

23-6471

No. \_\_\_\_\_

FILED

DEC 18 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Edward Steiner — PETITIONER  
(Your Name)

vs.

Brent Kempster-etal — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals - 9<sup>th</sup> Cir  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Edward Steiner  
(Your Name)

# P.O. Box #826  
(Address)

Tacoma, WA, 98401  
(City, State, Zip Code)

N/A  
(Phone Number)

QUESTION(S) PRESENTED

① Matters of jurisdiction.

② The motions stricken in district court are very important to the case,

③ All video, clothing, etc. is vital to the case,

④ Will this case and others like it before the courts be for the good of U.S. citizens.

⑤ Video tampering.

⑥ Should USCS Fed Rules Evid R901 be enforced,

## LIST OF PARTIES

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

☐ 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:

## RELATED CASES

• D.C. NO: 3:22-cv-05528-RJB  
Steiner v. Kempster, et al.

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• <sup>NO. 23-35445</sup>  
Edward J. Steiner v. Kempster - Quileute Tribe (Appeals)  
U.S. 9<sup>th</sup> circuit, Western District of Washington.  
Judgement entered September 29, 2023.

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OTHER

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 9<sup>th</sup> CIR Appeals court Western; 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☐ is unpublished.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 \_\_\_\_\_ 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☐ is unpublished.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**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ 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☐ is unpublished.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 \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ 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 September 29, 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 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 \_\_\_\_\_.  
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

18 USC § 2518 was never applied in this case at all giving ample opportunity for anyone to fabricate, alter, misconstrue any and all parts of the video recording. Recordings should be stored in safe tamper proof place. Many people had access before and after the court of Clallam co. WASHINGTON had the ~~video~~ video. This was not brought up in trial and evidence should be secured. As in my case in United States v. REYES they failed to get additional video footage. In Steiner's case there was outside video from the U.S. Post office that was never obtained crucial to his case of proving the video tampering. And false charges. How can anyone ever get justice in the United States of America if these requests for crucial evidence are ignored. This gives way to constitutional rights to a fair trial. United States v. Barbeito - "Whoever corruptly... alters destroys, mutilates, or conceals a record, document, or other object... with intent to impair the object's integrity or availability for use in an official proceeding" shall be guilty of the offense (18 USC § 1512.) The Fourth Amendment to the U.S. Constitution prohibits the deliberate fabrication of evidence by a state official. Evidence may take several forms as in expert testimony: A professional person, someone not involved in the incident, gives medical, scientific, or similar expert instruction to help the trier of fact understand the evidence presented. As in this case and many others all too often the indigent does not have access to the expert through the local courts or public defender. USCS Fed Rules Evid R 901 should have been enforced in this case. Rule 901. Authenticating or Identifying Evidence, To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is, (3) comparison by an Expert Witness or the Trier of Fact, A comparison with an authenticated specimen by an expert witness or trier of fact, (4) Distinctive Characteristics of the item, taken together with all circumstances, These are examples and not a complete list of evidence that would satisfy the requirements. In this case and many others the defenseless are all too often taken advantage of because they are poor. True justice should be administered in all cases rich or poor. True justice in the U.S. should be expected, for the good of all people,



