

No. ~~23~~-6258

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

SHERMAN FIELDS

PETITIONER,

v.

DONALD J. TRUMP, et al.

RESPONDENT.

On Petition for a writ of Certiorari
to the United States Court of Appeals
For the District of Columbia Circuit.

PETITION FOR A WRIT OF CERTIORARI

SHERMAN FIELDS

#15651-180

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QUESTIONS PRESENTED

WHERE PETITIONERS WOULD HAVE BEEN EXONERATED AND FREE FROM ILLEGALLY RESTRAINED LIBERTY HAD IT NOT BEEN FOR "THE IMMUNITY CLAUSE"; DO THE IMMUNITY CLAUSE VIOLATE THE CONSTITUTION?

DO A POLITICAL BRANCH "ORDERED DETENTION" OF AN AMERICAN CITIZEN VIOLATE THE CONSTITUTION?

DO A LACK OF A REMEDY VIOLATE THE CONSTITUTION?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page

DIRECTLY RELATED CASES

Sherman Fields v. Donald J. Trump, et al.

No. 21-5280. U.S. Court of Appeals for the District of Columbia (en banc). Judgment entered on March 3, 2023

No. 21-5280. U.S. Court of Appeals for the District of Columbia. Judgment entered on December 20, 2022

No. 1:20-cv-02699-JEB U.S. District Court for the District of Columbia. Judgment entered on October 29, 2021

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PETITION FOR WRIT OF CERTIORARI

PETITIONER SHERMAN FIELDS respectfully petitions this Court for a writ of certiorari to review the Judgment of the United States Court of Appeals for the District of Columbia.

DECISIONS BELOW

The District of Columbia Circuit's decision is included as Appendix A. The October 29, 2021, Memorandum of Opinion and Order of the United States District Court for the District of Columbia is included at Appendix B.

JURISDICTION

The District of Columbia's (en banc) Judgment was entered on March 3, 2021 and is included at Appendix C. This petition is filed within the time allowed. This Court has Jurisdiction under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS

Mr. Fields brought suit against Donald J. Trump et al. for attempting to murder him for exercising his First Amendment Rights to free speech; racial discrimination, and other injurious violations under BIVENS v. SIX UNKNOWN AGENTS, 403 U.S. 388, 390-97

(1971); 42 U.S.C. § 1983 and 28 U.S.C. § 1331

THE 42 U.S.C. § 1983 PROVIDES IN RELEVANT PART:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or any other person within the Jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

42 U.S.C.A. § 1983

INTRODUCTION

PETITIONER Sherman Lamont Fields brought a lawsuit charging that then President Donald J. Trump illegally targeted him to be murdered because Fields exercised his first Amendment right and wrote a book and a movie in opposition to him. The lawsuit further charged that Judge Jones and the Judges of the 5th Circuit, members of Congress and Judges on the Supreme Court Aided and Abetted Trump. The D.C. Circuit dismissed citing Immunity, leaving Fields with no Remedy or way to redress his injuries, in violation of the United States Constitution.

STATEMENT OF THE CASE

PETITIONER Sherman Fields was convicted in 2004 and sentenced to Death and a number of years in federal prison for Conspiracy; Escape; Using and Carrying a Firearm causing death; Carjacking; Using and Carrying a Firearm (Carjacking); Felon in possession of a firearm; and Using and carrying a Firearm (Escape). Mr. Fields appealed and the 5th Circuit affirmed. United States v. Fields, 483 F.3d 313, 362 (5th Cir. 2007). The Supreme Court denied certiorari. Fields v. United States, No. 07-6395, 552 U.S. 1144 (2008).

Mr. Fields attempted to file a motion for relief under 28 U.S.C. § 2255 in the United States District Court for the Western District of Texas but District Judge Walter Smith refused to respond because "Petitioner's attorney's" was filing a brief. When Judge Smith denied the § 2255 based on the brief.

that the Attorney's filed, Judge Smith subsequently issued an Order denying Fields the right to proceed pro se.

