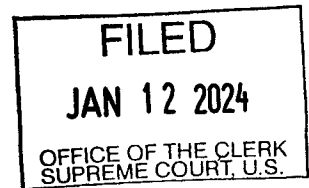


No. **23 - 65 16**



IN THE
Supreme Court of the United States

REVEREND DR. SAMUEL T. WHATLEY,
SAMUEL T. WHATLEY, II,

PETITIONER,

V.

CITY OF NORTH CHARLESTON SOUTH CAROLINA, et. al.,
RESPONDENT(S).

On Petition for a Writ of Certiorari
to United States Court of Petitions
for the Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

Reverend Dr. Samuel T. Whatley
Ph.D. Constitutional Law and Policy
(Post Doctorate Student Liberty University)

Samuel T. Whatley, II
Ph.D. Criminal Justice
(Doctorate Student Liberty University)
PO Box 14254
Charleston, SC 29422
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John 5:30

"I can of mine own self do nothing: as I hear, I judge: and my judgment is just; because I seek not mine own will, but the will of the Father which hath sent me." (King James Version)

*Friend of the Court and Biblically Founding
Preacher, Scholar and Historically Related to Family of the American Revolution*

QUESTIONS PRESENTED

1. Are intergovernmental agencies, organizations, and or individual governmental employees immune to federal law prosecutions, lawsuits, and sanction regulations of contempt against these governmental entities, and or other punishable justifications, that do not have the immunity protections, if the intergovernmental agencies, organizations, and or individual governmental employees implemented misconduct, and or infringed upon an individual's [We the People] **RIGHTS** (*also known as Freedoms and Liberties*)? *Follow-Up Question:* Are the governmental entities immune and allowed to violate federal laws, and or policy regulations, that are guided by the Declaration of Independence, Bill of Rights, and U.S. Constitution?
2. If an intergovernmental agency, organization, or individual governmental employee accepts federal funding, also known as federal money, if suspected and or discovered to possibly abuse, misuse, defraud, and or questionable usage of the federal money, does that constitute federal jurisdiction and punishable federal prosecution as a treasonous action against the oath sworn by those governmental entities?
3. Does the Declaration of Independence, Bill of Rights, and U.S. Constitution protect all individuals of this great, and awesome nation of nations, we call the United States of America, from illegal, and misconduct of wrongful search and seizure protections against rogue intergovernmental agencies, organizations, and or individual governmental employees that violate, and infringe upon individual freedoms that pursuit of liberty, and peaceful happiness? *Follow-Up Question:* Are intergovernmental entities immune to transparency under the Freedom of Information Act?
4. Can intergovernmental agencies, organizations, and or individual governmental employees falsify a search warrant to engage in an unlawful search and seizure, that had no evidence of a crime, and that the intergovernmental agencies, organizations, and or individual governmental employees used a personal interest of conflict to engage in election interference against individuals that were intergovernmental election candidates?
5. Can an intergovernmental entity use unlawful practices to weaponize law enforcement as election interference against an intergovernmental election candidate?
6. Do Sunshine laws apply to intergovernmental agencies, organizations, and or individual governmental employees that often are suspected, and or operate with illegal, and questionable searches, and seizures, against individuals because of personal conflicts of interest?
7. Does preventing, and or denying, the right to jury trial, whereas intergovernmental agencies, organizations, and or individual governmental employees had violated the rights of the individual, which conflicts with the guarantees of the right to jury trial, as those individual guarantees, are written within the founding words of the Federal Constitution, Bill of Rights and Declaration of Independence?