## STATEMENT OF THE CASE

I Was assaulted by tribal officer Brent Kempster at the U.S. Post Office and Lonesome Creek Store. He punched me twice in the heart with a handcuff key and proceeded to suffocate me with sexual gratification. I believe he tried to kill me. At trial in Clallam Co. Superior Court the video shows him pushing me towards the door. They have cameras outside and inside also the post office had video cameras and that footage was never retrieved. On closing arguments my counsel Charlie Commercee #31463 for Edward Steiner did not bring up the fact that they said the outside cameras - video did not work. And my cloths are not the same attire as pictures officer took and video don't match up. Mr. Roberson #<sup>50952</sup> for the State of WA. and attorney for Edward Steiner also never mentioned why the video outside was down, when they all work on the same system and why vital outside video from Post Office and Store were not available, where they said the assault took place, on the closing of the trial. The reason they say the outside video was not working is plain, it would reveal the truth of what happened that horrible day to me. Prosecutor Matthew D. Roberson played a trumped up fabricated video of what happened inside the store. My statement of additional <sup>grounds</sup> ~~facts~~ was not even considered by the State of WA, Appeals Div. II in Tacoma WA. Most of the trial report are not verbatim and falsified. As was detailed in my S.A.G.. I asked for video experts to analyze the footage and that never occurred. It's plain to see that counsel was insufficient and the prosecutor has demonstrated his misconduct. Mr. Steiner is innocent of the charges and the trial was a sham clearly revealed even by their own records also that of Court of Appeals WA, Div. II. It was never brought up either who or how many different people had their hands on the tape providing ample opportunity for the tampering. I have put in several motions also to Clallam Co. Superior Court since the trial to save all my property, booking sheets, clothing, video, pictures and all recordings. They have not responded to my motions to save all this critical evidence to this case. My counsel Charlie Commercee #31463 never even did a background check on the witnesses Apri-Blair Pullen and Nicole Wheeler both lied on the stand under oath and conspired with Brent Kempster tribal officer for hours while I sat handcuffed on a log with no medical help what so ever. And to top it off they had cameras outside the store where I waited for 2 hours patiently and in severe pain for transport to Clallam County jail another hour away. They said the cameras outside didn't work and they said that's where I spit on him, all not true. Public defender Charlie Commercee #31463 and prosecutor Mr. Roberson #50952 also cooperated together to fix the false video as well as coaching the ~~witnesses~~ <sup>witnesses</sup> and produce a false verbatim report of the trial. I informed Mr. Commercee before and after trial the truth of the case and he told me it didn't matter and at trial he told me on a note - no one cares Ed listen to the argument,

## REASONS FOR GRANTING THE PETITION

This case and others like it should be considered for the good purpose of the United States of America, plays on its people such as these ~~these~~ heinous, should be revealed as intolerable to all courts especially the United States in God we trust. Heinous acts such as video tampering, video fabricating, insufficient counsel, and court reporting, also prosecution misconduct should be construed as heinous and intolerable. For the good of all people. There is much to say with the people of cases having the possession and video not being stored correctly. It should be noted that video tampering is a very serious offense to the people of the United States and taken very seriously as many people have been falsely convicted without proper video analysis and proper counsel. All too often the victim of a serious crime is forced to suffer physical, psychological, or financial hardship first as a result of the criminal act and then as a result of contact with a criminal justice system unresponsive to the real needs of such victim. Mr. Steiner was assaulted by Tribal officer Brent Kempster on August 22, 2021 Lonesome Creek store and US Post Office and I suffer from the ill effects from him that day and more I was almost killed by him that day and the true video's and witnesses should be charged for there very wicked ~~deeds~~ deeds that day they heinously perpetrated that day, 18 USC 1512 (b)(1), (2) -a, b, c, (3). I was never given a video analyst or investigator. This is not fair to all people of the United States going through what is or ~~was~~ was a false fabricated trial as to evidence and video. All this could have proved to the jury that the case against Mr. Steiner was false and fabricated to the liking of the State of Washington Chblom Co. Court. I do believe this case is very important not just to self but also others that have been falsely imprisoned. Halsey v. Pfeiffer, 750 F.3d 273 - Those charged with upholding the law are prohibited from deliberately fabricating and framing individuals for crimes they did not commit. How well maintained were the cameras or other types of detectors used? Chain of custody may also be an issue if others have access to surveillance data, such as systems that allow remote access. Explore who might have been able to gain access to the information and whether it was secured. For example, it is easy to alter images using computer software if there is - are no control on who can access the relevant surveillance system. If video is involved, how many copies were made and have been released to the public? Have the systems been hacked? All things that should have been investigated by the State of Washington for the better of the citizens of the U.S. of America this petition must be granted. Rule 901 also states many reasons as to why the petition should be granted as in (b)(3), (4), (5), (7)(b)(9)(10). The Police, prosecutor, people involved in heinous acts such as these should be held accountable and not be immune or considered sovereign for Prosecution in the UNITED STATES OF AMERICA. (5)

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edward J. Steiner

12-16-2023

Date: ~~12-16-2023~~ (12-16-2023)

EJS  
signature