

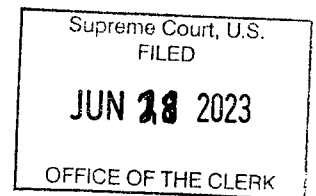
23-5070

No. 23-1491

4:22-CV-01213-JM

IN THE
SUPREME COURT OF THE UNITED STATES

Samuel T McKaig -- PETITIONER
(Your Name)



VS.

State of Arkansas -- RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI TO

United States Court of Appeals for The Eighth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Samuel Tobin McKaig
(Your Name)

PO Box 1000
(Address)

Wrightsville, Arkansas 72183
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

Why was I threatened with Contempt of Court in the Judge's Back Chamber if I used evidence from a Police officer that dominated the discovery with lies that didn't show up for the initial jury-trial, as I later found out, she quit after the arrest.

After the threats and bullying in her back chamber I agreed to move back the trial again because my witnesses hadn't been properly subpoenaed even though I had sent out witness list to the Clerk and prosecuting attorney and asked for addresses. I was forced to take on a public defender, who failed to learn the discovery and new none of the 112 pages when questioned. Why was I given an attorney that refused to subpoena my 19 witnesses, that many were witnesses at the scene which gave critical facts that were a part of the discovery. (I agreed to a bench trial because I thought witnesses ^{would} be ^{allowed} why was the fake film from Sam Security Camera used, when she wasn't ^{even} present for the trial? The same thing I was threatened with contempt with, was what ~~was~~ I was prosecuted ^{with} The tape didn't have faces and didn't have the shots fired. When the police officers moved back the time frame, Pages 33, 34, 36, and 37, The Stuarts and the attacker's wife's voluntary statements ^{cuts} Did the police not realize they would have been at the scene and witness the shots? The discovery and the transcripts alone convict Mr Bond of attempted Murder, why weren't the charges dropped when the police realized the gun was his, why wasn't the gun brought up the day of the arrest? Why did the police take this monsters story and not believe anything I said. The discovery and police incident reports were correct in stating that the police had been out to the house before, Once for a reported break-in. Once for an incident when I was burning and trying to get cotton mouth nests out of our Sea Wall, and finally I had issues with boaters that broke the laws of the lake, having a wake with 100 ft of shore.

Questions Presented Continued

After agreeing to a Bench Trial, because I knew the facts and assumed they would be told by the witnesses, why was the bench trial held at the jail without witnesses and only the prosecution witnesses and deputies from the county in the courtroom. The newspaper quoted from the Affidavit for Warrant and Arrest that I was arrested because a gun was found in my car. If you read page 45 of the discovery, the Author of the incident report, Sgt Chambers, not Officer Colt Sharp, the last paragraph states and I quote "During this time, Sgt Sill called and gave me a brief rundown of Mr Bond's statement and injury report." Sgt Sill and I agreed at this time that based upon the injuries Mr Bond received and the lack of injuries on Mr McKaig led that Mr McKaig be charged with Battery in the 1st degree. Officer Sharp was advised of the situation and concurred. At this time, Mr McKaig was handcuffed, searched, and placed into OFC. Sharp's patrol car. Mr McKaig was read his Miranda Warning. Mr McKaig then advised he did not wish to speak further without being represented by an attorney. At the scene, Officer Sharp asked me if I wanted to fill out a voluntary statement. If you turn to page 41 of discovery, my voluntary statement that was witnessed by Officer Sharp, you quickly realize what type of severity my brain had endured. Why would anyone, including a college graduate, with a B.S. Degree in Economics, 1985, an individual who's company had a AAA rating with the Better Business Bureau for approximately 10 years, over 1.7 million dollars of perfect credit over 30 years, why would

Questions
Presented

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I asked for an attorney and refused questions. I never asked for an attorney and I surely didn't have anything to hide after being brutally attacked with a walking stick and then being beaten with a rock while I was avoiding being shot. When a gun is pulled on you at point blank, both your hands better redirect the barrel almost instantly, or your dead. This monster had a free hand and it was being used to beat the back of my head with a rock. Why do pages 3 and 4 show 5 spent bullets and a gun that is bloody. The wife had claimed I initiated the conflict with a rock and I was beating her husband with a rock. Why would I take his gun from him, put it down and then beat him with a rock. After I took control of his gun and after he had unloaded all of the bullets at point blank range, I began beating him with his gun, he still was beating me with a rock, so I continued beating him with his gun until he stopped beating me. I then stated the first words out of my mouth that day. "I am going to do something for you, you wouldn't do for me, I am going to let you live. He then exclaimed, you win." It was like a competition for him. I think any qualified psychiatrist would have major problems with his response.

