22-7759

NO. _____ ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

SHIRLEY DOUGLAS, PETITIONER

VS.

UNITED STATES OF AMERICA, RESPONDENT

ON PETITION OF WRIT OF CERTIORARI TO

UNITED STATE COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

PATRICK SUTER
TRIAL ATTORNEY
U.S. DEPARTMENT OF JUSTICE,
FRAUD SECTION
211 W. FORT STREET, STE. 2001
DETROIT, MICHIGAN 48226
(313) 226-9140

SHIRLEY DOUGLAS 54800-039
PRO SE
FPC ALDERSON B3
GLEN RAY RD. BOX A
ALDERSON WV 24910

TRULINCS 54800039 - DOUGLAS, SHIRLEY - Unit: ALD-B-C

FROM: 54800039
TO: FUQUA, MALIK
SUBJECT: LOVE
DATE: 05/20/2023 12:05:36 PM

QUESTIONS PRESENTED

1. IS A PLEA PROFFER AGREEMENT AND DEFENSE COUNSEL RETAINER FEE AGREEMENT LEGAL ENFORCEABLE CONTRACTS?
DOES THE UNITED STATES CONSTITUTION ARTICLE ONE, SECTION 10 PROTECT CITIZENS AND BUSINESS ENTITIES WITH
LEGAL CONSENT CONTRACTS FROM GOVERNMENT INTRUSION? DOES THE CONSTITUTION PROTECT MEDICAL CONSENT CONTRACTS FROM GOVERNMENT INTRUSION? DOES INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 9110 STAT 1936 (1996) MANDATE CREATION OF RULES FOR PROTECTION AND SECURITY OF CONSUMERS MEDICAL RECORDS AND HEALTH INFORMATION PROVIDED TO AND COVERED BY ENTITIES INCLUDING HEALTH PLANS, HOSPITALS, HEALTHCARE PROVIDERS? THE PRIVACY RULES PROTECT THE PRIVACY OF HEALTH INFORMATION THE SECURITY RULE SETS STANDARDS FOR THE SECURITY OF HEALTH INFORMATION IN ELECTRONIC FORM? IS A BINARY CONTRACT BETWEEN "MACS" MEDICARE ADMINISTRATIVE CONTRACTORS (SUBCONTRACTORS) AND MEDICARE/MEDICAID (CMS) PROTECTED FROM GOVERNMENT INTRUSION? UNITED STATES VS. ASIA 2003 U.S. DIST. LEXIS 2469 N.D. 111 FEB. 19, 2003 FREDERICKS VS. HUGGINS 71.1F2D 4TH CIR. 1983(3). U.S.C. 500 ET SEQ. (1946) ESTABLISHED PRACTICES AND PROCEDURES FOR GOVERNMENT AGENCIES TO FOLLOW IN ADJUDICATION AND RULEMAKING. DOES THE PROTECTION OF PRIVACY EXCLUDE GOVERNMENT INTRUSION WITHOUT PRIOR CONSENT FROM PATIENTS?

2. IS IT SUBSTANTIVE AND PROCEDURAL ERRANCY FOR GOVERNMENT TO ARBITRARILY CHANGE THE TEXT OF THE ORIGINAL GRAND JURY INDICTMENT AND CONSTRUCT AN INDICTMENT WITHOUT GRAND JURY APPROVAL. IS IT ERROR TO CONSTRUCT A STATUTE WITHOUT IT BEING INCORPORATED BY CONGRESS? ADDITIONALLY IS IT SUBSTANTIVE AND PROCEDURAL ERRANCY TO SUSTAIN A CONVICTION WHEN GOVERNMENT PROMISED DEFENDANTS IF THEY PLEAD TO ONE COUNT 21 U.S.C.
846 (CONSPIRACY) ALL OTHER COUNTS WILL BE DISMISSED; THEN SURRETIOUSLY THEREAFTER CHANGES COUNT 8, 21 USC 856, MAINTAINING DRUG PREMISES INTO 21 U.S.C. 841(1)(A) (COURT DOCKET) CONTROLLED SUBSTANCES SELL/DISTRIBUTE/DISPENSE APPENDIX F, KNOWING THAT THE LATTER CARRIES A MANDATORY MINIMUM OF TEN YEARS CONFINEMENT, WITH SENTENCE GUIDELINES OF 360 MONTHS TO LIFE? IS IT ERRANCY TO ALTER THE SENTENCE GUIDELINES WHILE INDUCING A PLEA FROM UNSUSPECTING DEFENDANTS?

IS IT SUSTANTIVE AND PROCEDURAL ERROR FOR GOVERNMENT PLEA PROSECUTOR TO PRETEND THAT "HIRING AUTHORIZED DOCTORS TO WRITE AUTHORIZED PRESCRIPTIONS IN THE NORMAL COURSE OF PROFESSIONAL PRACTICE IN GOOD FAITH IS A VIOLATION 0F 21 USC 846? TO PRETEND THAT IS CRIMINAL CONDUCT?
MOST STRIKING IS THIS CASE TO TEACH BY UNAMBIGUOUS INSTRUCTION THE SUPREMACY OF HUMAN DISCRETION "SCIENTER MENS REA" IS A FEAT THAT LEAVES ROOM FOR DISSENTION? DOES IT SHOW HOW "PERSONA OF BLACK MAGIC WITCHHUNT" CAN DISQUISE ITSELF AND HIDE UNDER PRACTICE OF CONSTITUTIONAL LAW?

IS THIS CASE A TEACHER TO SHOW FUTURE JURIS DOCTORS IN UNAMBIGOUS INSTRUCTION WHAT RIGHTFUL AND WRONGFUL PROSECUTORIAL DISCRETION LOOKS LIKE (APPENDIX A - UNITED STATES ATTORNEY GENERAL MERRICK GARLAND)? IS IT TO TEACH THAT THE PRACTICE OF LAW IS A CALLING TO INTEGRITY AND VERITAS OF TRUTH IN JUDICIAL PROCEEDINGS? ARE JURIS DOCTORS BONDSERVANTS OF TRUTH? IS THIS A CASE WHEREAS "WITCHHUNT HAS BEEN A PURPOSEFUL SERVANT? PRO SE ASSERTS THIS OPINION IN THIS CASE CAN GIVE UNAMBIGIOUS INSTRUCTION TO GENERATION "Z" AND "ALPHA" LAWMAKERS. ECF No. 410, Pg I.D 4325

① (12-21-22). U.S. vs- Moore 423 U.S. 122 96 S.Ct 335 (1975). (Page 2) ② U.S. -vs- Goliday No. 21-1326 (7TH CIR. (Page 3). U.S. vs. OWEN No. 21-3870 (6TH CIR. 2022)

④ U.S. vs- IGNASIAK 3:06 Cr 322 (N.D. FLA.) ⑤ REHAIF vs. UNITED STATES 139 (5) Seabrooks v. U.S. No. 26-13459 (11TH CIR. 2022)

