

23-6102

ORIGINAL

CASE #

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

**ROLANDIS LARENZO CHATMON**

**PETITIONER**

**Vs.**

**DEXTER PAYNE, DIRECTOR OF  
THE ARKANSAS DEPARTMENT  
OF CORRECTIONS;**

**RESPONDENT**

**ON PETITION FOR A WRIT OF CERTIORARI;  
TO THE SUPREME COURT OF ARKANSAS**

**PETITION FOR WRIT OF CERTIORARI**

**ROLANDIS CHATMON  
P.O. BOX 600  
GRADY, AR. 76144**

**\*SELF-REPRESENTATIVE**

*Direct Collateral Review*

## **QUESTIONS PRESENTED**

1. Can Constitutional deprivations be justified by some remote administrative benefit to the State such as an Administrative Plan?
2. Can local practice, such as an Administrative Plan pursuant to Arkansas Supreme Court Administrative Order #14, be allowed to defeat or put ~~to~~ unreasonable obstacles in the way of a plain and reasonable assertion of Federal rights?
3. Can the power of decision vested in the trial court be delegated to investigators, other subordinate officials, attaches of the court, or anyone not authorized to act on behalf of the judicial branch of the State government?

**LIST OF PARTIES**

ALL PARTIES APPEAR IN THE CAPTION OF  
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**IN THE SUPREME COURT OF THE UNITED STATES**

**PETITION FOR WRIT OF CERTIORARI**

**PETITIONER PRAYS THAT A WRIT OF CERTIORARI ISSUE  
TO REVIEW THE JUDGMENT BELOW**

**OPINIONS BELOW**

The opinion of the highest State Court to review the merits appears at Appendix A to the petition and is reported at Chatmon v. Payne, 2023 Ark. 665, S.W. 3d 231,232.

The opinion of the Lincoln County Circuit Court appears at Appendix B to the petition and is not reported.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

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

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was May 11<sup>th</sup>, 2023.  
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: July 20, 2023, and a copy of the order denying rehearing appears at Appendix C.

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. Due Process of the 14th Amendment of the United States Constitution Which states in pertinent parts “no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”
2. Arkansas Constitutional Amendment 29 §1 which states in pertinent parts “vacancies in the office of United States Senator, and in all elective state, district, circuit, county, and township officces except those of lieutenant Governor, member of hte General Assembly, and Representative in the Congress of the United States, shall be filled by appointment by the Governor.”
3. Arkansas Constitutional Amendment 29§2 which states in pertinent parts “No person appointed under section 1 shall be eligible for appointment or election to succeed himself.”
4. Arkansas Constitutional Amendment 80§4 Which states in pertinent parts “The Supreme Court shall exercise general super intending control over all courts of the state and may temporarily assign judges, with their consent, to courts or divisions other than that for which they were elected or appointed. These functions shall be administered by the Chief Justice.”
5. Arkansas Constitutional Amendment 80§6(B) states in pertinent parts “Subject to the super intending control of the Supreme Court, the judges of a circuit court may divide that circuit court into subject matter divisions, and any circuit judge within the circuit may sit in any division.”

6. Arkansas Constitutional Amendment 80 §17 which states in pertinent parts “Circuit Judges and District Judges shall be elected on a bipartisan basis by a majority of qualified electors voting for such office within the district which they serve...” “vacancies in these offices shall be filled as provided by this Constitution.”
7. Arkansas Supreme Court Administrative Order #14 (same as Ark. Const. Amend. 80§4, §6[B]; all circuit Administrative case distribution plans subject to approval by Supreme Court.)

## **STATEMENT OF THE CASE**

Michael A. Maggio was a Circuit Court Judge in the Twentieth Judicial District of Arkansas: Faulkner, van Buren, and Searcy Counties, 2001-2014. He was one of five Circuit Judges in that district, holding second division. He was appointed to this position in or about 2000 by Governor Mike Huckabee to fill a vacancy pursuant to Arkansas Constitutional Amendment 29§1, elected to this same position in or about 2002 and re-elected to this same position in or about 2008. He held this position until on or about September 11, 2014. Maggio's election and re-election were prohibited by Arkansas Constitutional Amendment 29§2. His docket included civil, criminal, and some domestic relations cases, but no juvenile cases or drug court. He had entered hundreds, perhaps thousands, of guilty pleas from criminal defendants in his court over the 13 years he was a circuit judge.