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LIST OF PARTIES

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

RELATED CASES

Whatley, et. al. v. City of North Charleston, et al., No. 23-1538 (4th Cir. 2023)

Whatley, et. al. v. City of North Charleston, et al., Civil Action 2:23-cv-00516 (D.S.C. May 16, 2023)

OPINIONS BELOW

The decision by the U.S. Court of Appeals denying Reverend Dr. Samuel T. Whatley and Samuel T. Whatley, II's direct appeal is reported as *Whatley et. al. v. City of North Charleston, et al.*, No. 23-1538 (4th Cir. 2023), in which the order of denial and dismissal is attached at the Appendix Section. The U.S. Federal Court of South Carolina Columbia Division denied and dismissed Reverend Dr. Samuel T. Whatley and Samuel T. Whatley, II's complaint for a jury trial, relief, and award is reported as *Whatley, et. al. v. City of North Charleston, et al.*, Civil Action 2:23-cv-00516 (D.S.C. Mar. 31, 2023), was denied and dismissed on 16 May 2023. As it was written in the Book of Romans 5:8 "*But God commendeth his love toward us, in that, while we were yet sinners, King Jesus [Yeshua] Christ died for us.*" [Repent and be Saved]

JURISDICTION

Reverend Dr. Samuel T. Whatley and Samuel T. Whatley, II's petition was denied on 23 October 2023 by the U.S. Court of Appeals. Petitioners then invoke this Court's jurisdiction under 28 U.S.C. § 1257 and 1254(1), having timely filed this petition for a writ of certiorari within ninety days of the U.S. Court of Appeal Court's judgment.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment V:

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution, Amendment XIV:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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.

United States Constitution, Amendment IV:

The Fourth Amendment is part of the Bill of Rights. It prohibits unreasonable searches and seizures and sets requirements for issuing warrants: warrants must be issued by a judge or magistrate, justified by probable cause, supported by oath or affirmation, and must particularly describe the place to be searched and the persons or things to be seized.

United States Constitution, Amendment VII:

The Seventh Amendment is part of the Bill of Rights. This amendment codifies the right to a jury trial in certain civil cases and inhibits courts from overturning a jury's findings of fact.

South Carolina Constitution, Article I Section 10:

Searches and seizures; invasions of privacy. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated, and no warrants shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained.

South Carolina Constitution, Article I Section 14:

Trial by jury; witnesses; defense. The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have a compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both.

South Carolina Constitution, Article I Section 24 (A)(1):

Victims' Bill of Rights. (A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to (1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute.

South Carolina Constitution, Article VIII Section 14:

General law provisions are not to be set aside. In enacting provisions required or authorized by this article, general law provisions applicable to the following matters shall not be set aside: (1) The freedoms guaranteed every person; (2) election and suffrage qualifications; (3) bonded indebtedness of governmental units; (4) the structure for and the administration of the State's judicial system; (5) criminal laws and the penalties and sanctions for the transgression thereof; and (6) the structure and the administration of any governmental service or function, responsibility for which rests with the State government or which requires statewide uniformity

STATUTORY AND RULES INVOLVED

28 U.S.C. § 1257 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 1257.

State courts; certiorari

18 U.S.C. § 247 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 247.

Damage to religious property; obstruction of persons in the free exercise of religious beliefs

29 U.S.C. § 524a - U.S. Code - Unannotated Title 29. Labor § 524a. Elimination of racketeering activities threat; State legislation governing collective bargaining representative