Petitioner then filed a Brief and Motions in the 5th Circuit Court of Appeals, but the Court rejected the Brief and Motions because Fields had Attorney's. Several Motions to reconsider followed with Fields even electing to "relieve Counsel of their duty"; the Court still denied Mr Fields his right to file a Pro Se brief and Motions on Appeal (See Price v. Johnson, 334 U.S. 266, 68 S.Ct. 1049, 92 L.Ed. 1256 (1948), holding that the right to file isn't foreclosed, And Chamberlain v. Erickson, 744 F.2d 628, 630 (8th Cir. 1984), cert. denied, 470 U.S. 1008, 84 L.Ed. 2d 387, 105 S.Ct. 1368 (1985), holding that "a defendant does have the right under the Constitution to present pro se briefs or motions on appeal."

After Counsel filed their § 2255 Brief Mr. Fields filed a Motion to "Reconsider" his pro se Brief and motions stating that he "strenuously object" to the brief Counsel filed, but once again the 5th Circuit rejected the motion and entered an Order not to accept "anything" Mr Fields filed. The Court then denied § 2255; United States v. Fields, 761 F.3d 443, 484 (5th Cir. 2014). The Supreme Court denied certiorari. Fields v. United States, No. 14-772, 576 U.S. 1004 (2015).

In mid 2021 Mr Fields filed a lawsuit in the Washington DC District Court, Sherman Lomant Fields v. Donald J. Trump, et al No. 20-2699 (TEB).

On October 29, 2021 the lawsuit was dismissed with prejudice. Id.

THE D.C. CIRCUIT'S DECISION BELOW

The D.C. Circuit had Jurisdiction over the appeal. Mr. Fields moved to appeal and subsequently was transferred to Hazelton Federal Prison in Boone, West Virginia where the Correctional officers physically assaulted him and threw him in "the hole" where they stopped and threw away his incoming and outgoing mail, hindering and destroying the appeal. Because Fields' efforts was thwarted and he was "unable to respond" the D.C. Appellate Court dismissed without prejudice on December 20, 2022. Id. at No. 21-5290

Mr. Fields was transferred to McCreary Federal Prison in Pine Knot, Kentucky. He immediately asked the Court to sua sponte reopen the lawsuit and the Court refused. Id.

Fields then filed for habeas reconsideration, and on March 3, 2023 it was denied (see App. C). The D.C. Circuit's denial leaves Mr. Fields without a remedy for the rights withheld and without the proper redress for his injuries; an in violation of the United States Constitution.

REASONS FOR GRANTING THE PETITION

There is an open split between the D.C. Circuit's order and the United States Constitution; the

D.C. Circuit's Order blocks "A Remedy" and leaves Mr. Fields' injuries permanently "unredressed", while the Constitution demands that "Every right withheld" must have "A Remedy and Every injury its proper redress. (SEE Marbury v. Madison, 1 Cranch 137 (1803). Because the Constitution is Supreme Law (Cook v. Moffat + Curtis, 46 U.S. 295, 12 L.Ed. 159 (1847)) there is no doubt that the Circuit's Order is in error. However, although the issues in Fields' case is novel and it will take the "perfect storm" for them to occur again, it doesn't mean that it will never happen again, and "any split" between a Court and the Constitution will undoubtedly take away from the perceived integrity of the Judicial system. Payne v. Tennessee, 501 U.S. 808, 827, 111 S.Ct. 2597, 115 L.Ed. 7d 720. The instant case is an excellent vehicle to resolve this split as the issue was fully addressed below. Finally, Mr. Fields' fundamental rights are at stake, because "no Remedy for the rights withheld" and "no proper redress for his injuries" violate the United States Constitution.

I. A CLEAR SPLIT EXISTS BETWEEN THE LOWER COURTS AND THE UNITED STATES CONSTITUTION THAT AFFECTS "THE PEOPLE" FUNDAMENTAL RIGHT TO A REMEDY FOR EVERY RIGHT WITHHELD, AND THE PROPER REDRESS FOR EVERY INJURY.

In Marbury v. Madison, the Court held that "It is a settled and invariable principle, that every right, when withheld, must have a remedy, and every injury its proper redress." 3 Bl. com. 109. After a thorough discussion of precedent, the Court summarized its holding as follows:

THE VERY ESSENCE of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain the King himself is sued in the respectful form of a petition, and he never fails to comply with the Judgment of his Court.

Id. (internal citations omitted). The clear split between the lower court(s) and the Constitutional is primarily based on Congress' erroneous interpretation of the Constitution. Congress, and thus the Courts focuses on "the governments power" to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof." Art. I [18]. By contrast Mr. Fields zeros in on the entire Constitution, starting with "Sovereignty belongs to the people" Gamble v. United States, 139 S. Ct. 1960 (2019) (opinion

of GINSBURG, J.); post, at 1999 (opinion of GORSUCH, J.).

