

No. 23 - 7278

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Charles Wallace

— PETITIONER

(Your Name)

vs.

Louisiana

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA-5TH Cir., No. 23-30687 / USDC-EDL, No. 23-5242

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

PETITION FOR WRIT OF CERTIORARI

Charles Wallace
Charles Wallace

(Your Name)

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QUESTIONS PRESENTED

1. IS THE U.S. DEPARTMENT OF JUSTICE UNDER A DUTY TO ENFORCE ACCURATE FEDERAL COURT FILINGS THEREIN FEDERAL DISTRICT COURTS TO COMPLY WITH 18 U.S.C. §1028 TO AVOID FRAUD AND UNAUTHENTIC INFORMATION?
2. DO STATE COURT PROCEEDINGS AXIOMATICALLY REMOVE TO FEDERAL DISTRICT COURT WHEREIN CASE IS PENDING WHEN STATE IS DIVESTED SUBJECT MATTER JURISDICTION OVER DIVERSE CITIZEN BY NO RIGHT TO TRIAL BY JURY.
3. WHEN FACTS ARE ASSERTED ON DIRECT APPEAL AND NEVER REBUTTED BY RESPONDENT-APPELLEE STATE OR THE APPEAL PANEL DO THEY NOT BECOME CONCLUSIVE TO END CASE IN FAVOR OF APPELLANT BY LAW?
4. CAN A STATE PRISONER ASSERT A SUBSTANTIVE CONSTITUTIONAL RIGHT THAT HAS NEVER BEEN EXTINGUISHED BY WAIVER ON FACE OF RECORD FOR FIRST TIME AT ANYTIME?
5. CAN THE LOWER DISTRICT COURT FILE A 28 U.S.C. §2254 ON BEHALF OF A STATE PRISONER BINDING HIM UNDER 28 U.S.C.A. §2244(b)(3) THOUGH NO SUCH AUTHENTIC PETITION :"CHARLES K.WALLACE v. STATE OF LOUISIANA" EXISTS?
6. CAN THE LOWER COURT OF APPEALS UPHOLD A MISCONSTRUED 28 U.S.C.A. §§1455(c), 2241, 2255 VALID PETITION AS A 28 U.S.C. §2254 FICTITIOUS PETITION TO CIRCUMVENT VALID REMOVAL?
7. WHEN STATE CONSTITUTION AND STATUTES NULLIFY RIGHT TO TRIAL BY JURY w/o "WHOLE" NUMBER OF JURORS, AND DEFENDANT ADJUDICATED GUILTY BY JUDGE WITHOUT WAIVERS OR PROCESS OF RIGHT OF REMOVAL BY COUNSEL THE COURT OR STATE, CAN ANY STATE PROCEEDINGS BE BUT NULL WHEREIN A "HABEAS CORPUS WAS GRANTED AND NO RECORD EXISTS PER CLERK BE CONSTRUED AS CHALLENGE TO STATE CONVICTION WITHOUT AN EVIDENTIARY HEARING BELOW IN DISTRICT COURT?

QUESTIONS PRESENTED CONTINUED

8. DO STATE CRIMINAL DEFENDANTS HAVE UNENUMERATED RIGHTS UNDER THE U.S.CONSTITUTION,9TH AMENDMENT TO A UNANIMOUS JURY INSTRUCTION AND VERDICT UNABRIDGED BY STATES UNDER U.S.CONSTITUTION,14TH AMENDMENT WITH/BY DUE PROCESS AND EQUAL PROTECTION OF THE LAWS AND UNDER UNITED NATIONS NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS ARTICLES 1.through 21.
9. DOES THE FAILURE OF STATE COURT TO EXACT ANY WAIVERS OF THE RIGHT OF REMOVAL FOR CAUSE ON FACE OF RECORD IN A CRIMINAL CASE DESERVING,AXIOMATICALLY REMOVE PROCEEDINGS BY FRAUD AND ILL WILL?RELATIVE TO CASE AGAINST ANY PERSON WHO IS DENIED OR CANNOT ENFORCE IN THE COURTS OF SUCH STATE A RIGHT UNDER ANY LAW PROVIDING FOR THE EQUAL CIVIL RIGHTS OF CITIZENS OF THE UNITED STATES,OR OF ALL PERSONS WITHIN THE JURISDICTION THEREOF:or FOR ANY ACT UNDER COLOR OF AUTHORITY DERIVED FROM ANY LAW PROVIDING FOR EQUAL RIGHTS OR FOR REFUSING TO DO ANY ACT ON THE GROUND THAT IT WOULD BE INCONSISTANT WITH SUCH LAW INVOLATE OF OATH OF OFFICE?

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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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR SUPERVISORY WRITS
PETITION FOR WRIT OF CERTIORARI
REVIEW, MANDAMUS- HABEAS CORPUS

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 _____; 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 "B" 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 December 21, 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: January 23, 2024, and a copy of the order denying rehearing appears at Appendix "C".