18 U.S.C. § 1952 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 1952.
 Interstate and foreign travel or transportation in aid of racketeering enterprises
 18 U.S.C. § 1959 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 1959.
 Violent crimes in aid of racketeering activity
 18 U.S.C. § 3693 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 3693.
 Summary disposition or jury trial; notice--(Rule)
 42 U.S.C. § 2000h - U.S. Code - Unannotated Title 42. The Public Health and Welfare § 2000h.
 Criminal contempt proceedings; trial by jury, criminal practice, penalties, exceptions, intent;
 civil contempt proceedings
 3 U.S.C. § 411 - U.S. Code - Unannotated Title 3. The President § 411. Rights and protections
 under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of
 1967, the Rehabilitation Act of 1973, and Title I of the Americans with Disabilities Act of 1990
 2 U.S.C. § 1311 - U.S. Code - Unannotated Title 2. The Congress § 1311. Rights and protections
 under Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967,
 Rehabilitation Act of 1973, and Title I of the Americans with Disabilities Act of 1990
 22 U.S.C. § 4355 - U.S. Code - Unannotated Title 22. Foreign Relations and Intercourse § 4355.
 Relationship to the Privacy Act and Freedom of Information Act
 48 U.S.C. § 1613a - U.S. Code - Unannotated Title 48. Territories and Insular Possessions §
 1613a. Appellate jurisdiction of District Court; procedure; review by United States Court of
 Petitions for Third Circuit; rules; Petitions to the appellate court
 18 U.S.C. § 505 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 505.
 Seals of courts; signatures of judges or court officers
 28 U.S.C. § 1914 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 1914.
 District court; filing and miscellaneous fees; rules of court
 28 U.S.C. § 375 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 375.
 Recall of certain judges and magistrate judges
 28 U.S.C. § 455 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 455.
 Disqualification of justice, judge, or magistrate judge
 45 U.S.C. § 59 - U.S. Code - Unannotated Title 45. Railroads § 59. Survival of right of action of
 the person injured.
 5 U.S.C. § 552
 18 U.S.C. § 2510-2523
 Health Insurance Portability and Accountability Act of 1996
 Privacy Act of 1974, PL 93–579, 88 Stat 1896
 Government in the Sunshine Act, PL 94–409, 90 Stat 1241
 Anti-Drug Abuse Act of 1986, PL 99–570, 100 Stat 3207
 Electronic Freedom of Information Act of 1996
 The Intelligence Authorization Act of 2002, PL 107-306, 116 Stat 2383
 OPEN Government Act of 2007, PL 110-175, 121 Stat 2524
 Wall Street Reform Act of 2010
 FOIA Improvement Act of 2016
 Students for Fair Admissions, Inc. v. President and Fellows of Harvard College (2022) No. 20-
 1199
 Renegotiation Board v. Bannercraft Clothing Co., 415 U.S. 1 (1974)
 Administrator, Federal Aviation Administration v. Robertson, 422 U.S. 255 (1975)
 Department of Air Force v. Rose, 425 U.S. 352 (1976)

National Labor Relations Board v. Robbins Tire & Rubber Co., 437 U.S. 214 (1978)
 Chrysler Corp. v. Brown, 441 U.S. 281 (1979)
 Federal Open Market Committee of Federal Reserve System v. Merrill, 443 U.S. 340 (1979)
 Kissinger v. Reporters Comm. for Freedom of Press, 445 U.S. 136 (1980)
 Forsham v. Harris, 445 U.S. 169 (1980)}
 Consumer Product Safety Commission v. GTE Sylvania, Inc., 447 U.S. 102 (1980)
 Baldrige v. Shapiro, 455 U.S. 345 (1982)
 United States Department of State v. Washington Post Co., 456 U.S. 595 (1982)
 Federal Bureau of Investigation v. Abramson, 456 U.S. 615 (1982)
 Federal Trade Commission v. Grolier Inc., 462 U.S. 19 (1983)
 United States v. Weber Aircraft Corp., 465 U.S. 792 (1984)
 Department of Justice v. Provenzano, 469 U.S. 14 (1984)
 Central Intelligence Agency v. Sims, 471 U.S. 159 (1985)
 Church of Scientology v. Internal Revenue Service, 484 U.S. 9 (1987)
 Department of Justice v. Julian, 486 U.S. 1 (1988)
 Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989)
 United States Department of Justice v. Tax Analysts, 492 U.S. 136 (1989)
 John Doe Agency v. John Doe Corp., 493 U.S. 146 (1989)
 United States Department of State v. Ray, 502 U.S. 164 (1991)
 Department of Justice v. Landano, 508 U.S. 165 (1993)
 United States Department of Defense v. Federal Labor Relations Authority, 510 U.S. 487 (1994)
 Bibbes, Oregon Director, Bureau of Land Management v. Oregon Natural Desert Association,
 519 U.S. 355 (1997)
 Department of Interior v. Klamath Water Users Protective Assn., 532 U.S. 1 (2001)
 National Archives & Records Administration v. Favish, 541 U.S. 157 (2004)
 Taylor v. Sturgell, 553 U.S. 880 (2008)
 FCC v. AT&T Inc., 562 U.S. 397 (2011)
 Milner v. Department of Navy, 562 U.S. 562 (2011)
 Schindler Elevator Corp. v. United States ex rel. Kirk, 563 U.S. 401 (2011)
 Food Marketing Institute v. Argus Leader Media, No. 18-481, 588 U.S. ____ (2019)
 United States Fish and Wildlife Service v. Sierra Club, No. 19-547, 592 U.S. ____ (2021)