[PREAMBLE] "WE THE PEOPLE of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

[Art. III, SEC. 2.1] "The Judicial power shall extend to all cases, in law and Equity, arising under this Constitution..."

[AMEND. I] "Congress shall make no law... prohibiting the free exercise thereof, to petition the Government for a redress of grievances."

[AMEND. IV] "The right of the people to be secure in their persons... shall not be violated."

[AMEND. V] "no person shall be held to answer for a capital, or otherwise infamous crime, nor be deprived of life; liberty or property, without due process of law..."

[AMEND. VII] "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by Jury shall be preserved..."

[AMEND. VIII] "Cruel and Unusual punishments"... "shall not be inflicted."

[AMEND. IX] "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

[AMEND. XIII] "neither slavery nor involuntary servitude... shall exist within the United States,"

or any place subject to their Jurisdiction."

[AMEND. XIV] "... 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 any person within its Jurisdiction the equal protection of the laws."

Marbury v. Madison, supports a finding that Mr. Fields have the absolute right to a remedy and to have his injuries properly redressed irrespective of "Any Law" made by congress prohibiting that fact (quoting James Madison (The Federalist, no. 48). "The substance of constitutional rights is meaningless if government officials can violate those rights with impunity; Such rights would become "parchment barriers" - symbolic commitments to individual liberty that do nothing in practice to deter or prevent unlawful conduct by government agents." This makes: the divide has resulted in Mr. Fields' fundamental rights being withheld and his injuries being left undressed. This Court's intervention is necessary to clarify the scope of the Constitution and to ensure that "The People" are sovereign.

A. PETITIONER WOULD HAVE BEEN EXONERATED AND FREE FROM ILLEGALLY RESTRAINED LIBERTY HAD IT NOT BEEN FOR THE IMMUNITY CLAUSE.

Mr. Fields is an innocent man that have been incarcerated for twenty two years and is currently serving a 15-year sentence for "Carjacking", and Life for the 924(c), "Using and Carrying a Firearm during the alleged "Carjacking". He brought a lawsuit charging that Donald J. Trump attempted to use a legal punishment to commit criminal homicide when he had Fields placed on the list to be executed when he went on his political killing spree on Federal Death Row, simply because Fields wrote a book and movie in opposition to him. Fields charged that Trump wouldn't have been able to target him if Judge Edith Jones and the 5th Circuit Court of Appeals hadn't Unconstitutionally denied his appeals due to racial and Judicial bias, and that Congress and the Judiciary breached a contract and failed to provide Mr. Fields with the equal Protection of the law. (SEE Sherman Lament Fields v. Donald J. Trump, et al., No 20-2699 (JEB); The Court dismissed citing "Immunity" Id.

THE RIGHTS WITHHELD

A. Mr. Fields was charged with "Carjacking" after a Tammy Edwards said that her car was taken by an "Unknown black male" and a police officer and a Security Guard "Suggested" that the perpetrator was Mr. Fields.

B. Two years later, as Ms. Edwards sought to sue Cingentics she claimed that she knew

All along that the perpetrator was Mr. Fields.

C. Tammy Edwards claimed that the perpetrator was wearing a black cap (statement by officer C) But at trial she testified that Fields had "Short hair" and claimed that she never said the perpetrator wore a black cap.

D. It was later revealed that Edwards was married to a guy that robbed an Elderly couple and murdered the woman, but at the time of the alleged "carjacking" Edwards was dating a 'Chris Walker', one of the Star witnesses in the governments Capital Case against Fields.

E. At trial the Prosecution lied and defrauded the Jury stating "There was no fingerprints or clothing" The car "was clean".

F. All the time there were fingerprints (see App. d). And those prints don't match Fields. (see App. E).

Edwards was the only witness to the alleged carjacking.

Despite the aforementioned evidence Judge Jones and the 5th Circuit found that Fields couldn't show that false evidence was used against him and Unconstitutionally denied his appeals while rejecting his pro se brief and motions with

THE EVIDENCE OF INNOCENCE APPENDED, VIOLATING Mr. Fields' 5th, 8th, 13th and 14th Amendment rights. (THERE IS OTHER EVIDENCE OF INNOCENCE THAT'S NO LONGER APPLICABLE HERE NOW THAT FIELDS IS NO LONGER ON DEATH ROW). FURTHERMORE THERE IS EVIDENCE OF 'STRUCTURAL ERROR' THAT THE COURT WAS BOUND TO FOLLOW.

