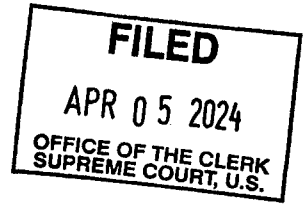


ORIGINAL

No. 23-7763



IN THE

SUPREME COURT OF THE UNITED STATES

BARRY GAHAGAN

— PETITIONER

(Your Name)

U.S. Court of appeals 8th circuit vs.
U.S. District Court Western district of Missouri

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of appeals for the 8th circuit

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

PETITION FOR WRIT OF CERTIORARI

BARRY GAHAGAN

(Your Name)

Southeast Correctional Center

300 E. PEDRO SIMMONS DR. Charleston, MO 63834

(Address)

Charleston, MO 63834

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

IN violation of Supreme Court rule 10(a) and slip opinion Brady v. Maryland IF Greene County puts you on a 24 hr. Probable Cause hold for an accusation of a verbal ~~assault~~ threat so Greene County detectives can do a 24 hr investigation just to come back with the results no Probable Cause to believe I did it and no charges were filed Can Lawrence County revoke my Probation for #1 Laws for it? or do they have to drop the violation?

IN violation of Supreme Court rule 10(b) Can Lawrence County revoke my Probation for special conditions after a Superior Court Missouri Supreme Court ruled they can't?

IN violation of Supreme Court rule 10(b) IF U.S. District Court denies a ground for the reason I did not challenge my Probation Violation in State Courts in a rule 91 state habeas corpus ~~when I did not~~ when I did & sent the judgement from my rule 91 state habeas corpus to the U.S. Court of appeals appealing U.S. District Court's denial/dissmissal should U.S. Court of appeals of denied/dissmissed this? or should they of granted relief?

IN violation of Supreme Court rule 10(a) Can Lawrence County Court enhance my misdemeanor assault 2 degrees to a 1st degree felony assault without being a Prior and Persistent offender for minor assault/minor injury/no weapon/no medical care sought for nor necessary for victims? or should it of remained a misdemeanor? IF a minor assault is the worst degree assault 1st degree then what's a mediocre assault? or a major assault?

IN violation of Supreme Court rule 10(b) IF the case is on assault on a psychologist at the Clark Community mental health center and after my mom a (LPC) Licensed Professional Counselor with a masters degree in psychology testified at my Probation revocation hearing she believes I have a diminished mental capacity and after Dr. Kent Franks a forensic psychologist showed up to testify at my Post conviction relief hearing ~~he~~ he believes I might have been mentally incompetent during the time of the crime by means of diminished capacity and he believes I ~~should~~ should of had a mental exam before sentenced and now should I of had a mental exam? and should Dr. Kent Franks been allowed to testify in my Post conviction relief hearing?

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

N/A

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Judgement/order of U.S. Court of appeals
APPENDIX B	Judgement/order of U.S. District Court
APPENDIX C	Judgement/order of Missouri Southern District Court of appeals on rule 91 rule 91 state habeas corpus/evidence I exhausted state remedies
APPENDIX D	misderemeanor tickets
APPENDIX E	N/A
APPENDIX F	NIA

TABLE OF AUTHORITIES CITED

CASES

State V. Moore 992 S.W. 2d 812

Brady V. Maryland

PAGE NUMBER

not included in writ
of certiorari

not included in writ
of certiorari

STATUTES AND RULES

~~Supreme Court rule 10(a)~~

Supreme Court rule 10(b)

~~Statement of the case/
reasons for granting the case
Page 9 and 10~~

Statement of the case/
reasons for granting the case
Page 9 and 10

OTHER

U.S. Constitutional amendment 14 due process

not included in writ
of certiorari

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

☒ For cases from **federal courts:**

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

 For cases from **state courts**:

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

1.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was ~~04/08/2024~~ 2/8/2024.

☐ 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: 2/8/2024, 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 ~~04/08/2024~~.
A copy of that decision appears at Appendix ~~04/08/2024~~.

☐ 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 ____.

~~04/08/2024~~
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

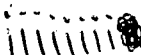
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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitutional admendment 14 due process

~~As the number of trials increases, the sample mean approaches the population mean.~~~~750' x 60' x 10' - a machine which I got out of a wrecked car.~~

~~CONFIDENTIAL~~



STATEMENT OF THE CASE

I picked up this case on 10/27/2015 back then there was 4 classes of felonies and 3 different assault charges there was A, B, C, D felonies and a 1st degree assault that could be an A or B felony / a 2nd degree assault that's a class C felony and a 3rd degree assault that was a class A misdemeanor this is before 11/1/2017 when they made a 9th class of felony called a class E felony and made the 3rd degree assault a class E felony and started a 4th degree assault and made that the new misdemeanor assault but whether it's before or after 11/1/2017 a charge can only be enhanced 1 degree for being prior and persistent they enhanced my 3rd degree assault (class A misdemeanor) 2 degrees to a class B 1st degree assault misdemeanor assault tickets are enclosed (3 tickets) and I'm not even prior and persistent I'm just a prior offender so they enhanced my charges 2 degrees when they shouldn't of even been enhanced 1 degree this isn't an accepted and usual course of judicial proceedings and a violation of the part of Supreme Court rule 10(a) I underlined and Missouri constitutional amendment article I §21 cruel and unusual punishment may charge enhancement and was appealed in U.S. District Court they dismissed it and U.S. Court of appeals dismissed my appeal of U.S. District Court's decision to dismiss it