3. IS IT SUBSTANTIVE AND PROCEDURAL ERRANCY FOR TWO BUSINESS EXECUTIVES TO BE COERCED TO PLEAD GUILTY TO AN INCHOATE OFFENSE, CONSPIRACY? SISTER CIRCUITS HAVE CONFLICTING OPINIONS AS TO WHETHER OR NOT 21 USC 846 CAN STAND ALONE WITHOUT HAVING AN UNDERLYING OFFENSE, DISTRIBUTION ...DUPREE NO. 19 13776 11TH CIRCUIT. 2023
THERE IS A SPLIT AMONG THE CIRCUITS. SEE ECF NO. 414 PG ID. 4364 03/03/23
UNITED STATES VS. VARGAS 35 F. 4TH 936(5TH). FIRST, SECOND, SEVENTH, EIGHTH AND NINTH CIRCUITS ARE DIVIDED ON THE INCHOATE ISSUE (INCUBATOR PREEMIE). THERE IS STILL AMBIGUITY AS TO THE LAW. THE FIFTH CIR. RECENTLY VACATED THE DECISION ON THE ISSUE AND WILL ADDRESS THE ISSUE EN BANC U.S. VS. VARGAS 4TH 1083 (5TH CIR. 2022). THERE IS CONFLICTING VIEW AS TO WHETHER COMMENTARY TO GUIDELINES IS CONTROLLING IN THIRD, FOURTH, SIXTH AND D. C. CIRCUITS. THEY HAVE HELD THAT INCHOATE CRIMES DO NOT QUALITY AS CONTROLLED SUBSTANCES OFFENSES FOR CAREER OFFENSES PURPOSES UNDER PLAIN TEXT OF GUIDELINES.....SEE PRO SE LAZARO CANDELARA FILING TO 28 U.S.C. 2255 (H)(3)(A) U.S. V. NASIR, 17 4TH 459 (3d) CIR 2021(EN BANC) RANDOLPH VS UNITED STATES 904, F.3D 962 (11TH CIR) 2018) (11TH CIR. 2018). IT IS WELL OBSERVED THERE MUST BE CONVICTION IN AN UNDERLYING OFFENSE. THERE IS ALSO A CRITICAL ISSUE THAT EXISTS. CAN ONE PERSON BE A CONSPIRACY? DOUGLAS IS THE ONLY ONE THAT EXISTS IN THE PLEA PROFFER. FUQUA DOES NOT EXIST. NO DOCTORS EXIST. NO PRESCRIPTIONS EXIST. THERE IS NO CLAIM IN COUNT SEVEN THAT DOUGLAS NOR FUQUA WERE IN VIOLATION OF 21 USC 846. COUNT SEVEN CLEARLY CLAIMS: "MIDDLETON, PATIENTS AND OTHERS WERE IN VIOLATION OF 21 USC 846.

THE PRIME CRITICAL QUESTION IS: DOES THE SCIENTER MENS REA "INTENT NEED TWO OR MORE PHYSICAL BODY MEMBERS e.g. ARMS, LEGS, FEET, AND HANDS TO MEET THE STANDARD OF CONSPIRACY? CAN "INTENT" WHICH IS A "SPIRIT" COMMIT A VIOLATION THAT HAS TO HAVE UNDERLYING ASSISTANCE OF THE FLESH? HAS A CRIME BEEN COMPLETED BY INTENT ALONE? CAN A CONVICTION STAND WITHOUT A TRANSACTION? CONSUBSTANTIATION WITHOUT TRANSUBSTANTIATION? INTENT IS A SPIRIT. IT IS NOT POSSIBLE FOR A SPIRIT TO COMMIT A CRIME WITHOUT FLESH. SEE APPENDIX D DOUGLAS LEAVE TO ADD ADDENDUM TO SECTION 28 USC 2255 (MARCH 3, 2023). THERE IS CONFLICT AMONG SISTER CIRCUITS AS TO WHAT CONSTITUES VIOLATIONS OF CRIMES OF CONSPIRACIES. THERE ARE MANY CONFLICTIVE INTERPRETATIONS AND IT REMAINS UNSETTLED AMONG THE SISTER CIRCUITS SEE APPENDIX D. UNITED STTES VS. JACKSON CASE NO 22-4179. THE CASE OF THE UNITED STATES VS. CAMPBELL 22F. 4TH 438 (4TH CIR. 2022) STATING DELIVER OR DELIVERY MEANS THE ACTUAL CONSTRUCTIVE OR ATTEMPTED TRANSFER OF A CONTROLLED SUBSTANCE. IT DOES NOT SAY PRESCRIPTIONS.
IN THE JACKSON CASE THE CONTROLLED SUBSTANCE WAS CRACK COCAINE. PURSUANT TO 28 U.S.C. 2255 AND 2244 (B)(3)(A) LAZARO CANDELARIA FILED AN APPLICATION SEEKING AN ORDER AUTHORIZING THE DISTRICT COURT TO CONSIDER A SECOND OR SUCCESSIVE MOTION TO VACATE, SET ASIDE, OR CORRECT HIS FEDERAL SENTENCE UNDER 28 U.S.C. 2255. THE COURT STATED SUCH AUTHORIZATION MAY BE GRANTED ONLY: "IF WE CERTIFY THAT THE SECOND OR SUCCESSIVE MOTION CONTAINS A CLAIM INVOLVING:

(1) NEWLY DISCOVERED EVIDENCE THAT, IF PROVEN AND VIEWED IN LIGHT OF THE EVIDENCE AS AWHOLE, WOULD BE SUFFICIENT TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT NO REASONABLE FACTFINDER WOULD HAVE FOUND THE MOVANT GUILTY OF THE OFFENSE, OR,

(2) A NEW RULE OF CONSTITUTIONAL LAW, MADE RETROACTIVE TO CASES ON COLLATERAL REVIEW BY THE SUPREME COURT, THAT WAS PREVIOUSLY UNAVAILABLE 28 U.S.C. 2255. CAN THIS PLEA CONVICTION STAND?

not as originally represented, promises made in regard to sentencing (those promises not put in writing), Defendant agrees to proffer but the Prosecutor adds language to proffer (changes proffer), doesn't tell Defendant and defendant signs proffer, is the plea still valid? **APPENDIX A**

4. The Fourth circuit recently ruled on Inchoate Offenses in United States v Jackson Case No. 22-4179. The case of of United States v Campbell 22 F.4th 438 (4th Cir. 2022) stating *"deliver or delivery means the actual, constructive or attempted transfer of a controlled substance. In the Jackson case the controlled substance was Crack Cocaine"*. In this case, the Judge ignored the Inchoate Motion filed. Is this another dereliction of duty to be fair and impartial? **APPENDIX A and B1 -B2** ECF NO. 414, PgID. 4364 (03/03/23)
5. What is the definition of conspiracy and then, how is that definition applied to conspiracy in charges and indictments? Foremost, can a charge of conspiracy be brought with only one (or a pair treated as one) person involved or indicted in the conspiracy? Furthermore, in the question of conspiracy, can that charge be laid if a person has no knowledge of the conspiracy? Can a charge of conspiracy be laid if the only other person in the conspiracy is removed from the superseding indictment? Middleton was removed from the superseding indictment which terminates the conspiracy charge. Middleton was drug involved. He died of a drug over-dose three months to the day after the superseding indictment. Douglas was indicted for conspiracy to distribute controlled substances yet Douglas is not a physician, cannot write prescriptions for controlled substances, did not buy the controlled substances the subject of this investigation, no prescribing physician was indicted in this case nor did the prosecution find drugs in either Douglas or Fuqua possession.
6. What is the Court's obligation to fairness and review of documents filed by the prosecution, defense and pro se requiring action by the court? When the courts accept prosecution filings of substitution (6 times) rubber stamping them granted, Defendant Douglas files a motion that is filed and denied the same day without

the required answer from the government, and defense counsel... well defense counsel didn't file anything meaningful. When the Court arraigns one defendant but not the other, Fuqua indicted 2/6/2018 on superseding indictment and Douglas indicted on same superseding indictment 8/7/2018, have not the cases been severed by two actions of separation - by separate indictments of the individuals months apart and removal of the Middleton from the indictment? Were not the cases severed when Middleton was not charged under the superseding indictment?

