THE LAW OF THE LAND, OF CASES BEFORE JAN.01,2019?

IV. QUESTION(S) PRESENTED[CONT.]

SHOULD THIS HONORABLE COURT DEFER TO LOUISIANA'S UNLAWFUL AND ILLEGAL PRACTICES INSTEAD OF FEDERAL LAW,POTENTIALLY HEARING TRANSFORMATIVE COSTS OF ANY RULING IN PROSPECTIVE PETITIONERS FAVOR LOOKING TO THE FUTURE AND BURDENS UPON THOSE STATE AND FEDERAL COURTS LESSER AND WIDER JURISDICTIONS AND DIVESTINGS, OF JURISDICTIONS COULD THIS HONORABLE COURT IMAGINE HOW THINGS COULD WORK OUT IN THE END INCREASING FEDERAL STAFF;DECREASINGS OF STATE PROSECUTORIAL STAFF BY CONGRESSIONAL OVERSIGHT JUST TO COMPLY WITH THE FRIVOLOUS SUPREME LAW OF THE LAND,ET SEQ.

DOES THE SUPREME LAW OF THE LAND DIVEST LOUISIANA OF JURISDICTION OVER SERIOUS CASES,NEITHER CAPITAL OR PETTY,DEMANDING ANY UNANIMOUS JURY INSTRUCTION AND VERDICT OF THE WHOLE NUMBER OF JURY BY DEFAULT OF DIVESTATION BY LAW OF SEPERATE BUT EQUAL

CAN A STATE WAIVE CRIMINAL DEFENDANTS RIGHT OF ELECTION BETWEEN JUDGE OR JURY TRIAL BY ELECTING TRIAL BY JURY WITHOUT EXPRESSED CONSENT OF ACCUSED IN CONJUNCTION WITH DENIAL OF TRIAL BY JURY BY NON-UNANIMOUS JURY INSTRUCTIONAL DEFECT AND INCONJUNCTION BY COURT APPOINTED COUNSEL VIOLATION DEFENDANTS RIGHT AGAINST SELF INCRIMINATION BY JUSTIFIABLE HOMICIDE DEFENSE WITHOUT EXPRESSED CONSENT OF ACCUSED

WHEN CRIMINAL DEFENDANT IS DENIED RIGHT TO TRIAL BY JURY STANDING ON PLEA OF NOT GUILTY DOES EQUAL PROTECTION/DUE PROCESS OF LAWS DEMAND PRE-TRIAL STANDING IN AXIOMATIC CONTEMPLATION OF THE LAWS PRESUPPTION OF INNOCENSE WITHOUT SHIFTED BURDEN OF PROOF BY A TEN JUROR MINIMUM VERDICT INSTRUCTION

IS THE NON-UNANIMOUS JURY INSTRUCTION PATENT STRUCTURAL DEFECT IN OF ITSELF AFFECTING THE ENTIRE TRIAL MECHANISM EXEMPT HARMLESS ERROR REVIEW WHICH MAY BE RAISED AT ANYTIME,ANY COURT AS PLAIN PATENT ERROR REVIEW PROSPECTIVE TO THE U.S.CONST.AND 14TH AMEND.

V. 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:

VI. TABLE OF CONTENTS

OPINIONS BELOW..... 1/77

JURISDICTION..... 2/77

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 3/77

STATEMENT OF THE CASE 4/77

REASONS FOR GRANTING THE WRIT 5/77

CONCLUSION..... 6/77

PROOF OF SERVICE..... 7/77

VIII. INDEX TO APPENDICES

- APPENDIX A : 22ND JDC-St.Tammany Parish Cr.No.194255 Ruling
The order(s)/opinion(s)@APPENDIX A 2/3
- APPENDIX B : La.Sup.Ct.,No.2022-KH-00863 Ruling
- APPENDIX C : La.Const.1974,Art.1,\$17
- APPENDIX D : LSA-C.Cr.P.Art.782
- APPENDIX E :
- APPENDIX F :
- APPENDIX :

