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Supreme Court of the United States

Supreme Court, U.S.  
FILED  
MAR - 2 2023  
OFFICE OF THE CLERK

Zumar H. DuBose  
Prisoner ID: 20472509  
FDC Philadelphia  
P.O. Box 562  
Philadelphia, PA 19105

Date: 3-2-23

In Re: Zumar H. DuBose :  
V. :  
U.S. Attorney General : Case # 22-6858

Bail Request

I, Zumar H. DuBose, request Bail and I  
Invoke my United States Constitution amendments 4,  
5, 6, 8.

Relief and order

1. I wish to be released from the custody of  
the U.S. Attorney General on the further least  
restrictive combinations and conditions including, GPS monitoring,  
Appearance Bond, Supervised Custody, Pretrial Services programs.

2. I wish the invalid, by way of form,  
Superseding Indictment 20-453-WB (E.D.Pa)  
document 79 filed 8-26-21 counts 1-17  
be dismissed entirely.

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SUPREME COURT, U.S.

REASONS FOR GRANTING THE ~~PETITION~~ Bail Request

Ground 1:

Superseding Indictment 20-453-WB (E.D.Pa.)  
Was not filed in open court by the 8-26-21  
Grand Jury, Foreperson, or Deputy Foreperson; and  
12 or more Grand Jurors did not vote to indict at all.  
The indictment is invalid by way of form, jurisdiction does not exist.

Ground 1 objections:

1. Superseding Indictment 20-453-WB document  
79 filed 8-26-21 page 30 of 30 does not  
include, purport, or possess any information in the  
"filed in open court" section of the indictment.  
The section is left blank by the Grand Jury  
and not voted by the Grand Jury as a True Bill.
2. Superseding Indictment 20-453-WB is in violation  
of Fed. R. Crim. P. 6(f) "12 or more Grand Jurors  
must vote" and "The Grand Jury - or its foreperson or  
deputy foreperson - must return the indictment to a  
magistrate judge in open court". The indictment was not.
3. All defendants 5<sup>th</sup> and 6<sup>th</sup> Amendment rights of the  
U.S. Constitution are violated and the district court  
lacks jurisdiction, Personal and Subject matter per  
18 U.S.C. 3231 and a Fed. R. Crim. P. 12 (b) (2) violation.

## Ground 2:

Superseding Indictment 20-453-WB (E.D.Pa.) was not signed by any attorney at all. No attorney for the Government signed the indictment. The signer is an unauthorized person to sign indictments and is unauthorized to be present in the Grand Jury Proceeding. The indictment is invalid, and no jurisdiction exist.

## Ground 2 Objections:

1. Superseding Indictment 20-453-WB document 79 filed 8-26-21 page 29 of 30 does not include, possess, or purport the U.S. Attorney Jennifer A. Williams signature, any AUSA signature, or any representative signature for the United States at all. "United States v. Cox, 342 F.2d 167"
2. The signer is not an American Bar Association member, and is not authorized to sign indictments for the ~~for~~ United States government at all per Fed. R. Crim. P. 7(c)(1). The signer lacks a license to practice law or be an attorney. A 5<sup>th</sup> and 6<sup>th</sup> Amendment Constitution violation and Fed. R. Crim. P. 12(b)(2) violation, and Fed. R. Crim. P. 6(d)(1) violation, and Fed. R. Crim. P. 6(e) secrecy violation.
3. Superseding Indictment 20-453-WB document 79 filed 8-26-21 (E.D.Pa) Counts 1-17 is "invalid by way of form." see "Frisbie v. United States, 157 U.S. 160"

### Ground 3:

The Grand Jury Foreperson nor the Deputy Foreperson signed or indorsed the Superseding Indictment 20-453-WB (E.D.Pa.) on 8-26-21. 12 or more Grand Jurors did not concur to indict any of the defendants. The indictment is invalid by way of form and the U.S. District Court lacks jurisdiction. Procedure defect of Fed. R. Crim. P. 6.