STATEMENT OF THE CASE

During the early days of December 2022, local and state officials, the City of North Charleston; the North Charleston Police Department; North Charleston Code Enforcement; and the City of North Charleston Municipal Court (also known as the Respondents and Defendants) engaged in misconduct and unconstitutional activities against the Petitioner. The Reverend Dr. Samuel T. Whatley and Samuel T. Whatley, II (Plaintiffs and Petitioners), proceeding pro se and in forma pauperis, filed their Complaint against the City of North Charleston (city) and various

city offices on February 6, 2023, under the Federal Freedom of Information Act (FOIA), 5 U.S.C. §552. In that Federal Court Complaint, the Plaintiffs sought the release of information related to another federal lawsuit, Civil Action No. 2:22-4419-DCN-MHC (*Whatley v. City of North Charleston et al*, case No. 2:2022-cv-04419). The argument is that under the Founding Father's guidance, the People should have access to all Freedom of Information, such as the Freedom of Information Act, as a safeguard in allowing the People to have transparency at all governmental levels, both federal and state. This case is important for this court to address because if what appears that a state and intergovernmental bodies are corrupted, as this case seems to display, even as the lower courts have personal conflicts with governmental individuals within the intergovernmental operations, it would be logical to seek the highest court, the United States Supreme Court, to determine and assist the People to maintain transparency of all governmental levels. As written in the Book of 2 Peter 2:19, "*While they promise them liberty, they are the servants of corruption: for of whom a man is overcome, of the same is he brought in bondage.*" (King James Version)

Freedom of Information Act (FOIA) should apply here because "*the request itself was requesting information relating to federal grant monies....*", and that FOIA "*includes no immunities according to Chisolm v. Georgia, 2 U.S. 419 (1793),*" in support of finding this court has jurisdiction over the Respondents under FOIA. In Chisolm, our Supreme Court established that federal courts have jurisdiction to hear controversies between states and citizens. The complaint is that because FOIA does not give immunity to the states, this court has jurisdiction to hear their claim against the city. It would be the South Carolina constitution which states "*All political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government.*" S.C. Constitution.

CORE LOGIC FOR THE PETITION

1. The lower courts are in error and violated the rights of the Petitioners as outlined in arguments by the Petitioners, *“Pro se litigants are supposed to have a right to appeal a decision and provided instructions. There was none in the closure order, nor any details about deadlines for the appeal process which violates the federal rules for pro se Plaintiffs.”*
2. The lower courts violated the rights of the Petitioners by issuing an unconstitutional, *“closure order claiming that the case was closed because it was not in federal jurisdiction. However, the Freedom of Information Act requests to the defendants (Respondents) are subject to federal court jurisdiction because the intergovernmental receives federal funds from federal agencies through its intergovernmental non-governmental organizations (NGOs). Furthermore, the case is related to another ongoing case involving a falsified search warrant, unlawful search and seizure, and Fourth Amendment violations.”*