VIII: TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Plessy v. Ferguson, 41 L.Ed.256(1896)	<u>3-5</u>
American Publishing Company v. FISHER, 41 L.Ed.1079(1897)	<u>3-5</u>
Springville City v. Thomas, 41 L.Ed.1172(1897)	<u>3-5</u>
BROWN v. BOARD OF EDUCATION OF TOPEKA, 98 L.Ed.873(1954)	<u>3-5</u>
PATTON v. United States, 74 L.Ed.854(1930)	<u>3-5</u>
DUNCAN v. Louisiana, 20 L.Ed.2d.491(1968)	<u>3-5</u>
BOYKIN v. Alabama, 23 L.Ed.2d.274(1969)	<u>3-5</u>
CALLAN v. WILSON, 32 L.Ed.223(1888)	<u>3-5</u>
PLESSY v. FERGUSON, 41 L.Ed.256(1896)	<u>3-5</u>
Work v. State, 2 Ohio St. 296, 306	<u>3-5</u>
Jury's Due Process Right To 12-0 Instruction	
Public's Due Process Right to hear 12-0 Instruction	
Peoples Right to Unanimous Instruction Authority Law	
STATUTES AND RULES	
28 U.S.C.A. §1443	<u>3-13</u>
La. Const. 1974, Art. 1, §17	<u>3-5</u>
LSA-C. Cr. P. Art. 782	<u>3-5</u>
U.S. Const., Amend. XIV, Section 1.	<u>3-5</u>
U.S. Const., Art. I, Section 10[1]	<u>3-5</u>
U.S. Const., Art. I, Section 9[2]	<u>3-5</u>
[U.S. Const. Amendment IX/Peoples Right To 12-0 Instruction]	
USCS §101	<u>3-5</u>
USCS §102	<u>3-5</u>
USCS §103	<u>3-5</u>
USCS §241	<u>3-5</u>
USCS §242	<u>3-5</u>
U.S. Const., Amend(s). V, VI, VIII, IX and XIII, Section 1.	<u>3-5</u>
U.N. Universal Declaration of Human Rights	<u>3-5</u>
OTHER	
1 J. Bishop, Criminal Procedure §761, p.532(1866)	<u>3-13</u>
G. Paschal, The Constitution of the United States 210(1876)	<u>3-13</u>

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.

IX. : OPINIONS BELOW

☒ For cases from **federal courts:** 28 U.S.C.A. §1443(1)(2)

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 B to the petition and is

☐ reported at n/a; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the 22ND JDC, St. Tammany Parish, No. 194255 court appears at Appendix A to the petition and is

☐ reported at n/a; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

X. JURISDICTION

☒ For cases from **federal courts:** 28 U.S.C.A. §1443(1)(2)

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 July 22, 2022.
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 G.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including n/a (date) on n/a (date) in Application No. n/a A n/a.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

XI. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The due process equal protection clause of the Fourteenth Amendment protects the Sixth Amendment rights to counsel.

The due process equal protection clause of the Fourteenth Amendment protects the Sixth Amendment rights to fair and public trial by jury instructed to return a unanimous verdict.

The due process equal protection clause of the Fourteenth Amendment protects the right to trial superintendant vested within the record to have the power to instruct the jury with a unanimous verdict charge. The due process equal protection clause of the Fourteenth Amendment protects a right to jury trial by 12 jurors impaneled and sworn into a public jury body.

The due process equal protection clause of the Fourteenth Amendment protects the right of franchise election by the defendant between a trial by jury or bench trial colloquay upon the face of the record. The due process clause of the Fourteenth Amendment is violated by any state constitution or statute allowing a non-unanimous jury instruction verdict charge in all state criminal cases which-were they to be tried in a federal court-would come within the Sixth Amendment's guaranty of trial by jury.

The due process equal protection clause of the Fourteenth Amendment denies the state any right to elect trial by judge or jury without the expressed consent of the accused personally to the bench.

The due process equal protection clause of the Fourteenth Amendment in of itself prohibits separate but equal jury trial procedures before January 10, 2019 and after January 01, 2019 under La.Const.1974, Art.1§17/ La.C.Cr.P.Art.782, et seq..

The due process equal protection clause of the Fourteenth Amendment in of itself guarantees a unanimous jury instruction for any person who is in jeopardy of "Civil Death" consequences by "bill of pains and penalties". The due process equal protection clause of the Fourteenth Amendment voids by itself La.Const.1974, Art.1, §17 non-unanimous retroactivity before Jan. 01, 2019 as a separate but equal bill of attainder/pains and penalties/star chamber tribunal.

XIII. STATEMENT OF THE CASE

PETITIONER WAS ARRESTED AND CHARGED WITH A SERIOUS NON-CAPITOL, NON-PETTY CRIME, AND STANDS ON HIS ENTERED PLEA OF NOT GUILTY.

TO DATE NO TWELVE JURORS HAVE BEEN IMPANELED AND SWORN AS JURY.

TO DATE NO JURY HAS BEEN INSTRUCTED TO RETURN A UNANIMOUS VERDICT.

THE STATE ELECTED TRIAL BY JURY WITHOUT CONSENT OF PETITIONER.

TO DATE PETITIONER HAS NEVER ELECTED BETWEEN JURY OR JUDGE TRIAL, AND HAS NEVER BEEN AFFORDED THE RIGHT OF ELECTION.

PETITIONER HAS FILED A VALID PETITION FOR WRIT OF HABEAS CORPUS AS HE IS BEING HELD PRIOR TO TRIAL IN VIOLATION OF DUE PROCESS OF LAW SINCE 1991, AND THE STATUTE OF LIMITATIONS HAS EXPIRED.