APPENDIX I SEE APPENDIX C (MIDDLETON POLICE REPORT)

MATTHEW SCHNEIDER
UNITED STATES ATTORNEY
U.S. DEPARTMENT OF JUSTICE
211 W FORT STREET SUITE 2001
DETROIT, MI 48226

MARK KRIGER
LARENE & KRIGER
645 GRISWOLD STREET
SUITE 1717
DETROIT, MI 48226

MALISA DUBAL
UNITED STATES ATTORNEY
CRIMINAL DIVISION
1400 NEW YORK AVE NW
WASHINGTON DC 20005

JOHN P CRONAN
ACTING ASSISTANT ATORNEY GENERAL

STEPHEN CINCOTTA
TRIAL ATTORNEY CRIMINAL DIVISION
FRAUD SECTION DEPARTMENT OF JUSTICE
211 W FORT STREET SUITE 2001
DETROIT, MI 48226

LAW OFFICE OF MICHAEL B. SKINNER
540 N. LAPEER #270
LAKE ORION, MI 48362

KATHLEEN CLAIRE COOPERSTEIN
DOJ-CRM
CRIMINAL DIVISION, FRAUD SECTION
1400 NEW YORK AVE, NW
WASHINGTON, DC 20005

[4]TABLE OF AUTHORITIES

United States v Ruan Scr 2370 (2022) No. 20-1416 (11th Cir) case No. 17-12653 (11th Circuit Court of Appeals 2023)

United States v Moore 420 U.S. 122 96 S. cr 335 (1975)

United States v Napout 963F. 3d 163, 181 (2nd cir 2020)

United States v Goliday NO. 21-1326 (7th cir)

Jones v Hendrix (intervening) (2022)

United States v Owen No, 21-3870 (8th Cir 2022)

Ignasiak 3:08-cr-322 (No Dist FL)

United States v Boulding 96F. 3d 752 (6th cir 2020)

United States v Herrera 412 F. 3d 577, 581 -82 (5th Cir 2022)

Seabrooks v United States NO. 26-13459 (11th Cir 2022)

Rehaif v United States 139 S ct 2191 (2019)

United States v X-Citement Video Inc, 513 U.S. 64 -73

Gonzalez v Oregon 546 U.S. 243, 258

United States v United States Gypsum Co. 438 U.S. 422, 441

Brady v Maryland 373 US 83 10L Ed 2d 215, 83 S ct 1194 (1963)

Brady v. United States, 397 U.S. 742 (1970) (holding that the threat of capital punishment does not make a plea voluntary).

United States v Johnson 132 F 3d 400 (4th Cir 1993)

United States v Goins 51 F. 3d 400 (4th cir 1995)

TABLE OF AUTHORITIES (cont...)

TRULINCS 54800039 - DOUGLAS, SHIRLEY - Unit: ALD-B-C

FROM: 54800039
TO: FUQUA, MALIK
SUBJECT: Happy
DATE: 05/18/2023 11:51:23 AM

LIST OF PARTIES

All Parties do NOT appear in the caption of the case in 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:

SHIRLEY DOUGLAS DEFENDANT

MALIK FUQUA DEFENDANT

UNITED STATES ACTING ASSISTANT ATTORNEY GENERAL JOHN CRONAN

ASSISTANT UNITED STATES ATTORNEY MATTHEW SCHNEIDER (SUPERVISION)

ASSISTANT UNITED STATES ATTORNEY STEPHEN CINCOTTA

ASSISTANT UNITED STATES ATTORNEY THOMAS TYNAN

ASSISTANT UNITED STATES ATTORNEY STEVEN SCOTT

ASSISTANT UNITED STATES ATTORNEY PATRICK SUTER

ASSISTANT UNITED STATES ATTORNEY DREW BRADYLYONS WASHINGTON D.C.

ASSISTANT UNITED STATES ATTORNEY MALISA CHOKSHI DUBAL - PLEA PROFFER

CONVICTION ASSISTANT UNITED STATES ATTORNEY KATHLEEN COOPERSTEIN - POST

RELATED CASES

CIVIL CASE No. 2:21-cv-11589-DML
USCA Case NO. 20-1019 – Sixth Circuit

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

[8]OPINIONS BELOW

APPENDIX E – an unpublished opinion marked NOT FOR PUBLICATION

NO State cases
The Sixth Circuit of the United States Court of Appeals date of decision 2/23/21
An extension of time to file was granted In Application No. A

Hesser – Federal Rules – Criminal pg 29 - 11th Circuit

.....the Court held defense attorney did not object because evidence would have been insufficient under a de novo standard of review. The Court ruled if defense counsel would have made a motion under the de novo standard of Rule 29 the District Court would have been required to grant the motion. The Court held counsel was ineffective for failing to move for judgment of acquittal. Eleventh Circuit's partial denial of history of argument therefore if prosecutors who used substantive representation procedures and stop as bulwarks of protection for Petitioner and co-defendant Fuqua are ineffective.

8

[9]JURISDICTION

Cases from **Federal Courts**:

The date on which the United States Court of Appeals decided my case 20-1019 was 2/23/2021

The date on which the District Court of Eastern Michigan case 2:16-cr-20436-1 was decided is 12/30/2019

Petitioner was told could not file in the Supreme Court until the decision on the 28 USC § 2255 still pending. Motion filed 7/8/2021.

9

[10]CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

21 USC § 846 Conspiracy To Distribute Controlled Substances in violation of aforementioned code.
21 USC § 841 (a)(1) Distribution/Manufacturing/Possession with intent to Distribute
18 U.S. Code § 3161 - Time limits and exclusions
18 USC §§3288-3289 -Indictments

United States Constitution Sixth Amendment

10

STATUTES AND RULES

28 USC § 2255

Hesser – Federal Rules – Criminal p 29 - 11th Circuit

.....the Court held defense attorney did not object because evidence would have been insufficient under a de novo standard of review. The Court ruled if defense counsel would have made a motion under the de novo standard of Rule 29 the District Court would have been required to grant the motion. The Court held counsel was ineffective for failing to move for judgment of acquittal. Eleventh Circuit's partial denial of history of argument therefore if prosecutors who used substantive representation procedures and stop as bulwarks of protection for Petitioner and co-defendant Fuqua are ineffective.

18 U.S.C. §§3288-3289

18 USC § 3161(f), (g), (h)

18 USC § 3162

28 USC § 2241

RCW 10.77.060(1)(a)

TRULINCS 54800039 - DOUGLAS, SHIRLEY - Unit: ALD-B-C

FROM: 54800039
TO: FUQUA, MALIK
SUBJECT: love
DATE: 05/18/2023 07:10:50 PM

STATEMENT OF THE CASE

FOLLOWING A GUILTY PLEA TO 21 U.S.C. 846 DOUGLAS WAS CONVICTED ON ONE COUNT OF CONSPIRACY TO DISTRIBUTE

CONTROLLED SUBSTANCES. JUDGEMENT R. 244 AT #2012. SEE PLEA AGREEMENT R. 299 AT #1887. THE DISTRICT COURT

SENTENCED PRO SE TO 132 MONTHS INCARCERATION TO BE FOLLOWED BY THREE YEARS OF SUPERVISED RELEASE.

