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ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD J. RAMSEY

PETITIONER

VS

U.S. ARMY JUDGE ADVOCATE GENERAL et al.

RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

US. COURT OF APPEALS FOR THE ARMED FORCES

PETITION FOR A WRIT OF CERTIORARI

RICHARD J. RAMSEY

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PAGE A

QUESTIONS

1

WHETHER WAIVING JURY TRIAL IS CONSTITUTIONAL UNDER THE 6TH AMENDMENT, WHEN THE 6TH AMENDMENT DID NOT SECURE TRIAL BY JURY AS A RIGHT, WHICH CONSEQUENTLY CAN BE WAIVED.

2

WHERE AND WHEN DID THE CONSTITUTION SECURE TO MILITARY ACCUSED A CONSTITUTIONAL RIGHT TO A COURT MARTIAL, SUBSEQUENTLY ALLOWING WAIVER OF HIS RIGHTS; 5TH RIGHT TO SELF INCRIMINATION, 6TH RIGHT TO CONFRONT ACCUSORS, WHICH ARE BEING WAIVED BY A COURT WHEN THERE IS NO CONSTITUTIONAL RIGHT TO HAVE COURT MARTIAL.

3

WHETHER THE US COURT OF APPEALS FOR THE ARMED FORCES HAS JURISDICTION TO HEAR AND AWARD RELIEF PURSUANT TO A PETITION FOR REVIEW OF A REDRESS OF GRIEVANCES UNDER THE 1ST AMENDMENT. RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES

4

WHETHER THERE WAS AN IMPROPER COERCION OR IMPROPER INDUCEMENT OF WAIVER OF CONSTITUTIONAL RIGHTS WHEN ACCUSED WAS LED TO BELIEVE HE IS WAIVING A CONSTITUTIONAL RIGHT TO GENERAL COURT MARTIAL, WHEN THERE IS NO CONSTITUTIONAL RIGHT TO HAVE A COURT MARTIAL IN THE CONSTITUTION.

LIST OF PARTIES / RELATED CASES

- 1 US ARMY JUDGE ADVOCATE GENERAL all work for J.A.G., et al**
- 2 US COURT OF CRIMINAL APPEALS FOR THE ARMED FORCES (CAAF)**
- 3 US ARMY COURT OF CRIMINAL APPEALS (ACCA)**
- 4 COLONEL KENNETH D. PANGBURN (MILITARY JUDGE)**
- 5. DEFENSE COUNSEL MAJOR DANIEL HOSSBACH**
- 6. ASSISTANT DEFENSE COUNSEL CAPTAIN PAUL KOMINIOS**
- 7. TRIAL COUNSEL CAPTAIN THOMAS AUBEL**
- 8. ASSISTANT TRIAL COUNSEL CAPTAIN WILLIAM GLASS**
- 9. APPEALLET DEFENSE COUNSEL TO (ACCA) CAPTAIN WILLIAM HEAD**
- 10. APPEALLET DEFENSE COUNSEL TO (CAAF) CAPTAIN PATRICA LEWIS**

THERE IS NO RELATED CASES TO THIS NOVELTY ISSUE.

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

PETITIONER RESPECTIVELY PRAYS THAT A WRIT OF CERTIORARI ISSUE

REVIEW BEFORE THE JUDGEMENT BELOW.

IN THE US COURT OF APPEALS FOR THE ARMED FORCES UNDER

28 USC 1259, AND ALL WRITS ACT; AND OR 28 USC 1651 (A)

PAGE G

JURISDICTION

A.

THE DATE THE US COURT OF APPEALS DECIDED MY ISSUES WAS 17 JUNE 2024. ACCORDING TO INTERNAL RULES I HAVE 90 DAYS TO FILE A PETITION FOR CERTIORARI

B.

THERE WAS NO PETITION FOR REHEARING

C.

NO EXTENSION OF TIME WAS AWARDED TO FILE A WRIT OF CERTIORARI

D.

THIS COURT JURISDICTION IS INVOKED UNDER 28 USC 1259, 28 USC 1651(A), PURSUANT TO THIS COURT INTERNAL RULE 40 (3) MILITARY CASES, AND "ALL WRITS ACT"

E.