### Ground 3 objections:

1. Superseding Indictment 20-453-WB document 79 filed 8-26-21 page 29 and 30 of 30 does not include, possess, or purport the Foreperson or deputy Foreperson of the 8-26-21 Grand Jury signature or indorsement. The signature was forged by an unauthorized individual who may not indorse a True Bill. The signature was redacted to hide the fraudulent signature that was fraudulently signed in the True Bill section of the indictment. ~~the~~ Fed. R. Crim. P. 6 (C) violation.
2. Superseding Indictment 20-453-WB (E.D.Pa.) lacks the indorsement of a true bill, see "*Frisbie v. United States*, 157 U.S. 160". It is not a legal accusation. Violation of Fed. R. Crim. P. 6 (b)(2), (c)(f), 12 (b)(2), and 5<sup>th</sup> and 6<sup>th</sup> Amendment Constitutional right of accused violations.

## Ground 4:

Superceding Indictment 20-453-WB does not inform the defendants of the nature and cause of the accusation, fails to state an offense, and lacks jurisdiction.

## Ground 4 objections:

1. I invoke my 5<sup>th</sup> and 6<sup>th</sup> Federal U.S. Constitution Amendment rights to dismiss Superceding Indictment 20-453-WB, at all times,
2. I re-allege Ground 1-5 and incorporate here,
3. Superceding Indictment 20-453-WB document 79 filed 8-26-21 page 5 of 30 paragraph 19 reads " From at least in or about October 2018 through in or about April 2020, in the Eastern District of Pennsylvania and elsewhere, defendants Zumar Hamid DuBose, Abdush Shakur DuBose, and Kariem Baseer DuBose knowingly devised and intended to devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises."

4. Superseding Indictment 20-453-WB document 79 filed 8-26-21 page 5 of 30 paragraph 19 does not: (1) allege what the scheme to defraud is, (2) how the defendants intended to defraud, (3) allege materiality, (4) does not allege what was the property or amount of money obtained by the scheme to defraud, (5) does not allege who was defrauded by the scheme to defraud. I am not apprised at all to form a defense or plead double jeopardy. "Fed. R. Crim. P. 7(c)(1)" violation; 5<sup>th</sup> Amendment due process right violation and 6<sup>th</sup>, "Hamling v. United States, 418 U.S. 87." Fed. R. Crim. P. 12 (b)(3)(B)(V) violation.

5. "Materiality is an element of the mail fraud, wire fraud, and bank fraud statutes" quoting "Neder v. United States, 527 U.S. 1."

6. Superseding Indictment 20-453-WB document 79 filed 8-26-21 page 5 of 30 paragraph 19 fails to charge an offense because it only recites the 18 U.S.C. 1341 statutory language, but it does not allege any conduct or "factual orientation" of any specific "essential facts" at all "constituting the offense charged" see "Fed. R. Crim. P. 7(c)(1)", "United States v. Panarella, 277 F.3d 678". Paragraph 19 is incomplete of any specific facts, and lack jurisdiction.

20-453-WB  
7. Superseding Indictment<sup>↓</sup> document 79 filed  
8-26-21 page 15 of 30 paragraph 49  
does not allege: (1) how the defendants  
used the mails to execute a scheme to defraud,  
(2) what the scheme to defraud is, (3) it does not  
allege any conduct or specific facts at all of  
how any of the defendants intended to defraud. Counts 1-17  
are incomplete and insufficient to charge an offense.

8. Superseding Indictment 20-453-WB document 79  
filed 8-26-21 page 17 of 30 paragraph 3  
Counts 11-15 reads

" From at least October 2018 through  
in or about April 2020, in Philadelphia, in the  
Eastern District of Pennsylvania, and elsewhere  
defendants

Zumar Hamid DuBose,  
Abdush Shakur DuBose, and  
Kariem Baseer DuBose

knowingly devised and intended to devise a scheme  
and artifice to defraud, and to obtain money and  
property by means of false and fraudulent pretenses,  
representations, and promises."