PETITIONER PLEADED GUILTY ON SEPTEMBER 19, 2019, AFTER A LONG DELAY BECAUSE OF ALL OF THE VOLUMINOUS

RECORDS PRE-TRIAL PROSECUTORS HAD TO PERUSE IN DISCOVERY. THE HEALTHCARE SYSTEM ABYSSINIA LOVEKNOT GROUP

AND ALL ENTITIES WERE RAIDED IN JUNE OF 2015. JUDGMENT WAS ENTERED DECEMBER 30, 2019 R. 244 AT #1887 2013

2014. PETITIONER IS CURRENTLY SERVING TIME IN ALDERSON FEDERAL PRISON CAMP IN ALDERSON WEST VIRGINIA.

*Petitioner removed long unnecessary Verbiage of Statement of Case previously written on Pages 15 – 24,

Shirley Douglas

REASONS TO GRANT THE WRIT

In the Eastern District of Michigan District Court an indictment was brought on June 16, 2016 charging 6 counts with Count 6 Conspiracy to **Obtain** Controlled Substances by Fraud. The indictment was brought from medical records seized from at least 10 search warrants in August of 2015 that were used and medical records perused during this case.

The Defendants Shirley Douglas, Malik Fuqua and Frank Middleton – none of which are/were Physicians - were arraigned on June 21st and 22nd, 2016. On December 14, 2016 the Court ordered a superseding indictment, hidden in a continuation document (case Doc 59), be filed by, on or before January 17, **2017**. On January 17, **2018** Frank Middleton signed a plea agreement admitting to healthcare fraud – Count 1. The government brought a superseding indictment against the other two defendants on January 30, 2018 on the facts and word of a drug addict co-defendant. The Superseding indictment filed January 30, **2018** **changed** count 6 of the original indictment to Conspiracy to pay healthcare kickbacks, one of the statements in Middleton's plea, adding count 7 Conspiracy to **distribute** controlled substances, count 8 Maintaining drug involved premises, count 9 conspiracy to commit money laundering and 4 more counts of money laundering **significantly** altering the original indictment in count 6 – see 18 USC §§3288-3289. The original indictment was **altered** not just added to. The Department of Justice (DOJ) says the indictments should not be significantly altered. § 3161 - Time limits and exclusions *a superseding indictment may narrow, but not broaden, the charges made in the original indictment. See 18 U.S.C. §§3288-3289; United States v. Miller, 471 U.S. 130 (1985); United States v. Grady, 544 F.2d 598 (2d Cir. 1976). ...if the original* ***indictment*** *is replaced by a*

[16]***superseding indictment***, *as long as the* ***superseding indictment*** *does not substantially alter the original charge.* https://sgp.fas.org›crs › misc › RS21121.pdf As it is, the DOJ missed the deadline (1/17/2017) set by the court (case Doc 59) for a superseding indictment. At NO time were additional defendants added in this "conspiracy". The Sixth Circuit has held in US v Lee 575 F.2d 1184 (6th Cir. 1978) *The time limit is ten days between indictment and arraignment ..... 18 USC § 3161(f), (g), (h).* The Fifth Circuit in US v Noll states *Under section 1362, government failure to comply with the time limits promulgated in section 3161 results in dismissal of charges contained in the complaint, information or indictment.* Arraignment on this superseding indictment of Fuqua only was 2/5/2018, Douglas was not arraigned until 6 months and 7 days later – 8/7/2018. Middleton was removed from the superseding indictment before filing therefore not indicted again. On March 15, 2018 Defendant Frank Middleton was granted release to home confinement pending sentencing on his plea. On March 30, 2018 Middleton overdosed – suicide by drug. While the DOJ saw fit to arraign one defendant but not all is suspicious, to say the least. Time exclusions applied to the trial but not to arraignment so it is confusing why the court would arraign one but not the others. Defendant Fuqua was arraigned during time exclusion first, (2/6/18) then 6 months and 7 days later Douglas was indicted (8/7/2018). Middleton signed a plea laying the groundwork for the new indictment. Middleton was removed from the superseding indictment effectively canceling the indictment against him, as the superseding indictment takes precedence. Middleton died March 30, 2018 and the indictment against him dismissed June 6, 2018 – 67 days after his death. This separation of indictment creates a severing of the cases. The DOJ missed the 10 day indictment to arraignment window for Douglas. Speedy

[17]trial exclusion **does not** apply to arraignment rules.

Suspicions abound showing the Court is prejudiced and negligent in this case:

a. the court allowed filing of a superseding indictment that changed the original indictment

b. the superseding indictment was filed more than a year past its due date without an extension or request of an extension to file then arraigned only one Defendant within the proper time frame

c. all other charges – including charge 1 of committing healthcare fraud – the basis of Middleton's plea deal and all other charges except the distribution charge – were dismissed. The Court should have recognized the government only wanted to "get" the Defendants on something – even if it was not factual. Defense counsel did not tell Defendants Middleton took a plea on healthcare fraud.

This case was literally time excluded for more than three years – almost from the beginning (7/14/16) – case began June 16, 2016 - to after the plea proffer to Douglas (12/3/19) – just one long continuation which ended with a coerced plea agreement during which promises were made by the prosecution, were failed to get in writing by the defense counsel and ended up with a modification of the plea agreement by the government of which the Defendant was never explained the differences which would include mandatory prison time before signing. The Defendant was told she would probably get probation, community service or some form of non-jail punishment. The Defendant understood one thing and signed another. The Defendant was charged in her plea under Count 7 – Conspiracy to distribute controlled substances 21 USC § 846 but was sentenced under 21 USC § 841. The Defendant signed a document (plea) that was evidently changed before

SEE PLEA PROFFER R. 229 @ # 1887 : ONE COUNT, 21 U.S.C 846, JUDGEMENT R. 244 at # 2013 - 2014

26

[18]the signature AFTER Defendant had agreed to a (different) plea under 21 USC § 846 also under duress and coercion by counsel. The promises made were never put in writing and the government relied on the duress of the Defendant to forget to ask for the promises in writing, then the change(s) made by the government substantially changed the sentencing requirements. The prosecutor added no rights to appeal and 21 USC § 841(a)(1) - charges which vary differently and definitively from the 21 USC § 846 which defendant was proffered, again with the understanding of no jail time, community service and/or possible probation. Adding 21 USC § 841(a)(1) requires mandatory prison time. At aged 70, Defendant would never have agreed to mandatory jail time if the plea had been properly explained. If the prosecution failed to notify the defense counsel of the change or if the prosecution notified defense counsel and counsel understood the magnitude of the prison time but counsel couldn't bring himself to tell Defendant of the mandatory prison time, those plea agreement changes changed the whole landscape of the proffer in this case and defense counsel turned "a blind eye". The prosecution erred in truthfully representing the charges, including accusations that were never charged (writing medically unnecessary drug prescriptions by clinic physicians for a pill count of 506,580). The prosecution has a duty to be truthful. (**APPENDIX A**) Without charging a medical doctor from the clinic (or any doctor) in this case, conspiracy is far-fetched. Conspiracy to distribute controlled substances would require drugs (from somewhere). The DOJ made all sorts of allegations but never indicted any doctors from either Abyssinia or 1st Priority or anywhere else, not during this case nor a separate case. If prescriptions were used that involved controlled substances to meet the distribution charge, the DOJ did not present evidence that would **require** charging the supplier that could

[19]substantiate possession of drugs, a way to obtain drugs or a network to distribute those drugs. The Defendant signed a coerced plea on the distribution charge but no evidence substantiates the charge and Defendant was too scared to realize there was no evidence on distribution. These actions are or do seem to be prejudicial coercion of justice. Conviction at any cost with any means necessary.