In 2014, because of personal musings on a Louisiana State University blog, [www.tigerdroppings.com](http://www.tigerdroppings.com), and his race for the Arkansas Court of Appeals, Maggio found himself the subject of concurrent investigations by the Arkansas Judicial Discipline and Disability Commission and the Arkansas Ethics Commission and then ultimately an FBI investigation for judicial bribery.

On March 24, 2014, Maggio was suspended as a circuit judge by the Chief Justice of the Arkansas Supreme Court. After a recommendation with agreed sanction, Maggio was removed from office September 11, 2014. Judicial Discipline and Disability Commission v. Maggio, 2014 Ark. 366, 440 S.W. 3d 333 (2014).

As for FBI investigation, after they marshaled their evidence, Maggio ultimately agreed to a negotiated disposition with a guilty plea to Federal bribery. He waived indictment and was charged by information on January 9, 2015. United States v. Michael Maggio, 4:15-CR-00001 BSM (E.D. Ark.).

In 2016, Michael Maggio appealed his conviction to the United States Court of Appeals for the Eighth Circuit where he argued amongst other things that he was not an "agent of the state government." That court rejected this claim relying upon the stipulations made in Maggio's guilty plea. United States v. Maggio, 862 F3d 642 (8th Cir. 2017)

In 2021, Michael Maggio's co-defendant, former State Senator Gilbert Baker, argued in a motion to dismiss before the United States District Court for the eastern District of Arkansas that the "United States Government cannot prove that Maggio was authorized to act on behalf of the judicial district."

The court deemed Baker's motion premature and should be made at trial when the government rests. See, United States v. Gilbert Baker, 2021 WL 1556180. Baker was subsequently acquitted.

In 2022, the petitioner petitioned an Arkansas Court for writ of habeas corpus arguing that his judgment of conviction was invalid, and void because Michael Maggio “was not authorized to act on behalf of the judicial district.” All courts rejected this argument relying upon an “administrative Plan from 2001 that reflects that Maggio was appointed to serve in division 4. He was subsequently elected to division 2. See, Chatmon v. State, 2019 Ark. 112; Chatmon v. Kelley, 20020 Ark. 155; Chatmon v. Payne, 2023 Ark. 665.

He now petitions this court for the writ of certiorari.

### **REASONS FOR GRANTING THE PETITION**

From January 2003 until on or about September 11, 2014 Michael A. Maggio illegally and unconstitutionally held the office of circuit judge of the state of Arkansas, twentieth Judicial District, Second Division. He entered thousands of illegal and unconstitutional judgments, orders, decrees, and the like, for over a decade. Maggio was appointed to his position by then-Governor Mike Huckabee in or about 2000 pursuant to Ark. Const., Amend. 29§1. At the end of his appointed term, in or about 2002 Maggio stood for elections as an ineligible candidate in succession succeeding himself to an appointed position this succession in or about 2008.

Consequently, under such defective, illegal, and unconstitutional elections Michael Maggio was non-judicial, merely impersonating a judge. All judicial decisions are void, while he impersonated a judge and the office was vacant and needed to be filled. There is a continuing manifestation of incompetence infecting the legal profession and the judiciary of Arkansas. The Arkansas Supreme Court has relied upon an Administrative Plan to justify the depravation of constitutional rights and due process guaranteed by the 14th Amendment to the U.S. Constitution. See, Chatmon v. State, 2019 Ark. 112; Chatmon v. Kelley, 2020 Ark. 155; Chatmon v. Payne, 2023 Ark. 665. That court relied upon an Administrative Plan pursuant to Arkansas Supreme Court Administrative Order #14 to reflect that Michael Maggio did not succeed himself to an appointed position and thus did not illegally and unconstitutionally hold the office of circuit judge.

The judges of the Arkansas Supreme Court know that only records stored in the office of Secretary of State accurately reflects the personnel of the judiciary of the State government. See, Riggs v. Brock, 208 Ark. 1050, 189 S.W.2d 367. However, the reliance upon an Administrative Plan by the court became

an administrative benefit to the state as prohibited by this court in Carrington v. Rash, 380 U.S. 89, 85 S. Ct. 775, 13 L.Ed.2d 675 (the state may not deprive a class of citizens of the vote because of a remote Administrative benefit to the state.)

The state court has used Arkansas Supreme Court Administrative Order #14 as a local practice to defeat and put unreasonable obstacles in the way of a plain and reasonable assertion of federal rights which was prohibited by this court in Davis v. Wechsler, 263 U.S. 22, 44 S.Ct. 13, 68 L.Ed. 143 (local practice will not be allowed to defeat or put to unreasonable obstacles in the way of a plain and reasonable assertion of federal rights.)