PETITIONERS APPLICATION FOR WRIT OF HABEAS CORPUS HAS BEEN DENIED.

PETITIONERS APPLICATION TO THE LA.SUP.CT. HAS BEEN DENIED CONTRARY TO STATE AND FEDERAL LAW ALLEGING AN UNJUSTIFIED BYPASS OF LEVEL OF REVIEW.

THE STATE OF LOUISIANA HAS UNJUSTLY BYPASSED THE SUPREME LAW OF THE LAND IN THE BUSINESS OF INVOLUNTARY SERVITUDE TO COLLECT SSA / OLD AGE BENEFITS, ETC. ETC.; WHERE STATE BYPASSED THE SUPREME LAW OF THE LAND OVERSTEPPING ITS AUTHORITY BY UNIFORM LAWLESSNESS

XIII. REASONS FOR GRANTING THE PETITION

IN THE INTEREST OF JUSTICE TO TRANSFER ALL NON-UNANIMOUS JURY INSTRUCTION CASES BEFORE JANUARY 01, 2019 TO FEDERAL JURISDICTION AS LOUISIANA HAS DIVESTED JURISDICTION BY SUPREME LAW OF THE LAND DEFIANCE OF PERSON WHO IS DENIED OR CANNOT ENFORCE IN THE COURTS OF SUCH STATE A RIGHT UNDER ANY LAW PROVIDING FOR THE EQUAL RIGHTS OF CITIZENS OF THE UNITED STATES, OR ALL PERSONS WITHIN THE JURISDICTION THEREOF;

FOR ANY ACT UNDER COLOR OF AUTHORITY DERIVED FROM ANY LAW PROVIDING FOR EQUAL RIGHTS, OR FOR REFUSING TO DO ANY ACT ON THE GROUND THAT IT WOULD BE INCONSISTANT WITH SUCH LAW; UNDER 28 USCA §1443(1) (2), et seq..

THE STATE OF LOUISIANA HAS CONSISTENTLY ENTERED DECISIONS AGAINST LEGALLY PRESUMED INNOCENTS IN PRE-TRIAL POSTURE IN CONFLICT WITH A DECISION OF THE FEDERAL MANDATES OF THE U.S. CONSTITUTION AND WITH THIS COURTS PREVIOUS DECISIONS ON THIS UNIVERSAL IMPORTANT MATTER. HAS CONSISTANTLY CIRCUMVENTED THE SUPREME LAW OF THE LAND IN WAYS THAT CONFLICT WITH DECISIONS OF ANOTHER STATES COURTS OF LAST AND FINAL RESORT A IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH RELEVANT HISTORICAL STARE DECISIS DECISIONS OF THIS SCOTUS. BYPASSING FEDERAL LAWS AS THERE DOESN'T EXIST APPEAL OF DENIAL OF THE GREAT WRIT OF HABEAS CORPUS WHEN THE CLAIM IS "HELD IN STATE CUSTODY PRIOR TO TRIAL INVIOATE OF DUE PROCESS OF LAW" IN VERY UNDUE DELAY.

THE AMENDED LA.CONST.1974, Art.1, §17 OPENS THE DOOR FOR FEDERAL COLLATERAL REVIEW OF SERIOUS CRIMINAL CASES THAT HAD NON-UNANIMOUS JURY INSTRUCTIONS BEFORE JANUARY 01, 2019; and/or UNANIMOUS JURY INSTRUCTIONS AFTER JANUARY 01, 2019 AS SEPERATE BUT EQUAL DUE-PROCESS VIOLATIONS OF THE FOURTEENTH AMENDMENT RIGHT TO FAIR, PUBLIC JURY TRIAL. LA.CONST.1974, Art.1, §17 AS AMENDED MANDATES A PATENT PLAIN STRUCTURAL DEFECT IN TRIAL MECHANISM BEFORE JANUARY 01, 2019. INVIOATE OF THE SUPREME LAW OF THE LAND EQUAL PROTECTION DUE PROCESS OF LAW GUARANTEE. CERTIORARI SHOULD AND OUGHT TO BE GRANTED DO TO THE STATES CONSISTANT LAWLESS DEFIANCE COMPELLING THIS HONORABLE COURTS GRACE AND SUPERVISION BY PUTTING TO REST ONCE AND FOR ALL THE SO CALLED SUPREMACIST NON-UNANIMUS JURY INSTRUCTION WHICH DELUTES REASONABLE DOUBT THEREBY SHIFTING THE BURDEN OF INNOCENCE PROOF UPON THE CONCLUSIVELY PRESUMED INNOCENT DEFENDANT BEFORE TRIAL.

XIV. .CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: August , 2022