The complaint involves the breach of trust by falsification of government documentation of a questionable warrant, an unknown intergovernmental judge name or signature on the search warrant, and misuse, abuse, and fraud of the federal government money, to attempt the arrest of an innocent man, Reverend Dr. Samuel T. Whatley (also known as a party of the Petitioner and Plaintiff). This Petition is believed to be related to a family court case involving the divorce of Reverend Dr. Samuel T. Whatley (a party of the Petitioner) in Richland County Family Court, as assumed, to divide the financial extortions between members of the intergovernmental, attorneys associated with that intergovernmental entity, and what appears to be family members. *(This Petition is also related to another federal complaint, Whatley v. Richland County Family Court Columbia South Carolina et al, case No. 3:22-cv-02119; U.S. Supreme Court case No. 23-1449)*

Whereas, including, but not limited to the former marital property, and fraudulent deed of the heritage property located in Elmore County, Alabama. *(This Petition is also related to another federal complaint, Whatley v. Elmore County Probate Office Alabama et al, case No. 2:23-cv-00800)* It is assumed, and most likely discovered, that intergovernmental officials were involved through their connections with the political rivals of the father and grandfather of the

Petitioners known as the former City of North Charleston Police Chief and South Carolina House of Representative Mickey Stewart Whatley, to attempt a justification to hopefully arrest an innocent man, Reverend Dr. Samuel T. Whatley, and cover-up, as assumed by the Responders, its waste and abuse of federal money, as well as, but not limited to, election interference against the Petitioners who were a candidate for mayor and city council. (*This Petition is also related to another federal complaint, Whatley, II v. Charleston County Board of Elections South Carolina et al, case No. 2:2023-cv-00833*) As it is written in the Book of Galatians 6:8 “*For he that soweth to his flesh shall of the flesh reap corruption; but he that soweth to the Spirit shall of the Spirit reap life everlasting.*”

The constitutional question is, “*whether local government officials who use federal money are obligated to follow federal and state laws or regulations.*” For example, “*Would misconduct by falsifying a search warrant and violating the Fourth Amendment qualify to be under the FOIA and other privacy protections?*” For instance, state universities that use federal money are obligated to follow federal laws such as not allowing affirmative action by admitting students based on the color of their skin, etc. The same concept demonstrates that local state or intergovernmental government bodies are to follow federal rules or laws guaranteed under the Declaration of Independence, Bill of Rights, and U.S. Constitution. In this case, local and state officials engaged in acts, of what appears to be directly violating both federal and state protections of the Petitioners. The falsification of government documents to illegally obtain financial and medical records is a violation of constitutional rights guaranteed under the Declaration of Independence, Bill of Rights, U.S. Constitution, and other federal statutes. The intergovernmental claims to have used the federal money for COVID (*coronavirus?*) relief under its departments, with some operating outside the state Labor, Licensing, and Regulations

Department. In the Complaint by the Petitioners, the Respondents ignored, and or blocked by the intergovernmental to cooperate by releasing the information involved in what is assumed and appears to be the intergovernmental misconduct and falsification of government documentation, logs of government hardware (*i.e. vehicle travel logs, usage, government credit cards, Covid relief funds, and the non-governmental organization's involvement and funding*).

The complaint by the Petitioners outlines further suspicion that the intergovernmental conducted a fraud-style indication of conspiracy of deception to defraud the federal government and U.S. citizens. *Does intergovernmental that accepts and uses federal money constitute federal jurisdiction and obligation to follow and uphold federal law or rules?* It is reasonable to believe that the acceptance of federal money as a governmental institution is required to report the spending of money used. Therefore, the FOIA should apply as it is supposed to provide the public with a means of knowing the truth about allegations of suspected misconduct or other crimes by intergovernmental organizations and or governmental employees. When the local and or state government violates their oath of office and breaks the guarantees of U.S. citizen rights, the higher court must uphold those rights. It is worthy to reflect on the Book of Romans 8:21 *“Because the creature itself also shall be delivered from the bondage of corruption into the glorious liberty of the children of God [King Jesus Christ].”*

