

No. 23-5387

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
JUN 20 2023
OFFICE OF THE CLERK

JAMES F. NOEL JR. — PETITIONER
(Your Name)

vs.

Indianapolis Police Department et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

No Court has ever ruled on the Merits and the last
Court that ruled on case United States Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JAMES F. NOEL JR.
(Your Name)

201 Woodlawn Avenue
(Address)

Michigan City, Indiana 46360
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) That The Petitioner was wrongfully convicted and sentenced for a criminal action under Indiana Cause No: 49602-1203-016900 (Marion County, Indiana).
- 2) That The authorities of The 19th Judicial Circuit - State of Indiana were. Want of Jurisdiction to proceed against The Petitioner - JAMES FRANK DOEL JR.. Violation(s) under Amendment(s) 4, 5, 6, 8 and 14 (As applies to The States) of The U.S. Constitution.
- 3) That relief was denied wrongfully against The Petitioner under Title 28 USC § 2254.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

M 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:

DEFENDANTS, who are being Sued,

1. Indianapolis Metro Police Department
2. Detective John Green
3. State of Indiana
4. Marion County, City of Indianapolis

MATERIAL WITNESSES,

5. Magistrate Amy Barber
6. Judicial Officer Marc T. Rothenberg
7. Prosecutor's, Michelle Sharpe
8. Jeremy Johnson
9. Police Officers, Kenneth C. Greer
10. Franklin D. Wooten
11. Clerk of Court, Mela A. Eldridge

The parties named here all 2 Subpoenas were issued to the district court in Indianapolis IN. and were to be transferred to the Court of Appeals in Chicago ILL. and the court of Appeals refused to issue a C.C.S. to me for my record on what they received:

The petitioner also had my daughter mail the Arrest Warrant and that was forged of a signature and you should receive three Affidavit for Probable Cause, one stamped 3/13/2012, one not file-stamped one stamp 6/2/2015, along with a total of about 59 documents of evidence number 1 to 59:

Clerk of Court, I have been denied appointment of counsel through-out the proceedings of my case, and just want the truth to be looked at.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix 'A' to the petition and is

☒ reported at 2023 U.S. App. LEXIS 15656; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix 'B' to the petition and is

☒ reported at (See) 92 Fed. Court Review; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix 'C' to the petition and is DIRECT REVIEW (ICCA)

☒ reported at 2013 Ind. App. LEXIS (Unpub) 906; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Indiana Court of Appeals court appears at Appendix 'D' to the petition and is COLLATERAL REVIEW

☒ reported at 2016 Ind. App. (Unpub) LEXIS 863; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

CASES

STATE COURT REVIEW

'C' DIRECT REVIEW; DOEL V. STATE,
2013 Ind. App. Unpub
LEXIS - 906

'D' COLLATERAL REVIEW; DOEL V. STATE,
2016 Ind. App. Unpub.
LEXIS - 863

'B' FEDERAL COURT REVIEW

DOEL V. GREEN, 2016 U.S. Dist. LEXIS 1548
(S.D. Ind. 1/05/2016)

DOEL V. KNIGHT; 2018 U.S. Dist. LEXIS 186842
(S.D. Ind. 11/01/2018)

" ; 2018 U.S. Dist. LEXIS 202841
(S.D. Ind. 11/29/2018)

" ; 2019 U.S. Dist. LEXIS 230502
(S.D. Ind. 2/22/2019)

U.S. Dist Case No: 1:22-w-00677-TWP-DML
(S.D. Ind.)

'A' Doel v. Doel, 2023 U.S. App. LEXIS 15656
No: 22-2524 (7th Cir. 3/24/2023)

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was MARCH 22, 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: JANUARY 3, 2023, and a copy of the order denying rehearing appears at Appendix _____. ~~ON NEXT PAGE before statements of case: (Pa. (a))~~

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A N/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 11/20/2012.
A copy of that decision appears at Appendix: 26, 27, 28.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A and a copy of the order denying rehearing appears at Appendix N/A.

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States

4th Amendment (U.S. Constitution) unlawful seizure of person - rights to be secure in their persons, shall not be violated, to be supported by valid oath or affirmation.

5th Amendment (U.S. Constitution) - lack of proper indictment or information - multiple prosecutions violative of double jeopardy prohibition, lack of due process.