On Conspiracy, an article in Reason totally sums up this case ..... *people who have received out-sized sentences despite very minimal connections to the crimes of others thanks to our country's conspiracy statutes. These laws give broad discretion to prosecutors to charge just about anyone who "conspired to commit" a crime.*

What "conspired" means, however, is largely up to interpretation, and the definition can be stretched to absurd lengths at the whim of the prosecution. It often is.

Worse, if a person is convicted of conspiracy, he or she is subject to the same sentence required for the actual crime itself. This allows for individuals to be convicted as high-level drug traffickers even if they have never physically touched any drugs in their lives. https://reason.com/2016/04/29/conspiracy-laws-ripe-for-abuse/.

There has been no consistency in this case from either the Court or the prosecution in answers to motions and briefs. Defendant's life hangs in the balance. Defendant is 74 years old now and according to God's plan our allotment

[20]of time is 70 years (threescore and ten Psalm 90:10). She has been incarcerated during a time of pandemic with no regard for her age or health, the Bureau of Prisons and the Court disregarded the Memorandum ( ) given by Attorney General William Barr (March 26, 2020)(April 3, 2020) for use of home confinement for non-violent (especially first time) offenders and requiring use of Administrative Remedies that were suspended at that time. The Court refusing to consider Defendant who pleaded with the Judge for home confinement because of her age and medical conditions in relation to Covid-19 is certainly a miscarriage of justice and especially heinous when a motion submitted (Docket item 317) was denied (docket item 319) the same day as submitted (8/6/2020) without a response from the prosecution.

Defendant Douglas underwent two competency evaluations ordered by the court. The court used the same psychologist for both so vetting the verification of competency did not happen. No doctor is going to change their evaluation from one date to another less than a year apart (from competent to incompetent) [redacted] No psychologist is going to overrule themselves especially when the Court is paying their fees. Impartial confirmation of competency did not occur. Not using a second psychologist is an error made by the Court. The Court should have seen the error of using the same psychologist and not having a confirming collaborating opinion of competency. State v Lawrence 166 Wn. App. 378 (Wash. Ct. App. 2012) *When the court refers a defendant for a competency evaluation, at least two experts shall*

[21] *be appointed to conduct the examination and report to the court.* RCW 10.77.060(1)(a). Defense counsel was asked in a hearing if the Defendant was sufficiently able to communicate at which counsel replied "at this time" leaving to wonder if at a recent previous time Defendant (Petitioner) WAS NOT cognizantly communicating during this process. The Court has failed this defendant in the avid pursuit of justice in multiple ways. By it's actions the Court deemed Defendants guilty before trial/plea without saying so.

The death of several witnesses during time exclusions – Dr Rodney Shaw 2017, Dr. Charles Lee 2016, Katherine Woods (a transportation person) 2017 – before they could testify to the errancy of the prosecution's case left a big hole in the defense case. Counsel made no effort to shore up the defense case with other witnesses, debunk the prosecution narrative or just present (or pretend to present) a defense. The interviews of those deceased witnesses had not been made available to the Defendants. Defendant got the feeling counsel thought he was wasting his time and expending too much energy to defend her. It is now apparent Defendant was not wrong.

The DOJ should be ashamed of the over-reaching prosecution in this case and there is shame to be had in an organization that rewards zealousness to the point of carelessness. It is granted the Court has a duty to prosecute crimes however when federal prosecutor after federal prosecutor (6) recuse themselves or leave a case and the government finally brings in a federal prosecutor from Washington DC to prosecute, this should tell the Court the case has problems.

. Scheduling conflicts happen all the time – with the Court, the prosecutors and defense counsel – but constantly should have created a red flag for this case. There only consistency in this case is delay. It is understood time exclusion and speedy trial is not the issue here but there is no excuse the court can make for the actions in this case – the separation of arraignment months apart - the actions of the prosecutor and defense counsel making promises that were never put in writing - making (allowing) changes to the plea proffer without notification to the Defendant just before signing - the delays of the trial during which three witnesses and a Defendant died....all conspired to give the Defendants less then equal justice. *In the civilian system, Federal Rule of Criminal Procedure 11 sets out three primary procedural requirements in order for a court to accept a guilty plea: the court must advise the defendant of the rights he is relinquishing and ensure that the defendant understands the charges against him (Douglas underwent two psychiatric evaluations during the trial exclusion times), determine that there is a factual basis for the plea, and ensure that the plea is voluntary. FED. R. CRIM. P. 11(b) Fulfilling the first of these three requirements is largely a mechanical formality that offers little real protection to defendants – especially when the court loads the evaluation in their favor; even if the colloquy is not properly conducted, a defendant has little chance of overturning his guilty plea on appeal. United States v. Dominguez Benitez, 542 U.S. 74, 85 (2004) Similarly, the mandate that a plea have a factual basis has little effect because of the low threshold that must be met to satisfy the requirement. The Supreme Court has held that the factual basis requirement can be satisfied even when the defendant refuses to admit guilt. North Carolina v. Alford, 400 U.S. 25, 37–38 (1970) Lastly, the voluntariness requirement has been effectively*

[23]*eviscerated by the Court's permissive approach toward plea bargaining. Brady v. United States, 397 U.S. 742 (1970) (holding that the threat of capital punishment does not make a plea involuntary). Harvard law Review PROSECUTORIAL POWER AND THE LEGITIMACY OF THE MILITARY JUSTICE SYSTEM.* This Writ is not the place to list all the information articles written on the errors of the justice system (there would never be space enough because of the tremendous amount of information). This Writ is the place to get justice for individuals prosecuted and persecuted by our Department of Justice.

Lastly, in a conspiracy - to distribute controlled substances if the drugs were obtained from the street, a dealer or drug pusher would also have been indicted; if the narcotics were obtained from a "pill mill" as suggested by the prosecution the doctors of both of these clinics would have been indicted yet none were. If the prosecution did not indict any doctors and neither Defendant is a doctor nor can they write prescriptions, then the conspiracy to distribute does not hold shoring up the argument there is no conspiracy nor a drug-involved premise. Likewise, lacking a conviction in conspiracy to defraud Medicare and Blue Cross and Blue Shield the forfeiture of assets cannot stand. There is no additional monetary amount due on the* $10,890,567.70 the prosecution declares is the total amount of proceeds obtained in this "conspiracy". The government has returned cash, money orders (same as cash) and property to the Defendants. There is confusion all around. The government doesn't return property seized in forfeiture. But – the **government** asked, the defendants agreed so the Court granted the return of one property. The return of cash and money orders transpired from who knows where but was accomplished when the Brighton Michigan Police Department went to FCI Alderson to get a signature on documents to return the

* THE FORFEITURE OF PLEA PROFFER ALTERed. the Medicare TITLE 18 CODE AND LISTED IT AS SURREPTIAUSLY AS A CRIMINAL CODE. $10,890,567.00 WAS AN Allegation OF MEDICARE FRAUD.

#32

* SEE PLEA PROFFER

[24]property. Again, there is such lack of consistency in the prosecution and execution of this case, following the rules of law, and just simply doing the right thing, this conviction should not stand.