REASONS FOR GRANTING THE WRIT

The Constitution and U.S. Supreme Court are to provide additional clarity to hold intergovernmental entities accountable. Whereas the lower court decisions are not supposed to be the ultimatum body to decide the constitutional protections of U.S. citizens. This nation of nations we call the United States of America is to allow greater insight into the rights granted by King Jesus Christ and the protections and to provide every American the ability to know what

their government is doing regarding unlawful actions, full transparency, and accountability if the intergovernmental violates those protected rights of an individual. The Constitution and Supreme Court are to affirm and uphold liberty, by granting a basis to protect the Constitutional Republic from tyranny at all levels. To deter and prevent the misuse, abuse, and fraud of federal governmental funding, and to ensure adequate oversight of the way the government spends the People's funds. *"Petition should be awarded and overturn the Order of the South Carolina Circuit Court on 16 May 2023 and the US Court of Appeals on 23 October 2023."* The core principles, and foundational concepts of this Petition, are expressed from various depths, and explanations, of the underlying issues that are directly explained within the pages of the original Complaint, and other documentation that included a massive wave of preponderance of the evidence, that was the submission of Exhibits within the Complaint court file. The Order and Recommendations Report both are fallacious in nature and error, because neither address the core attributes of the Complaint nor do the Federal Judges address the Constitutional Question that the Complaint highlights and asks,

"Can any federal and or intergovernmental agency, organization, government employee, and or organization individual, be immune against legal liability and or subject to a lawsuit against damages and personal injury, that had infringed on the Constitutional, Bill of Rights and Declaration of Independence protections of an American individual and or individuals?" Likewise, the Constitutional question within the Complaint echoes a follow-up question, *"Did the Founding Fathers, framers of the justice system, allow unlimited immunity for governmental employees and or governmental organizations to infringe and violate the Constitutional Rights on American sovereignty of individuals?"*

This Petition objects to the reasons by the federal judge's order because the federal judge's order fails to recognize and or conclude a logical and reasonable argument against the merits of the Complaint. Petitioners hold within their inner teachings from the Book of John 16:33 *"These things I have spoken unto you, that in me ye might have peace. In the world ye shall have tribulation: but be of good cheer; I have overcome the world."*

UNLAWFUL SUMMONS, WRONGFUL DUE PROCESS, AND ILLEGAL SEARCH

According to SC Law, Rule 45 1(c), all serve notices of summons must follow, and be restricted to, the Due Process of Law, within alignment to the Fifth Amendment of the Federal Constitution and Bill of Rights. Likewise, a jury trial, and bond hearing, must be allowed, and no infringement against any American can be done by any governmental body. No amount of immunity can protect, or shadow-gate, any governmental individual who has sworn an oath to follow the Constitution and Bill of Rights that has infringed on an American. This case has full merits to prove that the preponderance of the evidence against the Defendants, As explained in the book of Acts 20:29 *“For I know this, that after my departing shall grievous wolves enter in among you, not sparing the flock.”* As in the book of Psalms 112:10 *“The wicked shall see it and be grieved; he shall gnash with his teeth, and melt away: the desire of the wicked shall perish.”*

INTERGOVERNMENTAL AND CONSTITUTIONAL ACTIVISM

It should be noted that the federal court has made several errors, such as, but not limited to, wrongfully titling documents to the case file, judges ignoring direct highlights of the laws and rules that clearly state that the rights to Due Process must be upheld and allowed for any Petitioner. As it was once written in an Amendment of the US Constitution, Article III, Section 1. The judges, both supreme and inferior courts, shall hold their offices during good behavior. This case provides the merits that the judges have not withheld good behavior. US Constitution, Article III, Section 2. Judicial power shall extend to all cases, in law and equity, arising under this Constitution. [CONSTITUTIONAL JUDGING ONLY] This statement alone proves the merits of this case and Petition, that the judges are in tremendous and horrific error to order a dismissal of this case, when there is absolute and undisputed evidence that supports and provides a foundation for the Constitutional question that this case implements within the words of this