Supreme Court rule 10(a)
a United States Court of appeals has entered a decision in conflict with the decision of another United States Court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this court's supervisory power

UNDER slip opinion Brady v. Maryland and state and federal law you can't be legally pursued for anything in anyway without probable cause I was put on a 24 hr. Probable Cause hold for a verbal threat I was falsely accused of Greene County detectives determined after a 24hr. investigation there was no Probable Cause to believe I did it so no charges were filed as usual course of judicial proceedings due to state and federal law Lawrence County however filed a Probation violation for #1 Laws and found I was guilty for violating the law and #1 Laws Probation violation without Probable Cause nor new charges this is a departure from the accepted and usual course of judicial proceedings due to state and federal law and a violation of U.S. constitutional amendment 14 and Missouri Constitution article I §10 due process and slip opinion Brady v. Maryland the Probation violation should of been dropped they also violated me for special conditions for not paying incarceration room and board fees of Lawrence County Jail of \$42 per day that added up to over \$20,000 that I still had time to pay but even if I didn't Missouri Supreme Court ruled in 2018 that nobody can be incarcerated for unpaid Jail room and board debt before I got a Probation violation for it so the accepted and usual course of judicial proceedings is not to not even do 1 day in Jail for that Probation violation so my Probation revocation was in violation of the underlined part of Supreme Court rule 10(a) above

YET when appealed in U.S. District Court they dismissed/denied the ground for the reason I didn't challenge the Probation violation in a rule 91 state habeas corpus in state court's first when I did so I sent the judgment of my rule 91 state habeas corpus in state court's to U.S. Court of appeals to prove I did it so they should of granted relief instead of dismissing/denying the ground while appealing U.S. District Court's decision on my Probation revocation with U.S. Court of appeals they dismissed/denied the ground again this is in violation of Supreme Court rule 10(b)

Supreme Court rule 10(b)
a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States Court of appeals

When the case is an assault on a psychologist Dr. HAZELL at the Clark Community mental health center & after my mom an L.P.C. (Licensed Professional Counselor) with a master's degree in psychology testified at my Probation revocation hearing she believes I have a diminished mental capacity and after Dr. Kent Franks a forensic psychologist showed up to testify at my post conviction relief hearing he believes I might of been mentally incompetent during the time of the crime by means of diminished capacity and he believes I should of had a mental exam before sentenced and now the accepted and usual course of judicial proceedings would be to grant a mental exam and let Dr. Kent Franks testify yet they didn't this is in violation of the part of Supreme Court rule 10(a) I underlined above and U.S. constitutional amendment 14 and state constitution article I §10 due process and slip opinion State v. Moore 952 Sw. 2d 812

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REASONS FOR GRANTING THE PETITION

I picked up this case on 10/22/2019 back then there was 4 classes of felonies and 3 different assault charges there was A.B.C.D Felonies and a 1st degree assault that could be an A or B Felony / a 2nd degree assault that's a class C felony and a 3rd degree assault that was a class A misdemeanor this is before 11/1/2017 when they made a 5th class of felony called a class E felony and made the 3rd degree assault ~~that was a class C felony~~ ~~and started a 4th degree assault~~ and made that the new misdemeanor assault but whether it's before or after 11/1/2017 a charge can only be enhanced 1 degree for being prior and persistent they enhanced my 3rd degree assault class A misdemeanor 2 degrees to a class B 1st degree assault (misdemeanor assault tickets that were voided are enclosed) and I'm not even prior and persistent I'm just a prior offender so they enhanced my charges 2 degrees when they shouldn't of even been enhanced 1 degree this isn't an accepted and usual course of judicial proceedings and a violation of the part of supreme court rule 10(a) I underlined and missouri constitution article I § 21 cruel and unusual punishment my charge enhancement was appealed in U.S. District court they dismissed it and U.S. Court of appeals dismissed my appeal of U.S. District court's decision to dismiss it

Supreme Court rule 10(a)

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UNDER Slip opinion Brady v. Maryland and State and federal law you can't be legally pursued for anything in anyway without Probable Cause I was put on a 24 hr. Probable Cause held for a verbal threat I was falsely accused of Greene County detectives determined after a 24 hr. investigation there was no Probable Cause to believe I did it so charges were never filed as usual course of judicial proceedings due to state and federal law Lawrence County however filed a Probation ~~Revocation~~ violation for #1 laws and found I was guilty for violating the law and #1 laws Probation violation without Probable Cause nor new charges this is a departure from the accepted and usual course of judicial proceedings due to state and federal law and a violation of U.S. Constitutional amendment 14 and missouri constitution article I § 10 due process the Probation violation should of been dropped they also violated me for special conditions for not paying incarceration room and board fees of Lawrence County Jail of \$42 per day that added up to over \$20,000 that I still had time to pay but even if I didn't missouri Supreme Court ruled in 2018 that nobody can be incarcerated for unpaid Jail room and board debt before I got a Probation violation for it so the accepted and usual course of judicial proceedings is to not even do 1 day in Jail for that Probation violation so my Probation revocation was in violation of the underlined part of supreme court rule 10(a) above

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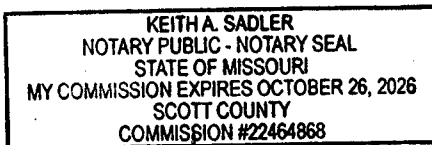
CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

BARRY GAHAGAN

Date: 4-2-24



Keith A. Sadler 4-2-24