Michael Maggio's admission to the Eighth Circuit Court of Appeals that he was not "an agent of the state government" in United States v. Michael Maggio, 862 F3d 642 (8th cir., 2017) should have been sufficient enough for the state court to inquire into the legality of petitioner's custody and confinement. Although the Eighth Circuit court of Appeals rejected Maggio's claim it was based solely on Maggio's stipulation in his guilty plea stipulating that he was an "agent of the state government." Petitioner is aware that Maggio declared himself an "agent of the state government and the Twentieth Judicial District", but his personal declaration cannot override Constitutional and statutory authority to the contrary. See, Ark. Const. Amend. 80§4, §6, §17. Furthermore, whether he personally declared himself an officer/agent of the state government is insignificant because a self-declared title has no bearing on his ability to bind the state in any way. See, United States v. Phillips, 219 F3d 404. As later shown and proven by Maggio's co-defendant Gilbert Baker "the U.S. government cannot prove that Maggio was authorized to act on behalf of the judicial district." See, U.S. v. Baker, 2021 WL 1556180.

For every legal problem, there must be a lawful remedy, if peace and dignity are to continue in a society. People must be able to assemble peaceably and petition their government for a redress of grievances, whether the grievance be caused by the government itself or by another citizen. When a remedy does not exist, a constitutional remedy must be created or else anarchy prevails. The state courts interpretation of law and facts in Chatmon v. State, 2019 Ark. 112; Chatmon v. Kelley, 2020 Ark. 155; Chatmon v. Payne, 2023 Ark. 665, would allow for anyone not authorized to act on behalf of the state judiciary to enter lawful orders, judgments, and decrees so long as that individuals name is placed on an Administrative Plan and submitted to the Arkansas Supreme Court for approval. See, Ark. Sup. Ct. Administrative Order #14 (all case distribution plans subject to approval by the Ark. Sup. Ct.) As the Arkansas Constitution provides, circuit judges are elected officials subject only to the superintending control of the Arkansas Supreme Court. See, Ark. Const. Amend. 80§4, §6, §17.

The state courts have solemn responsibility, equally with federal courts, to guard, enforce, and protect every right granted or secured by the federal constitution. See, Zwickler v. Koota, 389 U.S. 241, 88 S.Ct. 391, 19 L.Ed.2d 444. Through practice the Arkansas judiciary would deprive all litigants a fair and impartial trial before a court/ tribunal completely divested of any personal bias and it is the duty of all courts to scrupulously adhere to such admonition and to guard against any appearance of personal bias. If individuals are able to usurp the office of circuit judge and issue illegal judgments, orders, decrees and such usurpation can be shielded by an Administrative Plan pursuant to Ark. Sup. Ct. Admin. Order #14 then without an honest judiciary system, Arkansas citizens can have no economic freedom, and our life, liberty, and property can and will be taken without due process of law as guaranteed by the 14th Amendment of the U.S. Constitution. Citizens should not be forced to go into a court where they have no rights or forced to participate in a criminal trial where the individual acting as judge is not authorized to act on behalf of the judicial district.

The unconstitutional, non-judicial, alleged circuit court judge, Michael Maggio, had no constitutional authority to hear, decide, and enter any judgment, order, or decree. Unconstitutional judges should not be allowed or permitted to make judgments of the citizens important business before the court. When the alleged judge is not a judge, there is no jurisdiction. the maxims of law of all civilized societies are based upon truth in government, with equal protection under the law. There are no exceptions!!

The proposition that the judgment of a court lacking jurisdiction is void traces back to the English year books, See Bowser v. Collins, Y.B., Mich. 22 Edw. IV, f.30, Pl. 11, 145 Eng. Rep. 97 (Ex. ch. 1482) Traditionally that proposition was embodied in the phrase coram non judice, “before a person not a judge” meaning, in effect, that the proceeding in question was not a judicial proceeding because lawful judicial authority was not present, and could therefore not yield a judgment. See Burnham v. Superior court of California, county of Marin, 495 U.S. 604, 110 S.Ct. 2015, 109 L.Ed.2d 631.

## CONCLUSION

For the reasons and authorities cited this case involves a substantial public interest in regards to individuals entering judgments, orders, and decrees while not being agents of the state government and unauthorized to act on behalf of judicial district or the judiciary of the state government. Wherefore, the petition for a writ of certiorari should be granted.

Respectfully Submitted,



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