A-1. Mr. Fields wrote a book and a movie in opposition to then President Donald J. Trump. Id. at FIELDS v. Trump et al; Supra. Fields sent the book and movie to congresswoman Iyanla Pressley who sent the "INDIANA" address and forwarded it unopened to congressman Larry Buschen; Mr. Buschen notified the Trump Administration and Trump had his Attorney General William Barr place Fields on the execution list even though the government had conceded that Fields' Death Sentence had to be vacated; all in violation of Fields' 1st, 5th, 8th and 14th Amendment rights.

A-2. Congress swore to uphold the Constitution and then forced the American People into an 'Unconscionable Contract', then breached the Contract by neglecting its duty and refusing Mr. Fields the Equal Protection of the Laws, in violation of his 5th, 7th, 8th, 9th, 13th and 14th Amendment rights and Article 3 SEC. 2 of the United States Constitution. Because of their

conduct Donald Trump was allowed to Target Mr. Fields for criminal homicide outside the legal context.

A-3. The Judiciary swore to uphold the Constitution and then forced the American People into an 'Unconscionable Contract', then breached the Contract by neglecting its duty and refusing Mr. Fields the Equal Protection of the Laws, a violation of his 5th, 7th, 8th, 9th, 13th and 14th Amendment Rights and Article 3 SEC. 2 of the United States Constitution. Because of their Action(s) Donald Trump was allowed to Target and Injure Mr. Fields.

Because of the Rights Withheld Mr. Fields's Injuries ARE CONCRETE.

ARGUMENT

This case epitomize everything the Founding Fathers had the foresight to foresee; A Constitutional Crisis based on the government giving themselves carte blanche to do harm to the American People without a means to redress the injury. Quoting Senator Charles Sumner, Cong. Globe, 36th Cong., 1st. Sess., 3007 (1860)

"... I say without hesitation, "they" can claim no immunity which does not belong equally to the humblest citizen."

Accountability is an absolute necessity in order for the wheels of democracy to turn properly; that material fact combined with the constitutional prescription that "no one is above the law" puts immunity in conflict with the constitutional and it must be struck down, for it abridge the rights of the people. Marbury v. Madison Supra. As it has been construed by Congress and the Courts Immunity offends against the constitutional requirements governing the steadfast application of Democracy. The Constitution cannot bear what the government have created with Immunity; it totally decimates the concept of "A government of the people, for the people, and by the people" when in fact "The People" is unable to sustain our constitutional rights and properly redress our injuries. For it is clear that Immunity don't conform to the Constitution's principles. United States v. Butler, 297 U.S. 1, 56 S.Ct. 312, 80 L.Ed. 477, 4 Ohio op. 401, 16 A.F.T.R. (P-H) 1289 (1936). Judge Edith Jones stated that "Black people are predisposed to violence", that "Black males are the most violent", and that "no one is innocent" and then went on to abuse her discretion and unconstitutionally denied Mr. Fields' appeals based on an unreasonable determination of the facts. And she's shielded from Accountability by immunity while Mr. Fields injuries continue and he continue to suffer? How does that comport with the Constitution? The Supreme Court has held that Actual Bias

and the appearance of bias violate due process principles. (SEE Bracy v. Schomberg, 286 F.3d at 410-11; SEE Bracy, 520 U.S. at 905 (ACTUAL bias) Judge Edith Jones, should have recused herself. (SEE LILIEBERG v. HEALTH SERVICES Acquisition Corp. (1988) 486 U.S. 847, 100 L.Ed. 2d 855, 108 S.Ct. 2194. Her bias against minorities and the innocent is reflected in the 5th Circuit's ECCRONS opinions in denial of Fields' Appeals. First and foremost "the law cannot directly or indirectly give Judge JONES' personal bias effect." PALMORE v. Sidoti, 466 U.S. 429, 433, 80 L.Ed. 2d 421, 104 S.Ct. 1879 (1984). Second: "The Supreme Court has repeatedly held that strict scrutiny applies" to all "racial classifications, regardless of whether the government has benevolent motives." SEE, e.g., Johnson, 543 U.S. at 505, 125 S.Ct. 1141, 160 L.Ed. 2d 949 ("we have insisted on strict scrutiny in EVERY context, even for so-called 'benign' racial classifications"); Adarand, 515 U.S. at 227, 115 S.Ct. 1097, 132 L.Ed. 2d 158. Judge Jones bias is undeniable, but here in Fields case the "strict scrutiny" standard didn't apply; why? which brings us to the obvious: District Judge Walter Smith forced Mr. Fields to proceed Pro SE at trial in violation of the 6th Amendment, even though Fields pleaded that "I can't do this, I'm not learned in the law." (SEE App F). And Judge Smith lied and said that he didn't know what the conflict was about between Fields and his lawyer. (SEE App G). Judge Smith