Questions
presented page 4

According to Detective Wayne Hills incident report on page 50, and I quote from him, I made contact with Mr McKaig who was covered in blood. Mr McKaig stated he had a gun shot wound to his right hand and two places on his head where he was hit with a rock. Mr McKaig advised he had turned south on Hartweg Way when a male subject, who was walking on the street, yelled at him, Mr McKaig stated he stopped and got out of his vehicle to confront the male subject. Mr McKaig stated when he approached the subject an altercation began at which time the subject started hitting Mr McKaig with a walking cane. Mr McKaig advised he was protecting himself when he took the subject to the ground and began hitting him. Mr McKaig stated during the altercation the subject pulled a head gun from his pants pocket and fired one shot. Mr McKaig advised once he got on top of the subject, the subject fired the other 4 ~~shots~~ rounds into the ground. Mr McKaig stated if he could have gotten the gun he would have killed the subject. OLC Sharp had the gun which was covered in blood in his hand. end of quote. The last sentence was about the only thing that was said that was true, I was covered with blood, probably by a small % more of his than mine. ~~But I didn't~~ ~~and~~ The photos from pages 225-345, show the burn marks on my hand from his gun and my two fingers on my right hand which were grazed by his first bullet. I never claimed to have two places on my head, that were hit with a rock. I was struck numerous times, closer to 10-15 times and my head was covered with golf-sized bumps. I heard the man yell frantically and stopped.

Quotations Presented page 5

my vehicle, I got out of my vehicle and didn't say anything or have time to approach anybody, I didn't confront him, I was immediately struck with his walking stick and he pulled his gun almost simultaneously. If you look at page 9 from the discovery, and see the crime scene photos and read the location on page 49 of discovery. The crime scene began about 8 inches from the road, as the pictures show. Once again I didn't approach anybody. IF you look at Sgt Sillis incident report from pages 52-54 and I quote McKaig advised that his finger was bleeding, and he believed it to be from a gun shot by Bond. McKaig advised he had several lumps on his head from where Bond struck him in the head with a rock and he insisted that I feel them. There was a lump on the back of his head, and a lump on the left side of his head, above his ear. McKaig advised the guy yelled at him as he was walking by. McKaig advised he went back to ask the guy what his problem was, and the guy hit him with his can. McKaig advised he was defending himself when the guy pulled a gun at him, and began firing the gun. McKaig stated the injury from his finger was from the bullet grazing him. McKaig advised that the gun was then fired 4 more times, but he was not hit. He advised he then took the gun from the guy and defended himself. McKaig advised that guy is lucky I let him live. OGC Sharp was also in the room when he stated this, and he also stated a couple minutes later, I should have just killed him. McKaig then started talking about getting sued and these people were going to bankrupt him. McKaig then stated that the guys finger was probably injured from

a gun shot. McKaig told me to check, it was probably his trigger finger, and he shot himself. Once again the story changed. The attacker never mentioned his thumb at the scene. If wasn't a finger, it was a thumb that was attached to his handgun. A thumb that I went down and bit. As I bit his thumb, I was prying the loaded gun away from him, at the same time he was beating my head with a rock. I never said anything about him shooting his own head. Sgt Sill went on to say, "The doctors advised he would not be able to say one way or the other if it was a bite or gun shot wound, but he would need reconstructive surgery. The doctor also advised of possible broken ribs, possible cheek fracture, ankle fracture, and he had damage to his eyes. I advised Mr. Bond there were no charges on him and we could see from the video McKaig was the aggressor, and it happened just like him and his wife stated. She then said, McKaig's cat scan showed to be clear with no head trauma, but the doctor did have to put one stitch in his finger to stop the bleeding. On 5-9-17, two days after the attack on me Sgt Sill went back to the hospital and made these statements (page 48 of the discovery)

"On this date I went to the hospital to find out more about injuries and speak to Mr. Bond. There is internal soft tissue damage, but no broken ribs. He sustained an injury to his ankle but it is not broken. Also on his right forearm is a bite mark, and also on his right shoulder/back area there is a bite mark as well. There is a bite mark on his nose, and ear as well. Who answers the questions for 60 minutes?"