THE DECISION IS FINAL IN THE US COURT OF APPEALS FOR THE ARMED FORCES AS TO MY PETITION FOR A REDRESS OF GRIEVANCES UNDER THE 1ST AMENDMENT ON MY CASE.

CONSTITUTIONAL AND STATUORY PROVISION INVOLVED

U S CONSTITUTION ARTICLE 3, SECTION 2, CLAUSE 3

Trial of all crimes...except in cases of impeachment, shall be by jury and such trial shall be held in the state where said crimes shall have been committed, but when not committed within any state, the trial shall be at such a place or places as the congress may by law have directed.

US CONSTITUTION 6TH AMEDNMENT

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witness against him, to have compulsory process for obtaining witness in his favor..

STATEMENT OF CASE

This case is based upon rulings in 3 cases by the supreme court (here after S.CT) In PATTON v. US 281 u s 276, 50 Sct 253, 74 Led 854 (1930) at [281 us 311]"the right to waive the whole jury. Also SINGER v. US, 380 us 24, 85 ScT 783, 13 L.Ed 2d 630 (1965). The court held "defendant only constitutional right conferring the method of trial is to an 'impartial jury, consequently the whole jury can be waived under the 6th amendment. Now in WOOD v. US, 299 us 123, 81 L Ed 78, 57 Sct 177 (1936) reh den. 299 us 624, 81 L.ED 459, 157 Sct 319 (1937); [here after Wood (299 U.S. 142 2d paragraph. "the court in Wood, said "The 6th amend. Was not needed to require jury trial in cases in view of Art 3, sec 2, cl 3".(here after ART 3,2,3) In SINGER it is also known that the 6th amendment. secured jury trial, which can be waived. You have a conflict between SINGER, and PATTON as to WOOD. In SINGER the method of jury trial is not in the 6th amendment; which would be the individual right which can be waived

The constitutions Article 3, sec 2, cl 3 {her after article 3, 2, 3} states “ trial of all crimes shall be by jury”. The 6th amendment. [here after 6th amend.] “impartial jury”. That you have a jury is ART 3,2,3. The 6th amend. Is not need to have a jury see WOOD, {299 us 142}. The “impartial jury” under the 6th goes to state of mind, not whether you have a jury or not. The 6th secured impartiality. If the 6th amend secured jury trial; then without the 6th amend. There is no right to jury trial..see {ART 3,2,3}, You had a jury trial right before the 6th amend. Was proposed, and ratified;in (1791) the right to a jury proceeded the 6th amend.

In SINGER, the S.Ct, is trying to read in the 6th amend., you have a jury trial right.

The 6th secured impartiality and Art 3,2,3 secured jury trial.

In GREEN v. US 2 L ED 2D 672, 356 us 165 (1958) at [356 us 210} “ constitution was written to be understood by the voters”. As a voter, if you tell me “trial of all crimes shall be by jury” (in 1787) and then 2 years later in (1789)-(1791) I ask for an impartial jury. I’m only asking for impartiality, not whether there is a second

request for jury trial. (this is why the court in WOOD would say 6th amend. Is not needed for jury trial. Impartial jury goes to "state of mind". Impartial jury means "we are able to hand down a verdict based on simply on evidence no other factors If jury trial was established in 6th amend. Then it was not secured until (1789-1791). What did the colonies do for jury trial and impartial juries between (1787 to 1791). You had jury trial, prior to the 6th amendment; any such waiver under the 6th amend. Is waiving impartiality not whether you have a jury or not; you can waive 6th amendment impartial jury and still have a jury trial right under (ART 3,2,3). In WOOD the 6th amend. Is not necessary. The court in SINGER is trying to read jury trial right in the 6th amendment, When this did not secured jury trial. Just because you conduct voir dire, this may or may not ensure impartiality. If I am wrong then the Supreme court is wrong in WOOD (299 us 142) and the 6th amend. Is needed to have a jury trial. In SINGER the court was wrong to place your jury trial right method,(impartial jury) under the 6th amendment (in the bill of rights) and the

whole jury can be waived. This court must clarify where is accused right to a jury trial...6th amend. Or ART (3,2,3).