6th Amendment (U.S. Constitution) - Improper trial procedures, trial proceedings violative of both State and Federal Tow. Trial and Appellate Counsel Ineffectiveness, 'Strickland' Rule, 466 US 668 (1984)

8th Amendment; cruel and unusual punishment inflicted under color of State Law. (with malice and ill-will) (U.S.) Constitution. Violation of civil rights
18 USC §§ 241, 242, 42 USC § 1983

14th Amendment. Violation of due process and deprivation of liberty wrongfully. (As applies to the States) Section 1.

Wrongful Imprisonment. 3-13-2012 to present date. Remedied under 28 USC § 2254.

STATEMENT OF THE CASE

- (1). ON 3/11/2012, THERE WAS A ALTERCATION BETWEEN THREE MEN WHERE ONE OF THE MEN WAS INJURED.
- (2). ON 3/12/2012, POLICE DETECTIVE FALSELY CHARGED THE PETITIONER WITH MURDER AFTER VISITING, AND INTERVIEWING THE INJURED MAN.
- (3). ON 3/13/2012, THE PROSECUTOR FOR THE STATE OF INDIANA COUNTY OF MARION, CITY OF INDIANAPOLIS ADMITTED THE FILING OF THE AFFIDAVIT FOR PROBABLE CAUSE AND CHARGING INFORMATION FOR AN INDICTMENT, NOR WAS THE PETITIONER INDICTED BY A GRAND JURY.
- (4). ON 3/13/2012, THE CLERK OF THE COURT WAS ORDERED TO ISSUE A WARRANT FOR THE ARREST OF PETITIONER, AND NO WARRANT WAS ISSUED BY THE COURT CLERK FOR AN ARREST.
- (5). ON 3/13/2012, THE STATE PROSECUTORS, POLICE DEPARTMENT INDIANAPOLIS, MARION COUNTY INDIANA, FALSELY CHARGED THE PETITIONER WITH MURDER.
- (6). ON 3/13/2012, POLICE DETECTIVE USED FALSE PRETENCE OF FORGERY OF A SIGNATURE OF A JUDGE ONTO A PROBABLE CAUSE AFFIDAVIT AND ARREST WARRANT TO JUSTIFY THE UNLAWFUL ARREST.
- (7). ON 3/13/2012, INDIANAPOLIS METRO POLICE OFFICERS / POLICE DEPARTMENT WITHOUT A WARRANT AND PROBABLE CAUSE AFFIDAVIT UNLAWFULLY ENTERED THE PETITIONER RESIDENCE ON A FALSE CHARGE OF MURDER, AND ARREST FOR A CRIME NOT CHARGED ATTEMPT MURDER, AND CHARGED WITH THE CRIME OF BATTERY/FB, ARRESTED BOOK INTO JAIL.
- (8). ON 3/14/2012, THE PETITIONER WAS BOOK INTO HOMICIDE FOR A FALSE CHARGE OF MURDER.
- (9). ON 3/14/2012, AFTER BEING BOOK INTO HOMICIDE FOR THE FALSE MURDER CHARGE, POLICE DETECTIVE MALICIOUS CONDUCT, INTERVIEWED THE INJURED MAN AT A RESIDENCE, OR POLICE DEPARTMENT AFTER BEING RELEASED FROM HOSPITAL.
- (10). ON 3/15/2012, THE PETITIONER ARRANGEMENT WHERE HE WAS BEFORE THE COURT TO ANSWER FOR AN INDICTMENT THAT THE CLERK / CO. RT AND STATE PROSECUTORS ADMITTED THE FILING OF THE OF THE INFORMATION, NOR INDICTED BY A GRAND JURY, AND TO ANSWER FOR THE FALSE CHARGES OF A MURDER, AND THE FALSE ARREST FOR A CRIME CHARGE OF BATTERY/FB, AND REPRESENTATION UNSUPERVISED BY A PARALEGAL.

NEGLIGENT MISREPRESENTATION IN VIOLATION OF THE PETITIONER'S IV. U.S. CONST. RIGHT, V. U.S. CONST. RIGHTS, VI. U.S. CONST. RIGHTS, VIII. U.S. CONST. RIGHTS, AND XIV. U.S. CONST. RIGHT TOTAL DENIAL OF DUE PROCESS OF THE LAWS AND THE EQUAL PROTECTION OF LAW.