complaint, *“Can any intergovernmental entity violate and commit crimes against the PEOPLE to proclaim immunity by avoiding prosecution?”* US Constitution, Article III, Section 3. Congress shall have the power to declare the punishment of treason. [IF] Congress is corrupted, then the Commander in Chief must act. [IF] The Commander in Chief is corrupted, then the Military must act under marshal law to restore the Republic without harm to the People. [IF] The Military is corrupted, then the People must act to [RESTORE] the Republic. This statement should be the core values of all judges, not special interest, but focusing on the merits of all Complaints, allowing the Due Process of law to excel and give Americans the opportunity to express their outcries of any intergovernmental elements that infringed on the People’s Rights. Likewise, any government that violated laws and misconduct should be held accountable as treason against the oath they had sworn to uphold.

In 1793, the U.S. Supreme Court ruling case of *Chisholm v Georgia* stated that sovereign immunity does not apply and that a state and or any governmental agency and or representative of any state and or intergovernmental authority and or organization can be sued and prosecuted against injury and damages in federal court. The U.S. Supreme Court further claimed that the Eleventh Amendment of the U.S. Constitution is not to be used as a “Get Out of Jail” free card and that any state and or intergovernmental organization that violates the law is fully accountable and must be subject to providing compensation to any party that had been injured by a state and or intergovernmental organization. The Federal Tort Claims Act of 1946 waives all federal government sovereign immunity for conducting “negligent or wrongful acts or omissions”. Complaints against any federal government must first be filed as a grievance complaint to the appropriate federal agency, before filing a suit for damages. This tort Act does not prevent and or prohibit filing suit against the federal government if the federal government has infringed on the

rights of the individual. No sovereign immunity protection exists for any federal, state, or intergovernmental organization that has violated the rights of the People. It is clearly stated by the US Congress that all intergovernmental bodies must follow the Constitution, Bill of Rights, and Declaration of Independence. If any intergovernmental bodies violate and or infringe on an individual, those intergovernmental bodies must be accountable and face justice of the law.

Any evidence that violates due process of law, the supreme law, as the Constitution directs, or violates the rights of an individual innocent until proven guilty by two witnesses, such evidence is irrelevant and cannot be admissible. All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, the Constitution of the State of South Carolina, statutes, these rules, or other rules promulgated by the Supreme Court of South Carolina. Evidence which is not relevant is not admissible. The federal judges should never have dismissed this case, but rather followed the Constitutional Rights of the Petitioner, by allowing Due Process, and the Federal Rules of Court procedures for implementing true, and real justice, as the core foundation of this Petition and what the Founding Fathers directed and intended for the Federal Judicial Activism are supposed to function for the People. This Petition points to the Objections given by the Petitioner that a number of the judges have a direct Conflict of Interest, as mentioned prior, that some of the judges have relatives, and or close associates, linked within the intergovernmental organizations that stream between the Defendants, and other sub-organizations and or individuals, as what appears to be observed by this Petitioner, of alarming racketeering corruption at high levels of the intergovernmental operations against the People. It is disturbing that the federal judges desired to dismiss the complaint that the Petitioner had filed and lockdown any future complaints that the Petitioner may be required to file against the

Defendants when the preponderance of the evidence is overwhelmingly against the Defendants.

A very important question arises from this Petition that the US Supreme Court should answer,

When do the federal courts STOP the Racketeering and intergovernmental corruption that subject the PEOPLE to enslavement and financial burdens, wrongful arrest, illegal searches, intergovernmental misconduct, unconstitutional voting machines, and what appears to be intergovernmental abuse, waste, and breach of trust to commit fraud?

As federal law outlines, The Freedom of Information Act, 5 U.S.C. § 552, states, “Public information; agency rules, opinions, orders, records, and proceedings”. It is another error by the federal judges to ignore the outcries by the Petitioner that the Defendants had violated the laws of extortion, as the law states,

“The Hobbs Act of the United States is a federal statute that prohibits extortion or robbery by a public official.¹ Extortion statutes require that the defendant have knowingly made a threat to damage the person, property, or reputation of a victim with the purpose of obtaining money or other property from the victim.”