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

The jurisdiction of this Court is invoked under 28 U. S. C. § 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

U.S.Const.Art.I sec.9[2]

U.S.Const.Amend.9

U.S.Const.Amend.14

U.N.-Universal Declaration of Human Rights,Art.1-21

18 U.S.C.A. §1028

28 U.S.C.A. §1455(c)

28 U.S.C.A. §1915(g)

28 U.S.C.A. §2241

28 U.S.C.A. §2254

28 U.S.C.A. §2255

La.Const.Art.I§17

La.C.Cr.Proc.Art.782

STATEMENT OF THE CASE

Petitioner was arrested in Louisiana without the right to trial by jury under La. Const. and Stat. Law; was arraigned February 2³ 1991; by fraud and ill will was never informed of his right of removal by counsel, the state, or bench; was adjudicated guilty by judge on September 10, 1991 without waiver of the right of removal or trial by jury on the face of the record, waiver is never presumed; granted a writ of habeas corpus on August 17, 2005; related to my letter of August 9, 2022 I was informed by Clerk of Court August 24, 2022 no record therein/herein.

Having no record of conviction, by axiomatic removal at Federal Facility, now Federal prisoner filed 28 U.S.C.A. §§ 1455(c), 2241, 2255 petition: "State of Louisiana vs. Charles K. Wallace" as well a Petition for Forma Pauperis, per letter of USDC-EDL Clerk letter of January 30, 2023. All security personnel here at La. facilities are under U.S. Const. oath of office as well the prisons receiving Federal fundings exacts as federal actors; I am a true Federal inmate at Federal Facility, and the lower USDC have falsified authentic Federal Documents filed below shifting burden of proof / divesting the U.S. District Court of jurisdiction under 28 U.S.C. § 1915(g).

The U.S. Constitution in and of itself and by its own force render La. Const. Art. I § 17 and La. C. Cr. P. Art. 782 unconstitutional null and void authorizing jury instruction and concurrence of less than the whole number of jury body of 12 in criminal case authorizing civil death sentence consequence; even Louisianas' new jury procedure is inviolate of the U.S. Const. mandating a retroactive application of unconstitutional procedures to defeat prospectiveness of the United States Constitution abridging the sacred unenumerated rights to a unanimous jury instruction to cause the unanimous effective verdict of diversity, hereby deserving and demanding right of removal, though statute of limitations for trial have expired.

- 1. Appendix z
- 2. Appendix y
- 3. Appendix x
- 4. Appendix w
- 5. Appendix v

REASONS FOR GRANTING THE PETITION

2. Petitioner states the lower court divested itself jurisdiction by the false filing of authentic Federal Documents originally: St. of La. vs Charles K.Wallace, "and an erroneous conclusion of facts and law, to original jurisdiction of this court by 18 U.C.A. §1028.
3. The case is of national importance because it stealthily underlies every criminal case in the nation without procedures under injunction to address the right of removal process w/Miranda.
4. Petitioner filed a valid removal forma pauperis relative the USDC-EDL Clerk of Court letter dated January 30, 2023 along with a valid 28 U.S.C.A. §§1455(c), 2241, 2255 Petition which can never be construed as 28 U.S.C.A. §2254 Petition on face of petitions.
5. The lower USDC-EDL and USCA-5TH Cir. was divested jurisdiction by their own 28 U.S.C.A. §1915(g) noncompliance, in conflict with ^{1.} USCA-DC: in conflict with ^{2.} USDC-SDNY and ^{3.} USCA-NY to say the least.
6. Petitioner has the unenumerated right to freedom under the 9th Amend. to the U.S. Const. abridged by La. Law iniolate 14th Amend..
7. Petitioner has the right to the presumption of innocence under U.N. Universal Declaration of Human Rights, Article 1-31.
8. Petitioner states that the case is not only important to him but to thousands of other prisoners similarly situated, as lower court has suspended the privilege of the Great Writ, Art. I, 9[2].

May this Honorable Court issue any and all writs orders/decrees which petitioner may or shall be entitled herein the premisis.

1. Wallace, et al vs. Or./La. Bar Ass'n, et al, USCA-DC No.'s 23-7070 and 23-7088 (January 08, 2024)
2. Wallace, et al vs. Sackler Family, et al, USDC-SDNY No. 22-cv-8022(LTS) (August 09, 2023)
3. Wallace, et al vs. Sackler Family, et al, USCA-2ND Cir. No. 23-47 (July 18, 2023)

1. This case is of national significant importance as axiomatic removal thirty (30) days after state arraignment without waivers exacted on face of record, post colloquy, affects federal / state jurisdiction of prospective federal candidate in all prosecution now pending in Georgia, etc., etc.; and his civil cases in N.Y..

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles K. Wallace, S.P.

Date: March 15, 2024