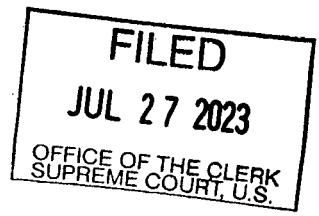


No. 23 - 6556



IN THE
SUPREME COURT OF THE UNITED STATES

ROBERT THRASHER — PETITIONER
(Your Name)

vs.

JACOB BEASLEY — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF GEORGIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ROBERT THRASHER
(Your Name)

P.O. Box 726
(Address)

Glennville, Georgia 30427
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) Where there is no record of any part of a court proceeding, the grand jury proceedings, this means there was never a grand jury proceedings, correct?
- 2) How can there legally be an indictment where there was no record of a grand jury proceeding?
- 3) How can the witnesses testimony be used where there is no record to show they appeared before the grand jury or were administered the statutory oath?
- 4) How can the court prove that the indictment was returned in "open court" without a record?
- 5) How can subject matter jurisdiction be conveyed to the trial court without the grand jury having probable cause to return an indictment?
- 6) How can a court with no record of the grand jury proceedings conduct as a court under "color of law"?
- 7) How can a trial court legally prosecute anyone without subject matter jurisdiction?
- 8) How can Petitioner's "void" conviction and sentence(s) legally stand without any record of the grand jury proceedings?
- 9) How can Petitioner be able to fight his case to the fullest without a complete copy of the grand jury proceedings?

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:

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Tannebaum v. United States</u> , 148 F.3d 1262, 1263 (11th Cir. 1998)	
<u>Cutslinger v. City of Atlanta</u> , 142 Ga. 555, 88 S.E. 263 (1914)	
<u>Lamar v. Posser</u> , 121 Ga. 153, 48 S.E. 977 (1904)	
<u>Hamilton v. Lyons</u> , 74 F.3d 99 (1999)	
<u>Jason v. Barnes</u> , 237 Ga. 502, 229 S.E.2d 7 (1976)	
<u>Bowen v. State</u> , 81 Ga. 482 (1888)	
<u>Carlson v. United States</u> , 837 F.3d 753 (2016) <u>HN1</u>	

STATUTES AND RULES

- Court Rule 36.6
- Court Rule 21
- O.C.G.A. 15-1-5
- O.C.G.A. 1-3-6
- O.C.G.A. 15-6-58
- O.C.G.A. 15-6-60.1
- O.C.G.A. 15-6-61
- O.C.G.A. 15-6-62
- O.C.G.A. 15-7-41

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 _____ 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 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 C 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 Georgia Supreme court appears at Appendix C 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 _____.

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 July 13, 2023. A copy of that decision appears at Appendix C.

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

Georgia Constitution Bill of Rights Art. I Sect. I Para. I
Art. I Sect. I Para. II
Art. I Sect. I Para. X
Art. VI Sect. IX Para. I
Art. VI Sect. I Para. IV

STATEMENT OF THE CASE

A criminal prosecution in the state of Georgia requires the prosecution to strictly adhere to the procedural requirements of State law or statute. The failure of the prosecution or the court to adhere to the established requirements of Georgia Statute (O.C.G.A.) constitutes a violation of the defendants right of Due Process. Any defense attorney that fails to object to due process violations in a criminal prosecution, due to ignorance, haste, or preparation is ineffective. In Clemmons v. Mississippi, 494 U.S. 738 (1990), the court established "State Law was violated so as to deny Petitioner a State created liberty interest in violation of the Constitution."

In the instant case, the clerk of court failed to record the summary of the minutes of the grand jury proceedings in Petitioner's criminal prosecution in violation of O.C.G.A. 15-6-60.1 through 15-6-63. Also, the trial court due to a lack of records is not a court of record pursuant to O.C.G.A. 15-7-41, Art. VI Sect. 1 Para. IV Ga. Const., and Jason v. Barnes, 237 Ga. 502, 229 S.E.2d 7 (1976).

contd.

STATEMENT OF THE CASE

There is no record of the judge convening, recessing, reconvening, or dismissing the grand jury. There is no record that witnesses appeared before the grand jury or were administered the statutory oath. There is no record that the grand jury was administered the statutory oath or that a foreman was elected.

Without a summary of the minutes of the grand jury proceedings to show that witnesses appeared and were administered the statutory oath the grand jury did not have subject matter jurisdiction or probable cause to return a true bill of indictment. Without probable cause to return a true bill the grand jury could not have conveyed subject matter jurisdiction upon the trial court. And where the trial court did not have subject matter jurisdiction in the instant case, it could not have legally prosecuted Petitioner. And without a record there is no evidence to show that the indictment was returned in open court. See Sampson v. State, 124 Ga. 776 (1906); and Garner v. State, 42 Ga. 203 (187).

REASONS FOR GRANTING THE PETITION

O.C.G.A. 50-18-70 clearly states that all court proceedings including the grand jury, the deliberations only excluded, are public record and may be requested at any time unless a Rule 21 order from the court temporarily seals the record. The Georgia General Assembly clearly intended that a record of all civil and criminal prosecutions be recorded so that "Star Chamber" like prosecutions may not be practiced in this State. Therefore, the defendant has a constitutionally protected right to the records of the grand jury proceedings to ensure that the Due Process Procedures in O.C.G.A. 15-6-60.1 through 15-6-63 were thoroughly followed.

More importantly, the defendant in a criminal prosecution has a constitutional right to verify the validity of the court's license to practice law, subject matter jurisdiction. For any court that operates in the State of Georgia without a record of its proceedings, it is not a court or competent tribunal of record.

contd.

REASONS FOR GRANTING THE PETITION
And is acting under "Color of Law" as a
rogue, unlicensed court unlawfully
imprisoning citizens of the State of
Georgia in violation of both the State
and Federal Constitution.

O.C.G.A. 17-9-4 authorizes defendants to
attack a "void" conviction and/or sentence
at any time once it becomes known to
the parties involved. The Georgia Supreme
Court has stated that a 17-9-4 action is
properly brought under a Writ of
Habeas Corpus regardless of time
limitations. For the Ga. Sup. Ct. stated in
Stewart v. Golden, 98 Ga. 479, 25 S.E. 528
(1896) and State v. Brown, 193 Ga. 493 (2013)
HNI That time limitations do not apply to
"Void Judgments."

The indictment in the instant case was
fraudulently filed in a rogue court
acting under Color of law and operating
without a license, subject matter juris-
diction and a record. For those reasons
Petitioner's Writ should be granted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Robert Thrasher, pro se

Date: October 23, 2023