- (11). On 9/4/2012, the state maliciously prosecuted the petitioner for a crime not charged Attempt Murder, not indicted by information because the prosecutor omitted the filing of the Affidavit for Probable Cause and Charging Information, nor indicted by a grand jury where under the 5th Amendment to the U.S. Const. the prosecution had a duty to indict all felonies.
- (12). On 9/5/2012, the jury could not come to an unanimous decision and another trial was set for 11/19/2012.
- (13). On 11/19/2012, the second trial began on a return indictment by information, nor by a grand jury where the prosecution under the fifth amendment of the U.S. Const. had a duty to indict all felony and the petitioner decided to have a bench trial.
- (14). Again the State of Indiana decided to prosecute the petitioner for the crime not charge 35-41-5-1 Attempt Murder, and the crime falsely charged 35-42-1-1 Murder, the crime charged of battery/LB was the lesser included crime on trial.
- (15). On 11/20/2012, the petitioner in a bench trial was found guilty of the crime not charged 35-41-5-1 Attempt Murder, and found guilty as charged of a false 35-42-1-1 Murder crime.

The fifth Amendment to the U.S. Const. requires that no person shall be held to answer for a capital crime, or otherwise infamous crimes, unless on a presentment or indictment of a grand jury. The U.S. Supreme Court has explained that an indictment found by a grand jury is indispensable to the power of the court to try the petitioner for the crime with which he was charged, and that a court cannot permit a defendant to be tried on charges that are not made in the indictment against him. Thus, when an

indictment fails to set forth an essential element of a crime, the court has no jurisdiction to try defendant under that count of the indictment.

(United States v. Cotton, 261 F. 3d 397.)

IN THIS CASE UNDER CAUSE 49602-1203-PA-016900 what should be transferred in the case are SUBPOENAS to the detective; Police department head; SUBPOENAS AS MATERIAL WITNESSES to Magistrate, Judicial Officer Judge, two Police officers, and two prosecutors, the ARREST WARRANT AND PROBABLE CAUSE AFFIDAVIT that Police detective FORGE A SIGNATURE onto documents AND the ORIGINAL CHARGING INFORMATION NOT file-stamp, with ANOTHER CHARGING INFORMATION file ON A DIFFERENCE DATE among the legal document to the case.

PLEASE look at this CIVIL ACTION and you'll see where the parties of the case committed an MALICIOUS ACT:

A CRIMINAL ACTION CAN BE COMMENCED ONLY IN THE MANNER PROVIDED BY LAW, AND THAT IT IS THE FILING OF THE ACCUSATION IN LAWFUL FORM THAT INVOKES THE JURISDICTION OF THE COURT IN THE PARTICULAR CAUSE. IT IS A UNIVERSAL PRINCIPLE AS OLD AS THE LAW THAT THE PROCEEDINGS OF A COURT WITHOUT JURISDICTION ARE A NULLITY AND ITS JUDGMENT VOID. THERE CAN BE NO CONVICTION OR PUNISHMENT FOR CRIME, EXCEPT ON ACCUSATION MADE IN THE MANNER PRESCRIBED BY LAW. IT IS ESSENTIAL THAT THERE SHALL BE STRICT COMPLIANCE WITH THE LEGISLATIVE REQUIREMENTS CONCERNING THE COMMENCEMENT OF A CRIMINAL ACTION, FOR THE POWER OF THE LEGISLATURE TO PRESCRIBE THE REQUIREMENTS IS PLENARY.

16. ON 6/4/2014, THE CLERK OF THE COURT SUBJECTED THE PETITIONER TO DOUBLE JEOPARDY BY FILING THE FALSE MURDER CHARGE AGAINST HIM AFTER A PRIOR PROCEEDINGS HAD TERMINATED ON 11/28/2012.

THE FIFTH AMENDMENT TO THE U.S. CONST. PROVIDES THAT NO PERSON SHALL BE SUBJECT FOR THE SAME OFFENSE & BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB.

17. ON 6/2/2015, THE CLERK OF THE COURT SUBJECT THE PETITIONER TO DOUBLE JEOPARDY BY FILING MULTIPLE CONVICTIONS AGAINST THE PETITIONER AFTER A PRIOR PROCEEDINGS HAD TERMINATED ON 11/28/2012.

THE FIFTH AMENDMENT TO THE U.S. CONST. PROVIDES THAT NO PERSON SHALL BE SUBJECT FOR THE SAME OFFENSE & BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB.