KNOW Mr. PETERSON had COERCED Mr. FIELDS into PLEADING guilty IN UNITED STATES v. FIELDS, NO. WL-01-CR-114(01) and when FIELDS RECEIVED 2½ MORE YEARS than what PETERSON SAID WAS THE MAX, Mr. PETERSON REFUSED to APPEAL until Mr. FIELDS wrote the 5th Circuit and told them he'd BEEN COERCED into pleading guilty. At that point Mr. PETERSON wrote an "ANDERS BRIEF" and then withdrew from that PARTICULAR CASE, but refused to withdraw from the CAPITAL CASE. HOWEVER, Judge Edith Jones and the 5th Circuit COURT OF APPEALS somehow found that Mr. FIELDS "VOLUNTARILY REPRESENTED HIMSELF". Id.

IN WEEVER v. MASSACHUSETTS, the COURT identified "THREE broad RATIONALES" supporting the conclusion that an ERROR is STRUCTURAL and therefore NOT SUBJECT to HARMLESS ERROR REVIEW. 137 S. Ct. 1899, 1908 (2017) HERE in FIELDS the EVIDENCE supporting "FORCED SELF-REPRESENTATION" is OVERWHELMING, MEETING all THREE broad RATIONALES in WEEVER, thus THERE IS NO LOGICAL EXCUSE why Judge Edith Jones WOULD LEAVE Mr. FIELDS in the position that LATER ALLOWED Donald Trump to UNCONSTITUTIONALLY target him; The only REALISTIC conclusion is Judge Edith Jones' ANIMUS towards "BLACK PEOPLE". The SAME applies to the FINGERPRINT EVIDENCE proving Mr. FIELDS' INNOCENCE. When the PROSECUTOR LIED and SAID "THERE ARE NO FINGERPRINTS", Mr. FIELDS WAS DENIED DUE PROCESS, so infecting the trial with UNFAIRNESS.

Donnelly v. DeChristoforo, 416 U.S. 637, 643 (1974). If the prosecutor wouldn't have lied and admitted that "there are fingerprints" and "they don't match Mr. Fields", then Fields would have undoubtedly been exonerated. And if the 5th Circuit would have followed the law; e.g. Price v. Johnson; Supra; Chamberlain v. Erickson, Supra, and accepted Fields' brief and motions with the evidence appended, Fields would be home and Donald Trump wouldn't have been able to target Fields to be murdered for exercising his first Amendment rights. Thus immorality for Judge Edith Jones and the 5th Circuit Judges offends the United States Constitution; "The Constitution is Supreme law of the land and [there] rests obligation to guard and enforce every right secured by the Constitution." State v. Old Tavern Farm, Inc., 133 Me. 468, 180 A. 473 (Me. 1935); Dixon v. State, 224 Ind. 327, 67 A.E. 2d 138 (Ind. 1946); Cook v. Moffat + Curtis; Supra. And per the Constitution Mr. Fields have the right to have a remedy for the rights withheld, and the proper redress for his injuries Marbury v. Madison; Supra. Judge Jones' erroneous decision resulted in the loss of very important liberty interest. Superintendent, Massachusetts Correctional Institution v. Hill, 472 U.S. 445, 105 S.Ct. 2768, 86 L.Ed. 2d 356 (1985), thus the Constitution must take precedent Gamble v. United States, 139 S.Ct. 1960 (2019). This applies to any and everyone that's shielded by

immunity when it can be proven that they've harmed and/or injured another person; without this discernment the Immunity Clause becomes unconstitutional for its failure to provide a remedy.