9. Superseding Indictment 20-453-WB document 79 filed 8-26-21 page 17 of 30 Paragraph 3 Counts 11-15 fails to allege: (1) what the scheme to defraud is, (2) materiality, (3) how the defendants intended to defraud, (4) what was the money amount and what was the property obtained by false fraudulent pretenses, representations, and promises. Counts 11-15 violates Fed. R. Crim. P. 7(c)(1) because it does not allege any plain, concise, and definite written statement of facts at all. The paragraph only recites the wire fraud statutory language, but does not inform the defendants of any conduct or specific facts to satisfy the offense charged. Fails to state an offense, Fed. R. Crim. P. 12(b)(3)(B)(v) violation.

10. Superseding Indictment 20-453-WB document 79 page 17 of 30 paragraph 2 negates any and all elements of intent and the use of the wires because checks deposited via ATM is not a wire transaction or a violation of 18 U.S.C. 1343.

11. See Evidence A "Affidavit to Support Bail Request."



11. Superseding Indictment 20-453-WB document 79 filed 8-26-21 page 20 paragraph 2 of counts 16 reads:

"From at least in or about September 2019 through in or about April 2020, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendants

Zumar Hamid DuBose, and  
Karim Baseer DuBose

knowingly executed, and attempted to execute, and aided in abetted the execution of and attempt to execute a scheme to obtain money, funds, and assets owned by and under the care, custody and control of Citizens Bank by means of false and fraudulent pretenses, representations, and promises."

12. Superseding Indictment 20-453-WB document 79 filed 8-26-21 page 20 paragraph 2 counts 16 fails to allege: (1) what the scheme to obtain money is, (2) materiality, (3) how the scheme to obtain money was executed, (4) how the defendants aided and abetted the execution or attempt to obtain money from Citizens Bank. The paragraph # 2 only recites the statutory language of 18 U.S.C. 1344, but it does not contain any

allegations on any conduct or any specific facts at all. It is incomplete and I am not apprised of 18 U.S.C. 1344 violations at all. No elements are alleged at all to charge the offense.

13. Superseding Indictment 20-453-WB document 79 filed 8-26-21 Page 20 & 21 of 30 paragraphs 1-6 specific facts alleged falls outside the sweep to charge 18 U.S.C. 1344, 2, and lacks jurisdiction to charge a crime at all of 18 U.S.C. 1344, 2. Count 16 fails to state an offense.

14. Superseding Indictment 20-453-WB document 79 filed 8-26-21 Counts 1-17 all paragraphs "specific facts alleged falls outside the sweep to charge" 18 U.S.C. 1341, 1343, 1344, 2, 1956-1957, and the district court lack jurisdiction "quoting United States v. Brown, 752 F.3d 1344", United States v. Peter, 310 F.3d 709".

## Ground 5:

Prosecutorial misconduct in the grand jury on 12-3-20 and 8-26-21: AVSA Kang knowingly presented USPS-OIG Special Agent Adam M. Greiss false and perjured testimony to the 12-3-20 and 8-26-21 Grand jury in the U.S. District Court for the Eastern District of Pennsylvania, and AVSA Kang knew the testimony was false and perjured to obtain Superseding Indictment 20-453-WB (E.D.Pa.).

## Ground 5 objections:

1. Superseding Indictment 20-453-WB document 79 filed 8-26-21 Counts 1-17 was not "returned by an Unbiased grand jury" "Costello v. United States, 350 U.S. 359". 12 or more Grand Jurors did not vote.
2. Superseding Indictment 20-453-WB document 79 filed 8-26-21 Counts 1-17 was obtained by Adam Greiss "false testimony" before the 12-3-20 and 8-26-21 grand jury, which was presented by AVSA Kang. AVSA Kang "may not use false testimony" see "Napue v. Illinois, 360 U.S. 264". "Presenting known false and perjured testimony is an instance of prosecutorial misconduct" see "United States v. Fisher, 692 F. Supp. 495". "The defendant is denied due process when the prosecution knowingly uses perjured testimony" see "Giglio v. United States, 405 U.S. 150."