Questions page 7

My next question, Where is Sgt Sill after all of these false claims that are proven within the discovery. If you look at page 86 of discovery, Mr Chris Band's Patient Care Report and look at the pictures from discovery (19-24). There are no bite marks on his back, his shoulder, his nose, or his ears. Not only do the pictures show this, but they are all described on St Vincent's patient care report as normal. I don't know where the fake film came from and don't even know how a film that takes place in a different location from the discovery can be taken. There were no faces on the film, a car backed up, (which, if you read the discovery, you would know that the car backing up was impossible), and there were no gun shots on the video. How did the spent bullets get fired. After Certified Mail to both President Trump and Director Christopher Wray across state lines was tampered with, why didn't the FBI allow me into their Washington DC offices? Why wasn't it allowed in the US Embassy in Thailand? Why were my Certified Mail receipts taken when I was extradited back from London? Why did it take 3 1/2 years to see this ridiculous discovery? Why did the Judge in the lower Court say he was dropping or lowering the charges and then raise the bond? Why did the third time I saw him (Judge Ohan), I get scheduled last on the docket and the prosecutor walked out right before my case, leaving the Judge and I by our selves, after driving from Worthington Ohio? 12 hours.

Why are the threats increasing as more and more people are finding out this discovery? Why were my clothes in Washington fakes at Alltel, signifying that I would never see a real trial?

Questions Continued

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Why does the defendant's copy of the sentencing order state that no appeal was made to the District court, page 61, of the discovery is clearly an appeal on 6-5-2017. Why did Attorney Timothy Beckham state that he would assist my case under the presumption he would properly subpoena my 19 witnesses and I assumed he would learn the discovery, so he could properly cross examine.

Why was Caro Otto from the discovery not a witness? After I talked to the Governor's wife about my blocked mail, about 2 months later, the new Governor was in the Mansion with her and staff and I was taken out of the mansion for a disciplinary. This was my first disciplinary and it was because I sent a letter to my former household, which I didn't have anytime of block on. I had told the new owner, who strangely signed the HUD-1 at different times and names were off the HUD-1 that the house had been sold with trust laws being broken. The new major tried to say that I had no right to send this non-threatening letter to this household who I knew nothing about. With none else concerned about the monster who attacked me, I am still trying to find out, who he is? and why^{he} and his wife wanted to kill me.

After the State of Arkansas railroading this case, I hope I can finally see justice at this level. My living family members deserve it, even if I never see them again. Why were my clothes taken at Dallas? Why didn't the FBI see me when I drove 16 hours, why was I refused entry to the US Embassy? Why did the prosecutor walk out of court when I was up?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page. 150.2 of transcripts
- ☐ 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:

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CASES

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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 opinions of the United States court of appeals appears at Appendix D 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 C 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**: *Lancaster Law Firm - A firm I never talked to or hired.*

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is *wrote a no merit opinion based on lies.*

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

The opinion of the _____ court appears at Appendix A 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 5-30-2023.

☐ 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 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 2-26-21.
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

- 1) I have a Constitutional write at having my federal mail delivered for my appeal, even if I am incarcerated, I had numerous letters go unanswered from witnesses, that were in the discovery. I had numerous request, pro se that went unanswered or told that my attorney needed to make the request. I never got my medical reports delivered that were crucial in showing the lies by the police at the scene. My letters and requests to the FBI Director, Christopher Wray, went unanswered. St Vincent's hid facts, and false testimony by a doctor and emergency room PA are inconsistent with the Attacker's medical recap that was in the discovery, which showed inconsistency throughout. The word normal was used describing many of the attacker's body parts, which were exaggerated by the police officers, (see St Sills incident report and the St Vincent's care reports).
- 2) Crucial Evidence wasn't introduced by the Public Defender, Timothy Beckham, which when questioned, knew none of the 112 pages of discovery.
- 3) Refusal to give up the 112 pages of discovery, initially when I was pro-se. When this same discovery is introduced to the world, they will see how powerful this organized crime network is. I made numerous requests from the Garland County Detention Center and then when I was bailed out. They all went unanswered.
- 4) The same police who changed the story at the scene, had stopped me a month prior, as I was walking in the gated community and threatened me for no reason.