B. A "POLITICAL BRANCH ORDERED DETENTION" VIOLATE THE CONSTITUTION

"A factual determination made by a [] court must be rebutted by clear and convincing evidence" quoting Clark v. Quarterman, 457 F.3d 441, 443 (5th Cir. 2006) (internal quotation marks omitted). The questions of whether Fields "voluntarily" represented himself? whether false evidence was used against Fields? And whether there was prosecutorial misconduct? ... involved issues of fact that (1) the trial transcripts clearly rebut by clear and convincing evidence; (2) that the forensics reports rebut by clear and convincing evidence; And that the trial transcripts rebut by clear and convincing evidence. (Maldonado v. Thaler, 625 F.3d 229, 236 (5th Cir. 2010) (internal quotation marks omitted).) With that being said, it's obvious the 5th Circuit contradicted facts that are materially indistinguishable from relevant Supreme Court precedent and arrived at a result opposite to [that of the Supreme Court]. Pippins v. Drake, 434 F.3d 782, 787 (5th Circuit 2005) (alterations in original) (quoting Williams v. Taylor, 529 U.S. 362, 405, 120 S.Ct. 1495, 146 L.Ed. 2d 48 (2006)). Thus the

5th Circuit can hardly argue that they made the right decision; for the law is clearly on Mr. Fields side. And with the law and the facts on Mr. Fields side there are several variables lending credence to Mr. Fields' argument: (1) It's clear that Mr. Fields would be a free man if the 5th Circuit would have followed the law; (2) It's clear that because the 5th Circuit failed to follow the law the Court is responsible for leaving Mr. Fields in a position that allowed Donald Trump to Unconstitutionally target him; and (3) With the law and the facts on Mr. Fields side his continued incarceration amounts to a "Political branch ordered Detention".

C. A LACK OF A REMEDY VIOLATE THE CONSTITUTIONAL

Congress implemented blanket immunity without providing a remedy for "The People" to have their injuries properly redressed in the event that they are harmed by those that are immunized; this within itself don't conform to the Constitutional principles. United States v. Butler; Supra. There is no good faith reasoning behind Unconstitutionality. Minnesota v. Barber, 136 U.S. 313, 10 S.Ct. 862, 34 L.Ed. 455 (1890). This case clearly prove that Immunity is repugnant to the Constitution. Without a remedy the only thing continuing to injure Mr. Fields is Congress' failure and negligence to provide a remedy; a remedy that the Constitution demands: Marbury v.

Madison; Supra.

"Supremacy of the Constitution as law is declared without qualification and is absolute." Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855, 80 L.Ed. 1160 (1936), limited; United States v. Darby, 312 U.S. 100, 61 S.Ct. 451, 85 L.Ed. 609, 3 Lab. Cas. (CCH) P 51108, 1 Wage + Hour Cas. (BNA) 17 (1941), So if the Constitution demand a Remedy then "there must be a Remedy" and any act by Congress cannot supercede that. (quoting Thomas, J. in Gamble v. United States;) "I am aware of no legitimate reason why a Court may privilege a demonstrably erroneous interpretation of the Constitution over the Constitutional text." Id. at 139 S.Ct. 1960, 1985 (2019).

MR. FIELDS' READING OF THE CONSTITUTION IS THE CORRECT INTERPRETATION

The Courts holding in Marbury v. Madison is more consistent with the Constitution. In Marbury the Courts holding that "It is a settled and inviolable principle, that every right, when withheld, must have a remedy, and every injury its proper redress," is the proper legal guide. Congress and the Judiciary cannot just cast this Constitutional requirement aside. This is what the Constitution and the rule of law demand; the enactment of immunity violates a fundamental right. The Constitution's "guarantee of liberty and equality for

all", is severely short circuited by Immunity. If Judges, Politicians, etcetera violate "The People" rights in the course of performing "their duty" they can't be sued, but if "The People" violate someones rights while performing "their duty", they can be sued; that isn't "Equality for All".

Immunity is one sided, it's the annihilator of Constitutional rights; where the American people will be subject to liability, it leaves untouched the abuses for which government officials may be responsible; It also fails to provide better assurances of fairness to both sides and it totally erases any chance of success in bringing about compelling, equitable resolutions of disputes affecting the rights of the people; it places an "undue burden" or "substantial obstacle" — in the path of "The People" seeking a remedy and to have their injuries properly redressed.