This Writ of Certiorari should be granted for multiple reasons. This is a hybrid poly-compressed (mixed up) case. Defendant had a legal incorporated healthcare business (Abyssinia Group Healthcare System) providing healthcare to an under-served community that was attacked by the Department of Justice. The actions of one person does not a conspiracy make.

Frank Middleton, a Defendant in this case, who died during time exclusion **after** the superseding indictment, was excluded from the superseding indictment therefore not arraigned. On July 15, 2014, a teenager (with a learner's permit was driver of a car in which Mr. Middleton was a sleeping in the rear seat) was stopped by the Ohio State police (incident number 14 072006 01D0 **APPENDIX J**) for following too close. The officer smelled alcohol. Mr. Middleton was alcohol drunk and asleep in the rear seat. They were headed home from Columbus OH where they had attended a family affair of the driver and other passenger. Drugs, prescriptions and money were found because the officer smelled alcohol. The DEA got involved and Middleton was arrested and held for an extended period of time – until he changed "his story" regarding the drugs and prescriptions to get out of jail. The DEA told him he wasn't getting out until he implicated his dealer or supplier or the doctors involved. So Middleton told Fuqua. No mention of the driver or the other passenger is made. That is when the conspiracy witch-hunt began. Because Mr. Middleton worked for a medical clinic as their transportation coordinator, the clinic is automatically considered part of a drug conspiracy or a pill mill – even though no doctors from the clinic were indicted in this case, no drugs were found on Fuqua or Douglas, no other distributors were found for distribution. The case goes from bad to worse because Mr. Middleton insisted the clinic and the owners had done no

[25]wrong until he took a plea. Mr. Middleton was detained during this case and was released on bond after his plea. After he was let out of jail he died of a drug overdose two weeks later. This clearly indicates Mr. Middleton was acting on his own volition because of his decisions to use drugs and alcohol, albeit how wrong those decisions turned out to be.

The reasons to grant this writ are on violation of procedure, the law, the Sixth Amendment and the standing of right from wrong.

The **altered** superseding indictment was filed over a year after court ordered due date without an extension of time to file. The original indictment was altered and while additional charges can be added the original indictment must remain intact.

No additional drug prescription writing Defendant's (physicians) or any other kind of Defendants were named in the superseding indictment. No additional sources were named for obtaining drugs to distribute or networks for distribution.

Conspiracy to distribute was based on the actions of an employee and his actions were not known to Fuqua and Douglas. Frank Middleton had an addiction he hid from his employer(s). Douglas and Fuqua neither bought, was prescribed, picked up nor obtained any narcotics. So conspiracy to distribute is a stretch - by a very long rubber band.

The time between the superseding indictment and arraignment was not just a day or two past the ten days set in 18 USC § 3161 (f)(g)(h) but over 6 months. While Fuqua was arraigned in 6 days, arraigning one defendant does not arraign other defendants in the case nor does it extend the time to arraign. Middleton had not yet died from an overdose when the superseding indictment came down. He was excluded and not arraigned. The separation of indictments could be construed as a severing of the cases.

Alteration of a plea proffer without telling the Defendants of a charge that REQUIRES prison is not what the defendant understood therefore was expecting home confinement or probation (or no plea agreement). Defendant's have an expectation to be

[26]treated fairly by the government and the justice system. Putting a 70 year old woman in jail for 11 years for providing medical services to under-served black communities is wrong in so many ways. Failure of the Justice Department (Bureau of Prisons) to ignore the memorandum of the U S Attorney General during a pandemic is WRONG. Failure of the court to administer psychological evaluation **according to protocol** is wrong again and guarantees the outcome the court wants. All of this violates the Sixth Amendment of the United States Constitution in fair and equal treatment by the Courts and the justice system.

[27]created an indictment and altered it; created a superseding indictment with counts under one statute but describe another statute in the charge and created a plea proffer but changed the language and charges at the last minute.

Our courts are to be fair and impartial but more and more prevalent are the courts presiding over cases that lean entirely the government way turning a blind eye to justice and fair and equitable prosecution.

In this war on drugs anything goes for the Justice Department. There needs to be a war on drugs but not at the expense of the average person who has no clue what they are up against or why. Everything is a conspiracy according to the government – especially the seventh prosecutor (Dubal) who prosecuted this case. This case is prosecuted as a conspiracy to distribute narcotics. Shouldn't this conspiracy include at least one person who can obtain narcotics illegally.....or legally (by prescription)? – it does not. The only Defendant who could possibly have obtained drugs is the drug addict who was excluded from the superseding indictment. This conspiracy should contain a network of distributors for these narcotics – it does not. This case is about the Justice Department prosecuting a drug addict **and** his employer and destroying a family healthcare business that serviced an under-served minority community.

TRULINCS 54800039 - DOUGLAS, SHIRLEY - Unit: ALD-B-C

FROM: 54800039
TO: FUQUA, MALIK
SUBJECT: aa
DATE: 05/15/2023 07:25:32 PM

CONCLUSION

This case has been a case of conflictive views. There has been conflictive views in terms of Assistant United States Attorneys and also Applications of Law. There were several United States Attorneys in this case. Seven Prosecutors recused themselves in succession and would not move forward in prosecution. They "recused" themselves. One Dissenting Prosecutor with the help of ineffective Defense Counsel moved forward to coerce A Plea from Petitioners. There has been conflictive views in this case. There are conflictive views as to interpretations of law. There was one Post conviction Prosecutor who had a different view.

The Post Conviction Prosecutor who had a different view expressed her different View and wrote a brief in response to Petitioner's Supp. Brief regarding 28 U.S.C. 2255 ECF NO 407 She indicated "Douglas was not a physician and could not have had her own independent idiosyncratic View of Medical reasonableness. Furthermore she was not tried by a Jury." Petitioner argues she has been tried by and OUT OF THE BOX Jury of nine Juris Doctors (Prosecutors). Pro Se's Jury was not chosen by "Luck of the Draw" nor "Roll of the Dice." ECF No. 407 PgID. 4274 (12-13-22)

New York Best Seller Author David Goggins, copyright @ Goggins Built Not Born, LLC "Can't Hurt Me", said it best "Luck is a capricious Bi***. This case is not grounded on luck of the draw, it is grounded on stare decisis constitutional jurisprudence of law. That law has unambiguous dictum of violation: "...two or more persons, must conspire or agree to distribute controlled substances; and "a" "Person" knowingly and voluntarily has to join the conspiracy.

That is the standard of violation. That standard has not been met. The original text claims "middleton, patients and others, were in violation of 21 U.S.C. 846 in Count Seven (SEE INDICTMENT COUNT SEVEN). The Extremely Dissociated Constructed Plea Proffer by use of "a.i." CLAIMS 506,680 PILLS WERE "ATTRIBUTED" to Douglas. (See Plea Proffer R. 229 at 1887). That standard has not been met. Douglas thereby becomes a conspiracy of "ONE". There are no prescriptions in the Plea Proffer. Fuqua does not exist in the Plea Proffer.

Guidelines of the Plea Proffer 360 months to LIFE do not Appear as guidelines to 21 U.S.C. 846. The maximum for 21 U.S.C. 846 is 240 months not LIFE.