WE the people never agreed to waiving any constitutional right. Congress never added any amendment to the constitution waiving jury trial. This started by

Supreme court rulings..PATTON, SINGER.. NON DELEGATION OF

LAW..."prohibits Congress from delegating it's law making power." KELLER v.

BERGER 432 U.S. 816 (1972) "applies equally to congress delegation of power to the judiciary".

MILITARY

WHELCHEL v. McDONALD 340 us 122, 71 Sct 146, 95 L.Ed 141 (1950) at 340 us, at pg 127, 71 S.Ct at pg 140 "right to trial by jury guaranteed by the 6th amendment is not applicable to trial by court martials", also in U.S. v. GREY 37 mj 751 (ACMR 1993) " court martials is not subjected to the jury trial demands of Article 3". IF the 6th amend., and Article 3 are not afforded to the accused, then what right did I waive.

Congress, not the constitution made court martials. The respondents are using a non constitutional right (general court martial...here after GCM) as if it's a constitutional right , a right which can be waived and waive other constitutional rights (see exhibit 2 record of trial page 197). No accused in the military has a right to a (GCM) or other court martials. You may ask, but it is ultimately the decision of the convening authority/staff judge advocate to decide what court your charges are going to. Where in the constitution did it secure trial by court martial, and which can be waived, as if t`s under the constitution

The judge (ex-2 r.o.t page 197) (at n-10-11) said the right to this court deciding guilt or innocence is a constitutional right. He must believe that the constitution Article 3,2,3 and the 6th amend. Is where trial by court martial lies. Neither the 6th amend., or Article 3 apply to the military so how did I waive a constitutional right to a right which is not in the constitution, or is applicable to me. U.S ex-rel TOTH v.

QUARLES, 350 US 11, 76 Sct 1, 1000 L.Ed 8 (1955) at(350 us 37) “ accused in armed forces are not entitled to demand ‘jury trial’”.

In COLORADO v. NEW MEXICO, 467 U.S. 310 (1984) "clear and convincing evidence means evidence is highly and substantially more likely true, than not true. By WOOD (299 us 142), its likely true that the 6th amendment did not secure jury trial only impartiality. The judge advice is in correct and wrong. There is no constitutional right to a court-martial, for any accused. It's no waiver if waiver is coercion or improper inducement. See JHONSON v. ZERBST 304 us 458 (1938) and at (304 us 464). The respondents are using lower due-process source; (10 usc 801)/uniform code of military justice/ manual for court martial procedure; to waive a court martial as if it is a constitutional right (GCM is not a constitutional right), consequently waving other constitutional rights.(5th and 6th amendment rights) see (exhibit 2 record of trial page 197). The constitution made civilian law, and rights Congress made military law.

REASON GRANTING PETITION

On the 6th June 2024, I mailed a 1st amendment petition for grievances to the following: Supreme court, US court of appeals for the armed forces.(here after CAAF) Dept. justice civil rights division, congressmen CHAFFEE, and REED, Associated press, President BIDEN. CAAF received my petition on about 17 MAY 2024. And ultimately denied relief. On 17 june 2024. My whole issue is where is the right to have a jury trial (article 3,2,3 or 6th amend); and where is the right to have a general court martial in the constitution. Which can be waived and waive other rights. The whole country believes you have a jury trial right under the 6th amendment. The right to have a jury (article 3,2,3) is separate from the right to impartial jury.(6th amendment). The supreme court recognized this in WOOD (299 us 142, 2d para). Neither (article 3 nor 6th amend jury trial) apply to the military. No lower court can change, re-review, re-decide, over rule, or see if the supreme court is wrong; only this court can do this. The court in SINGER, said the method is

"impartial jury", which is under the 6th amendment. IF this is correct then the 6th amendment is necessary to have a jury trial. The court in WOOD (299 us 142) would be wrong, and this is not so. The only jury trial right in the 6th amendment is to "impartiatlly" not whether you have a jury or not. Waving jury trial now is a fraud, treason, and a lie (saying jury trial is under the 6th amendment) which can be waived. All judges, prosecutors, defense counsel, appeal personal believe 6th secured jury trial to an accused, when this is not so. This problem started with the supreme court; thus this court must fix it's error, so all know the correct reading of their constitutional rights

THIS PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED.

Respectively submitted/date

Richard J. Ramsey 3 JUL 2024

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