"A court must act neutrally when it protects the right against all comers" (quoting Dobbs v. Jackson Women's Health Organization, 142 S. Ct. 2278 (2022) (dissenting). And the only way to protect Mr. Fields' right(s) is to deem immunity unconstitutional (at least in this case), and adhere to Marbury's holding.

THIS CASE IS AN EXCELLENT VEHICLE FOR RESOLUTION OF THIS IMPORTANT ISSUE

This case represents an ideal vehicle for review,

For several reasons. First, the issue was fully presented and before the D.C. Circuit. The D.C. Circuit clearly held that because of immunity Fields "has failed to provide even a hint of a suggestion that he might succeed." *Id.* at Doc. #1978411 Filed 12/20/22. In doing so, the D.C. Circuit created a direct split with the United States Constitution. There are no alternative holdings or additional explanations from the D.C. Circuit that would impede this Court's ability to squarely address and answer the questions presented. The issues are before this Court on a clear and well-defined constitutional split.

Second, there is no chance that the case will become moot. If this Court remands this case back to the D.C. Circuit, the Court will be forced to confront the question of whether under the Constitution a remedy must be provided for Fields to properly redress his injuries. As noted below, the Court's opinion is in conflict with the Constitution. Thus, resolution of this case will likely provide substantial relief for Mr. Fields.

Third, the issues here are purely legal questions / constitutional questions. Whether, as in this case, immunity can constitutionally prevent a remedy and deny the proper redress. The issue is worthy of resolution, as the DC Circuit and Mr. Fields are both pointing to the same Constitution in support of their diametrically opposed conclusions.

RESOLUTION OF THIS CASE IS NECESSARY
BECAUSE MR. FIELDS MUST HAVE A REMEDY
AND THE PROPER REDRESS FOR HIS INJURIES.

BECAUSE THE D.C. CIRCUIT FOUND THAT FIELDS' CLAIMS ARE BARRED BY IMMUNITY, IT DID NOT ADDRESS THE MERITS OF HIS PETITION. HOWEVER, THE "IMMUNITY CLAUSE" CANNOT SUPERSEDE THE UNITED STATES CONSTITUTION, FOR "THE CONSTITUTION" IS "SUPREME LAW". COOK V. MOFFAT & CURTIS; SUPRA. DONALD J. TRUMP HAS NOT, AND CANNOT REFUTE THE FACTS AT HAND, NOR HAS ANY OF THE OTHER NAMED DEFENDANTS THAT INJURED MR. FIELDS, THEREFORE THE COURT MAY TREAT THE FACTS AS CONCEDED. TEXAS V. UNITED STATES, 798 F.3d 1108, 1110 (D.C. Cir. 2015)

MARbury V. MADISON, AFFIRMS THAT FIELDS MUST HAVE A REMEDY AND THE PROPER REDRESS FOR HIS INJURIES. NO JUDGE OR POLITICIANS HAVE EVER RUN ON A PLATFORM OF IMMUNITY (E.G. TELLING THE AMERICAN PEOPLE THAT IF THEY ARE ELECTED THEY CAN VIOLATE "THE PEOPLE" RIGHTS, AND INJURE THEM AND "THE PEOPLE" WILL HAVE NO REMEDY.) THUS IT CANNOT BE SAID THAT THE AMERICAN PEOPLE EVER ACQUIRED TO IMMUNITY BY THEIR APPOINTMENT. "THE PEOPLE" WILL NEVER KNOWINGLY GIVE UP SUCH RIGHTS (MR. FIELDS NEVER DID AND NEVER WILL); AND HOLD FAST TO THE CONSTITUTION'S PROSCRIPTION THAT THERE MUST BE A REMEDY AND THE PROPER REDRESS.

In fact, Mr. Fields' case is a perfect example of this: He is severely injured, in violation of the United States Constitution and have been forever diligent seeking his Constitutional rights to a remedy and the proper redress.

Immunity, as defined violates the United States Constitution and cannot block a remedy to have Mr. Fields' injuries properly redressed. Nothing other than immunity stands in the way of Mr. Fields receiving the relief that he request. According to the Constitution Mr. Fields is guaranteed a remedy and the proper redress.

CONCLUSION

For the foregoing reasons, the Court should grant the petition for a writ of certiorari.

Respectfully Submitted

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