UNDER IND. CODE 35-41-5-3 MULTIPLE CONVICTIONS,

"(A)" A PERSON MAY NOT BE CONVICTED OF BOTH A CONSPIRACY AND ATTEMPT WITH RESPECT TO THE SAME UNDERLYING CRIME:

"(B)" A PERSON MAY NOT BE CONVICT OF BOTH A CRIME AND AN ATTEMPT TO COMMIT THE SAME CRIME:

18. ON 8/31/2015, JUDICIAL OFFICER ROTHENBERG M.T. OPENED THE CASE OF 3/13/2012, AS A NEW FILING AGAINST THE PETITIONER AFTER A PRIOR PROCEEDINGS HAD TERMINATED ON 11/28/2012.

"(A)" THE FIFTH AMENDMENT TO THE U.S. CONST. PROVIDES THAT NO PERSON SHALL BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB.

"(B)" UNDER IND. CODE 35-41-5-3, MULTIPLE CONVICTIONS,

"(A)" A PERSON MAY NOT BE CONVICTED OF BOTH A CONSPIRACY AND AN ATTEMPT WITH RESPECT TO THE SAME UNDERLYING CRIME;

"(B)" A PERSON MAY NOT BE CONVICTED OF BOTH A CRIME AND AN ATTEMPT TO COMMIT THE SAME CRIME;

"(C)" THE ORDER OF THE CASE OPEN AS A NEW FILING OF 3/13/2012, ON 8/31/2015, WAS NOT FILED BY THE CLERK UNTIL 1/7/2019, THEREFORE THE STATUTE OF LIMITATION 300 DAY FOR FAILURE TO PROSECUTE HAD EXPIRED.

A DOUBLE JEOPARDY VIOLATION OCCURS WHEN JUDGMENTS OF CONVICTION ARE ENTERED FOR THE SAME CRIMINAL ACT, AND CANNOT BE REMEDIED BY THE PRACTICAL EFFECTS OF CONCURRENT SENTENCES OR BY MERGER AFTER CONVICTION HAD BEEN ENTERED.

"WEST V. STATE, 22 N.E. 3d. 872, 875 IND. CT. APP. 2014"

19. ON 7/28/2016, THE CRIMINAL COURT MAGISTRATE, JUDICIAL OFFICER, AND INDIANA COURT OF APPEALS JUDGES PARTICIPATED IN THE ACT OF EX PARTE WITHOUT NOTICE TO CORRECT THE PLAIN ERROR:

— SINCE THE ORIGINAL INFORMATION AGAINST THE PETITIONER HAD NOT BEEN FILE-STAMPED AND THEREFORE WAS NOT PROPERLY FILED UNDER IND. CODE § 35-34-1-1, THE TRIAL COURT DID NOT HAVE JURISDICTION AND ANY JUDGMENT RENDERED WOULD HAVE BEEN VOID FOR LACK OF JURISDICTION. THUS, THERE WERE DOUBLE JEOPARDY'S VIOLATION(S) WHEN CHARGES WERE REFILED AND CASE OPENED AS A NEW FILING AFTER THE CASE WAS DISPOSED OF 11/28/2012;

THIS WAS A CONSPIRACY OF PERSON OF A COMBINATION FOR AN UNLAWFUL ACT, AND PURPOSE THAT DID NOT END AFTER CASE WAS DISPOSED OF ON 11/28/2012, BUT CONTINUED WITH ALL THE PARTICIPANTS; INDIVIDUAL AND THEIR OWN CAPACITY;

REASONS FOR GRANTING THE PETITION

Petitioner earnestly seeks review in accordance with U.S. Supreme Court Rule 10(a); i.e. That the 9th Circuit Court of Appeals has entered a decision in conflict with other decisions on the same important matter. (See) Dujak v. Wilkerson, 2022 U.S. App LEXIS 11648 - Holding: district court erred in denying IFA Status - Judgment vacated and remanded. Sup. Ct. Rule 10(c); The 9th Cir. COA has decided an important question of Federal law that has not been, but should be settled by this court.

Petitioner has corrected any/all defects invoked in Supreme Courts Clerk's letter dated June 30, 2023. (See Attached.) This matter should now be accepted for review. (See) Supreme Court Rule 13.1 and 2.

CONCLUSION

THE PETITIONER AM REQUESTING THE PERMISSION OF THE COURT FOR A TRIAL BY JURY ON THIS UNLAWFUL ACT BY GOVERNMENT EMPLOYEE(S) AGAINST THE PETITIONER THAT WAS PREJUDICE, AND THE DEFENDANT'S AND MATERIAL WITNESSES ALL -
The petition for a writ of certiorari should be granted.

DEINED THE PETITIONER
DUE PROCESS AND EQUAL
PROTECTION.

Respectfully submitted,

Joe E. Hall Jr

Date: 7/16/2023