Likewise, as stated in this Petition Brief, the federal judges never addressed the points that the Petitioner addressed in the Complaint and Objections of how the federal law claims,

“In *Hubbard v. United States*, 115 S.Ct. 1754, 1764 & n.15 (1995), the Supreme Court noted that these statutes, as well as sections 1503 (obstruction) and 287 (false claims), can apply to and penalize false statements made to the Judicial Branch. The Court also specifically found the Federal false statement statute, 18 U.S.C. § 1001, inapplicable to statements to the judiciary. However, in 1996, Congress amended the § 1001 in the False Statements Accountability Act of 1996, P.L. 104-292, H.R. 3166, Oct. 11, 1996. The amendment restored the Department's ability to prosecute false statements made to the legislative and judicial branches.”


The federal judges also made an error and ignored committing misconduct, by not addressing the overwhelming evidence given by the Petitioner against the Defendants who appeared to have committed fraudulent intent against the Petitioner. In the case of *United States v. Costanzo*, 4 F.3d 658, 664 (8th Cir. 1993) (intent is an essential element, the inquiry is whether defendants intended to defraud); *United States v. Porcelli*, 865 F.2d 1352, 1358 (2d Cir.) (specific intent

requires intent to defraud, not intent to violate the statute), cert. denied, 493 U.S. 810 (1989); cf. *United States v. Reid*, 533 F.2d 1255, 1264 n. 34 (D.C. Cir. 1976) ("Proof that someone was defrauded is unnecessary simply because the critical element in a 'scheme to defraud' is 'fraudulent intent,' *Durland v. United States*, 161 U.S. 306, (1896), and therefore the accused need not have succeeded in his scheme to be guilty of the crime."); *United States v. Bailey*, 859 F.2d 1265, 1273 (7th Cir. 1988) (court held that there must be sufficient evidence that the defendant acted with intent to defraud, that is, "willful participation in [the] scheme with knowledge of its fraudulent nature and with intent that these illicit objectives be achieved." Although the federal judges never considered and or cared, it is flabbergasting that South Carolina appears to be so corrupted with organizational, intergovernmental mafia-style agencies, that maybe all aspects of the South Carolina intergovernmental functions should be dismantled, and rebuilt from the ground up, and never restoring those agencies that were illegally developed in the 1960s that are unconstitutional, such as, the Family Court System, as discovered by the Tort of Spoliation: There is no case law in South Carolina discussing spoliation of evidence, specifically. However, South Carolina recognizes a type of Adverse Inference Rule as it relates to loss or destruction of evidence. *Wisconsin Motor Corp. v. Green*, 79 S.E.2d 718, 720-21 (S.C. 1954).

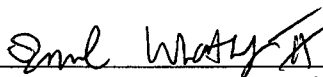
CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, Petitioner, respectfully requests that this Court issue a writ of certiorari to review the judgment of the Court of Appeals and the Federal Court of South Carolina, District of Columbia, and all the Exhibits that were submitted to the lower courts. It could be argued that the lower courts operate in a type of "*Used Car Sales Syndrome*" as if the lower federal judges have the authority to decide and or negotiate how they desire the founding documents and Constitution should reflect their opinions and rulings regardless of the merits of

what the Constitution and other founding documents, such as, but not limited to the Federalist Papers, that no intergovernmental entity controls the People, but rather the People control the government. It would be reasonable and understandable for the Federal Supreme Court, after reviewing all the details of the original Complaint, and EXHIBITS, and this Petition, that an opinion, and ruling in favor of Relief and Compensation be awarded to the Petitioner be granted in whatever amount this court determines logical and constitutional. It is important to have wisdom from the Book of Ephesians 4:29 *“Let no corrupt communication proceed out of your mouth, but that which is good to the use of edifying, that it may minister grace unto the hearers.”*



Petitioner's Signature
Reverend Dr. Samuel T. Whatley
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Petitioner's Signature
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