STATEMENT OF CASE

On May 7th 2017 at approximately 10:30 A.M, Sunday morning, I was driving in my gated community, I was in my neighborhood, about 500 yards from my house, when a man and wife I had never met, were screaming frantically next to the road. I stopped to see if I could help them out and was attacked immediately. A walking stick was swung at me as the man pulled a gun on me almost simultaneously. Somehow I moved the barrel of his gun away from my chest at the last second ~~and~~ as the first bullet grazed two fingers on my right hand and the discharged burned the same two fingers. A struggle ensued for control of the attackers gun and at one point I moved my face down to the attackers gun and began biting the man's thumb that was attached to the gun. As I was prying away his gun, he rattled off the last four shots. Because I was using ~~at~~ both hands to redirect the barrel away from my chest, I was at a huge disadvantage. The attacker had taken his free hand and had picked up a rock and was beating me in the back of the head, as I was doing everything to get his gun away from him. After he unloaded his gun, he gave it up and I quickly changed the scenario. He was still beating me with a rock, but I had his gun that had no bullets in spent. I began beating him with his gun, until he stopped beating me with the rock he possessed. I then stopped as well and got up and went looking for my car his wife had jumped in and took. I went around the corner, found my car, and drove it back to the scene and pulled up at the same time, the first police officer pulled up. I got out of my car approached the officer, as he got out of his car and exclaimed I was pressing charges for murder. This is when the lies began in the police incident reports, as he obviously didn't have his body camera video on or have his police car video going. I wrote a voluntary statement and I didn't refuse any questions or ask for an attorney. Why would a man who was just attacked ask for an attorney or refuse to answer questions. My response to the Miranda Rights were completely different from what was written in discovery.

REASONS FOR GRANTING THE PETITION

1) My witnesses from the scene testimony was never heard. I was promised by the public defender that he would properly subpoena the witnesses in discovery if I moved back the trial. The Doctor at ~~the~~ Chicago St Vincent Emergency Room stated after giving me a Cat-scan that I had 7 hematomas, but I was released from the hospital and the police officers denied this Cat-scan and claimed on pages 52-54 I had no head trauma. I was brutally beaten with a rock as the attacker shot his gun at point blank range. Within a week, I stood my head in front of all of B. Barracks in Garland County Detention Center and revealed the 7 hematomas. I, in representing my self pro se made numerous attempts for the video, as well as a witness list of the inmates, but was told, my attorney needed to request the information and then in some instances they claimed they did not ~~do~~ fulfill such requests.

2) Inconsistent testimony throughout. If you review the discovery and transcripts you quickly realize all the police reports are different and you can see the public defender knew none of the discovery.

3 A form of organized crime out of Hot Springs Arkansas is blocking the truth and the discovery from the public and they obviously have organized crime involved at the highest levels. After I was bailed out of CCDC, I drove to the Attorney General's office to report the attack on me. Yes this would be like Nancy Pelosi's husband being charged with assault. The affidavit for Warrant and Arrest changed after reporting this crime. The paper had made the attack sound like I initiated it and the gun that had been fired 5 times at the scene was mine. I then drove out to FBI Headquarters, and was refused entry. The 3rd time I went to the District Court, Judge Ohms

I was scheduled last on the docket and the prosecutor walked out of court right before my case was called, leaving the judge and I alone. I was pro-se at the time and the judge, rescheduled the case again, after I had driven 12 hours. I stated at the scene I was pressing charges for this attempted murder and I hope after nearly 6 years and 3 months, and sitting in prison I can finally seek justice and have a trial with witnesses so the real victim, myself can finally see the justice I deserve.

Insufficient Representation at Bench Trial, with virtually no witnesses and no effective cross examination. I have paper work that states no appeal was ever made in the lower court. I have appealed at every level, on time, my mail has been blocked and I have proof of this, in the file.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Samuel J. M. J.

Date: _____