3. Superseding Indictment 20-453-WB document 79 filed 8-26-21 Counts 1-10 paragraphs 19, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40-49; Counts 11-15 paragraphs 1-5; Counts 16 paragraphs 1-6; Counts 17 paragraphs 1-6, 1-11 was based on the known false and perjured testimony ~~from~~ from Adam Gross before the grand jury 12-3-20 and 8-26-21. "United States v. Williams, 504 U.S. 36".

4. On Thursday December 3, 2020 before the Federal Violent Crime Grand Jury of the United States District Court for the Eastern District of Pennsylvania, after first being duly sworn by the foreperson of the Grand Jury:

Adam Gross falsely testified on (page 4 lines 1-11), (page 4 lines 16-21), (page 6 lines 19 & 22), (page 8 lines 10, 15-17, 24), (page 10 lines ~~10~~ 22), (page 22 line 10, 2, 6, 10, 24), (page 23 lines 7, 8, 12, 19), (page 25 lines 1, 4, 5, 13-16, 20-23), (page 28 line 15, 20, 24), (page 29 line 19, 20-22), (page 30 line 6-16), (page 34 line 11), (page 38 line 5, 6, 23), (page 41 lines 3, 6, 18-22, 23, 24), (page 43 lines 11, 23), (page 44 lines 3),

(page 48 line 3), (page 50 line 12,),  
(page 51 line 17), (page 52 line 23),  
(page 53 lines 7, 11, 19, 23), (page 54 lines 2,  
6, 12)", of the 12-3-20 Grand Jury Transcripts.

5. On Thursday August 26, 2021 before the Federal Violent Crime Grand Jury of the United States District Court for the Eastern District of Pennsylvania, after first being duly sworn by the foreperson of the Grand Jury:

Adam Greiss falsely testified on  
"(page 4 lines 5, 7, 15, 21, 25), (page 5 lines 3,), (page 7 lines 10-12, 20-22), (page 9 lines 6,), (page 10 lines 10-15, 16-25), (page 11 lines 1-4, 12, 15, 24), (page 12 lines 2,), (page 13 lines 3-6, 16-18, 21, 23, 25), (page 14 lines 1-12, 16,), (page 15 lines 8, 11-17, 23), (page 16 lines 2, 5, 8, 16, 20,), (page 17 lines 5, 10, 14, 17,), (page 18 lines 1, 4, 10, 13, 16,), (page 19 lines 6, 8, 10-11, 15,), (page 20 lines 14, 17), (page 21 lines 1, 4, 9, 12, 15, 18), (page 22 lines 7, 18, 20), (page 23 lines 3, 7, 11, 15,), (page 24 lines 3, 21), (page 25 lines 1, 9),

(page 26 lines 5, 11), (page 28 lines 23),  
(page 29 lines 3, ~~20~~ 20), (page 30 lines 14,  
19, 22), (page 31 lines 6, 10, 13, 25),  
(page 32 lines 1-3, 10, 17, 20), (page 33  
lines 25), (page 34 lines 11, 20),  
(page 35 lines 11, 15), (page 36 lines 7,  
13, 17, 21, 25), (page 37 lines 11, 14, 18, 22),  
(page 38 lines 2, 7, 13, 18, 22), (page 39  
lines 1, 4, 7, 11, 14, 23)" of the  
8-26-21 Grand Jury Transcripts.

6. Adam Greiss committed perjury in the  
12-3-20 and 8-26-21 Grand Jury proceedings  
presented by AUSA Kang. "When perjury  
occurs in the context of a Grand Jury proceeding,  
dismissal of an indictment can be the appropriate  
remedy" see "United States v. Williams, 504 U.S. 36"  
"listing a violation of 18 U.S.C. 1623 is an example  
of an action that would justify dismissal of  
an indictment".