Pro Se cannot be convicted by the "Persona of Capricious Procedures of law." Pro Se asserts the United States Constitution is an enforceable Binary Contract between State and Federal lawmakers. The unambigious Dictum of the constitution promulgates the purpose is to "Form a more Perfect Union>'

The Statute in this case does not meet the standard of that Dictum. There is significant Split , Conflict, among the Circuits. ECF NO 414 PageID 4364 (03/05/23) , in Sentencing Guidelines and Applications of Law.) This case is a classic for Generation "Z" and Alpha to follow. (See APPENDIX B).United States v. Dupree No. 19-13776(11th Cir. 2023. There is a SPLIT between the Decision in the 11th Circuit and Decisions of First, Second, Seventh, Eighth and 9th Circuits. There is Conflictive Decisions of the Fifth, coupled with conflictive decisions of the Third,Fourth, sixth, and D.C. Circuits. Half of the Circuits have concluded that inchoate offenses DO NOT qualify as Controlled Substances Offenses. The Most Critical Question in this case is Whether persons who are not Medical Doctors are able to have the Scienter Mens Rea culpability of "Knowing he or she is prescribing prescriptions in an Unauthorized Manner? Petitioners were NOT doctors.

The Prime question before us is Critical. Does the Scienter Mens Rea" Intent" need two or more physical body members e.g. arms, legs, feet, and hands to meet the standard of Conspiracy? Can "Intent" which is a "Spirit" commit a violation that has to have underlying assistance of the "Flesh"? DOES "INTENT" Need Something THAT CAN LEAVE FOOT PRINTS OR FINGER PRINTS? Something, THAT CAN "FORM" A CORPUS DELICTI?
Has a crime been completed by "Intent" alone? Can a Conviction stand without a transaction? Consubstantiation without Transubstantiation? Intent is a "Spirit. It is not possible for a Spirit to commit a crime without flesh. See APPENDIX Douglas leave to Add Addendum to Section 28 U.S.C. 2255 (march 3, 2023)(ECF 414)There is Conflict with regard to Interpretations of Law.

There is Conflict among the Sister Circuits as to what constitutes violations of Crimes of Conspiracies. There are many conflictive interpretations and it remains UNSETTLED AMONG THE SISTER CIRCUITS.
United States Vs. Jackson Case No. 22-4179. The case of the United States vs. Campbell 22 F. 4th 438 (4th Cir. 2022) stating "deliver or delivery means the actual constructive or attempted transfer of a controlled substance. It does not say prescriptions.

In the Jackson case the controlled substance was Crack Cocaine.

Pursuant to 28 U.S.C. 2255 and 2244(b)3()(A), Lazaro Candelaria filed an application seeking an order authorizing the district court to consider a second or successive motion to vacate, set aside, or correct his federal sentence under 28 U.S.C 2255. The Court stated "Such authorization may be granted only if we certify that the second or successive motion contains a claim involving:

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable 28, U.S.C. 2255.

There has been Conflict with regard to Speedy Trial Violations See#79, #89,# 134,# 176,# 291,# 306,# 314. There has been Conflict and confusion as to how long Judges should be given to rule on Motions. Petitioner has had her Motions for Vacation of Sentence and Plea of Guilty Pending in the District Court since 2021, July of 2021 while being incarcerated since 2020 for a crime that was impossible for her to commit. She has also fileded a Motion of Habaes Corpus for Status Quo that has not been answered by the Court. Petitioners have filed numerous Motions that the Court has not given a ruling on. After paying tens of thousands to ineffective Defense Counsel in this case, they have NOT FILED ANY MOTIONS NOR PREPARED FOR ANY TRIAL. THEY HAVE DONE NO WORK OF DEFENSE IN THIS CASE. The only attorneys who worked in this case were the Assistant United States Attorneys who worked for a Civil Servant Fee.

Petitioner submits Count Seven of the Indictment is a defacto Motion by the Pre-Trial Discovery Prosecutors, an In Pais Motion for Acquittal. She also submits the Brief filed by the Post Conviction Prosecutor is a Defacto En Demurrer Motion of Acquittal.

The "Blue Ribbon" Assistant United States Attorneys (PDPs) left no room for guesswork or luck of the draw. They sought and found the Veritas of Truth in the recordkeeping of the Petitioners' in this case. Truth is a "spirit"; it is not independent declaration. This is a "Blue Ribbon Text Book Classic. "Truth " in this case was found in voluminous recordkeeping. PDP's found that truth. They recorded the "Intent" of these two business executives. They recorded in the FSSI they had several contractual business entities. All entities were legally incorporated. They name all of them and all their locations They recorded Bishop Shirley Douglas had a legal Incorporated 501(c)(3) AND THEY RECORDED IN THE FSSI HER INTENT.They recorded her intent was to "Help the marginalized, and Preach the Gospel". They took laborious time, even to the extent of "speedy Trial Violations." Many opposing Motions were submitted, however, they kept working for 3 years. Especially #291, #306. They found the only calculated ovebilling from Medicare at the time of their Indictment amounted to $41.00(forty-one dollars) NOT 41 MILLION DOLLARS AS CLAIMED.

They found petitioner had made bi-weekly payments of $10,000.00 to a Cardiologist who started a Medical School to help the school receive "marginalized students," to train them as medical practitioners, consistent with church document of incorporation. Pro Se asserts all the students were immediately hired by other Healthcare Systems, as soon as Douglas signed their diplomas after graduation. Most important PDPs found the "intent" of theses two business executives was to "manage the day to day operations of their business, pay all expenses, inclusive of current city, state, and federal taxes coupled with tens of thousands of pre-paid taxes to I.R.S. consistent with "Promote the general Welfare" United States Constitution. They found these two business executives were not just a "color""black" and the United States Attorneys were not just a color "white", they had the same Spirit, called "Americans." The consubstantiation of intent became transubstantiation consistent with the Veritas of Truth. These Supreme Assistant United States Attorneys showed their intent. They wanted to be fair and impartial to two business people who had proved they are "Americans". Their Intent was to secure "The blessings of Liberty" (United States Constitution). They had already given Middleton the opportunity to plead guilty. They had already submitted in the FSSI that Middleton, patients and others, had violated 21 USC 846. Middleton, although he had a secret drug addiction, which he hid from from the people he had a subcontract with, Douglas and Fuqua. He had a company called F and M Liaison Transportation Company. In his state of addiction he still told the truth. Douglas and Fuqua had nothing to do with whatever he was doing. Law Enforcement had searched all Entities, the houses of these two business executives and found no illegal narcotics nor any written prescriptions. The only filled out prescriptions found and only drugs found belonged to the person the Assistant United States Attorneys all claimed in the indictment:" MIDDLETON, patients and others.

Petitioner respectfully asks this Court to Vacate this unfair Plea of Guilty and Sentence of the Court. She respectfully asks this Court if possible to consider APPENDIX B CONFIDENTIAL LETTERS and Submit this Poly-compressed case to the Civil Division so that resolution can be made in this case.

FROM: 54800039
TO: FUQUA, MALIK
SUBJECT: happy
DATE: 05/17/2023 11:09:27 AM

PETITIONER ASSERTS **CONCLUSION** CONTD.

This is a Civil Matter. Petitioners were categorically misplaced in a population where they did not belong. They were not a part of "Organized Crime", conversely they were "Organized Labor" Subcontractors of CMS as Medicare Administrative Contractors under the Direction and Control of the Secretary.

42 CFR 421 (up to date as of 2-27-23) 421.124,421, 120 and 421,122 (Page 8 of 22) 59 FR 682 Jan. 6, 1994, 421.126. 421.128 - which affords government Contract Agencies opportunities for Hearing and the Right to Judicial Review, the Right to a Hearing Officer of the Secretary. Petitioner had a Right to be Represented by Counsel and the Right to Present Evidence and Examine Witnesses 421.205 - Gives the Right of Termination to The Secretary.