7. There is "grave doubt" see "Bank of Nova Scotia  
v. United States, 487 U.S. 250" that the Grand  
Jury decision to indict Zumer, Abdush, and  
Karim DuBose was free from the false and  
perjured testimony of Adam Greiss presented  
by AUSA Kang. The 8-26-21 Grand Jury

independent judgement function was influenced by the Adam Greiss false and perjured testimony presented by AVSA Kang, and with out it the Grand Jury could not have indicted because the false and perjured testimony was the only evidence presented to the 8-26-21 Grand Jury by the AVSA Kang. The Fed. R. Crim. P. 6 (b)(2),(c),(f), 12 (b)(3)(A)(V) has been violated and my 5<sup>th</sup> and 6<sup>th</sup> SUP process Amendments rights are violated also.

8. The defendants 6<sup>th</sup> Amendment right to a fair and speedy trial is violated by the false and perjured testimony presented to the Grand Jury on 8-21-21 by AVSA Kang.

"A Fair trial is one in which evidence subject to adversarial testing is presented to an impartial tribunal for resolutions of issues in advance of the proceeding."

quoting "Strickland v. Washington, 466 U.S. 668"

I raised the issue in pretrial motions # 116, 182, and 184. Now I bring this 28 U.S.C. 2241(a), (c) (4) (3), Writ to this U.S. Supreme Court respectfully. My 6<sup>th</sup> Amendment right to a defense is violated and right to be informed of the accusation. My detention is unconstitutional. No Probable Cause exists. Indictment is invalid by law.

## Ground and objection 6

1. Issue: Superseding Indictment 20-453-WB (E.D.Pa.) was filed in the improper Venue per Fed. R. Crim. p. 18.

### Objection:

- 1 The United States District Court for the Eastern District of Pennsylvania is the improper venue for Superseding Indictment 20-453-WB (E.D.Pa.) document 79 filed 8-26-21 counts 1-17.
- 2 The allegations of counts 1-17 fails to allege any criminal activity at all. Superseding Indictment 20-453-WB (E.D.Pa.) document 79 filed 8-26-21 counts 1-17 allegations does not invoke 18 U.S.C. 3231 jurisdiction over the subject-matter, or person, or Territory. The specific facts alleged falls outside the sweep of mail fraud, wire fraud, bank fraud, aiding and abetting, and conspiracy to commit money laundering. The indictment violates my U.S. Constitution amendment 8 "punishment" ~~with~~ <sup>from</sup> ~~probable~~ detained without probable cause.



Evidence A

Affidavit

to

Support

Bail Request

# Supreme Court of the United States

Zumar H. DuBose  
Prisoner # 20472-509  
FDL Philadelphia  
P.O. Box 562  
Philadelphia, PA 19107

In Re: Zumar H. DuBose;  
v.  
U.S. Attorney General : Case# 22-6858

## Affidavit in Support of Bail Request

I, Zumar H. DuBose, Swear or affirm under penalty of perjury per 28.U.S.C. 1746; 18 U.S.C. 1621, under the United States laws that my statements are True and Correct with personal knowledge. My statements are as follows:

Zumar DuBose

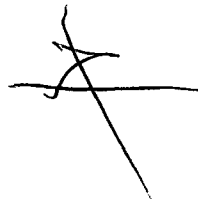
X

→ continue

I incorporate Grounds and Objections 1-6 here.

1. I will comply with the Supervised Custody release instructions given by this Court.
2. I will not destroy, remove, or tamper with the GPS monitor / ankle bracelet used to secure my release pending trial, and ~~secure~~<sup>assure</sup> my appearance for trial.
3. I will pay an Appearance Bond to secure and assure my appearance.
4. I am not a Danger to the Community. I am only charged with the Statute language of 18 USC 1341, 1343, 1344, 2, 1956 & 1957. No presumption exist.
5. I will comply with the Pretrial Services Monitoring Program as required by this Court.
6. I will not be with or carry any firearms.
7. I will reside in New Jersey with my mother, brother, or sister as required by this Court and ~~in their~~ <sup>under their</sup> custody / supervision of my family mentioned.
8. I will not leave the United States of America. I will appear at trial.

Zelma H. DeBoer



3-2-23