Medicare Contracting is under the Authority (Authorized) 42 U.S.C. 1302 and 139 5 hh; 45 FR 42179, June 23, 1980.

Medicare Administrative Contractors (MACS) are under the Authority of 71 FR 68229, Nov, 24, 2006.

Medicare Administrative Contractor means an AGENCY, ORGANIZATION, OR OTHER PERSON WITH A CONTRACT under Section 1874A of the Act. Petitioners "Managed the Day to Day Operations of the Centralized home office "As Authorized" by contractual obligations.

THEREFORE
RELIEF SOUGHT

Petitioners ask that they "Secure the blessings of liberty" as promised by the Unitd States Constitution. They are not asking for a "Roll o the Dice" nor luck of the draw. Petitioners do not want this case decided by the persona of "arbitrary altering and Robotic Manipulation." Petitioners ask to be "Secure" in what the Constitution has promised "No persons shall be Deprived, of life, liberty and Property without Due Process of Law. Petitioners ask for this Plea of Guilty and Sentence of the Court to be Vacated. We ask this case to be sent to Civil Division "APPENDIX B) for final determination

TRULINCS 54800039 - DOUGLAS, SHIRLEY - Unit: ALD-B-C

FROM: 54800039
TO: FUQUA, MALIK
SUBJECT: love
DATE: 05/21/2023 12:48:07 PM

M E R I T O R I O U S C O N C L U S I O N

A WORD IS A CATEGORICAL RELATIVE OF "INTENT." IT IS A "SPIRIT". AN ACCUSATION IS A MERE "WORD" (A CLAIM) OF CONSUBSTANTIATION AND DOES NOT BECOME TRUTH (VERITAS) WITHOUT TRANSUBSTANTIATION OF "FLESH." A WORD MUST BE SUBSTANTIATED BY "CONSPIRATORIAL" TRUTH. IT NEEDS "PRESENCE." IT NEEDS "PRESENTMENT OF CLAIM" THERE HAS BEEN NO "PRESENTMENT" OF CLAIM THAT DOUGLAS NOR FUQUA VIOLATED 21 USC 846. ALL OF THE ENTITIES OF ABYSSINIA LOVEKNOT GROUP INCLUSIVE OF FIRST PRIORITY WAS SEARCHED BY SCORES OF D.E.A. LAW ENFORCEMENT TEAMS. THE HOMES OF THESE BUSINESS EXECUTIVES WERE SEARCHED, THOROUGHLY. NO ILLEGAL DRUGS, NO PRESCRIPTION DRUGS WRITTEN BY DOCTORS WERE FOUND. THE ONLY "PRESENTMENT OF PRESENCE OF CLAIM" IN FLESH WAS FOUND WHEN POLICE IN OHIO SEARCHED ONE CAR THAT HELD THE "FLESH" OF MIDDLETON. MIDDLETON WAS A TRANSPORTATION SUBCONTRACTOR FOR "ABYSSINIA LOVEKNOT GROUP WHO OWNED F. AND M. LIAISON TRANSPORTATION. IN MIDDLETON'S VECHICLE THE POLICE FOUND WRITTEN PRESCRIPTIONS AND ILLEGAL DRUGS, PURPORTEDLY FOR MIDDLETON'S PERSONAL USE.

ALTHOUGH WE HAVE STANDING TO ARGUE EXCLUSIONARY SPEEDY TRIAL VIOLATIONS; OUR MOST CRITICAL ARGUMENT
EXCEEDS SAME. MIDDLETON, A CLOSET DRUG ABUSER UNKNOWN BY THOSE 2 DEFENDANTS HAD TAKEN A PLEA IN JANUARY ON THE 18TH, 2018, APPROXIMATELY 2 YEARS PRIOR TO A COERCED PLEA BY GOVERNMENT AND INEFFECTIVE COUNSEL, WHEREIN HE TOLD THE TRUTH. MIDDLETON, EVEN IN HIS DRUG ADDICTED STATION IN LIFE TOLD THE POLICE AND PLEA PROFFER PROSECUTOR DUBAL THAT DOUGLAS AND FUQUA HAD NOTHING TO DO WITH WHAT HE WAS DOING. MIDDLETON TOOK A STAND, JUST LIKE THE"BLUE RIBON PROSECUTORS" AND TOLD THE TRUTH WHILE FACING A SENTENCE OF 188 MONTHS TO 235 MONTHS IN PRISON. IT IS NO WAY THESE TWO INNOCENT BUSINESS EXECUTIVES WOULD HAVE PLEADED GUILTY ON SEPTEMBER 18, 2019, IF THEY HAD KNOWN MIDDLETON HAD TOLD THE POLICE AND THE PLEA PROFFER PROSECUTOR THE TRUTH. HE TOLD THE SAME TRUTH PRE-TRIAL DISCOVERY PROSECUTORS HAD TOLD IN COUNT SEVEN OF THE FIRST SUPERSEDING INDICTMENT :

"MIDDLETON, PATIENTS AND OTHERS WERE IN VIOLATION OF 21 U.S.C. 846"

IT WAS A YEAR AND 8 MONTHS BETWEEN THE TIME OF MIDDLETON'S TRUTHFUL CONFESSION AND DUBAL'"ARBITRARY TEXUAL ALTERING" FOR UNWARRANTED COERSIVE CONFESSIONS. PETITIONERS ASSERT THIS "PRESENTMENT" TRUTH (VERITAS) HAS BEEN SHOWN. THIS HAS BEEN A "CIVIL" COLLATERAL ESTOPPEL CARRIED FORWARD IN THIS CRIMINAL CASE (APPENDIX B LETTERS) BY SERIAL PROSECUTION OF UNWARRANTED DOUBLE JEOPARDY AND DISREGARD OF CONSTITUTIONAL LAW. WHEREIN 2 BUSINESS EXECUTIVES HAVE BEEN WRONGLY ACCUSED AND UNJUSTLY IMPRISONED FOR ALMOST THREE AND ONE HALF YEARS.

A. FURMAN VS. GEORGIA 408 U.S. 238, 92 S. CT 2726 33 L. 3D. ED 346 (1972).
B. FURMAN VS. GEORGIA 408 U.S. 238, 92 S.CT 2726
C. U.S. VS. TORIBIOLUGO 376F 3D 33 (1ST CIR. 2004)
D. SOUTHEAT MORTG. CO. VS. SINCLAIR, 632 SO. 2D 677 (1994)
E. STOWER VS. STATE 657 N.E. 2D 194 (1995)

Respectfully submitted this 23rd day of May 2023.

Bishop Shirley Douglas M.A.P.M., D.D

Shirley Douglas 54800039
Pro Se
FCI Alderson
Glen Ray Rd Box A
Alderson WV 24910

We ask for Vacation of Plea and Sentence and respectfully ask for this Polycompressed Litigation to be forwarded to "Civil Court" Docket for final disposition in this matter.

2:21-CV-11589 APPL (1)

See "Confidential Letters" APPENDIX "B" 1

Bishop Shirley Douglas

TRULINCS 54800039 - DOUGLAS, SHIRLEY - Unit: ALD-B-C

Respectfully submitted this 23 day of May 2023.

Shirley C. Douglas M.A.P.M., D.O.

Shirley Douglas 54800039
Pro Se
FCI Alderson
Glen Ray Rd Box A
Alderson WV 24910

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Shirley Douglas M.A.P.M. D.O.

Date: 5-23-23