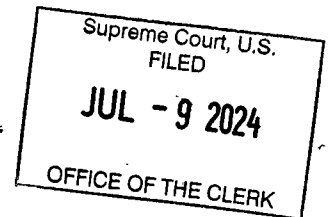


**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

**24-5080**

\*\*\*\*\*



NUMBER \_\_\_\_\_

GLENN BRUMFIELD

*Petitioner*

v.

STATE OF LOUISIANA

TIMOTHY HOOPER, Warden

PAUL CONNICK, District Attorney

JEFF LANDRY, Attorney General

*Respondent*

\*\*\*\*\*

PETITION FOR WRIT OF CERTIORARI

\*\*\*\*\*

ORIGINAL BRIEF ON THE MERITS

\*\*\*\*\*

Respectfully Submitted by,

A handwritten signature in cursive script, appearing to read "Glenn Brumfield".

Glenn Brumfield /#473624, Pro Se  
Louisiana State Penitentiary  
17544 Tunica Trace  
Main Prison East Cyp#3  
Angola, LA 70712

## QUESTIONS PRESENTED FOR REVIEW

1. Whether judgments of Louisiana Supreme Court, the Appeals Court, Fifth Circuit, and the District Court are absolutely null? Wherein Petitioner's rights protected by the 13<sup>th</sup> and 14<sup>th</sup> Amendment of the United States Constitution and Louisiana State Constitution subsection 2, and 3 of 1974, has been violated under the color of State Laws by means of fraud, usurpation of authority and treason against the united States Constitution.
2. Frauds wherein the district attorney and defense attorney allowed the court to exceed it authority wherein none exist. A violation Brumfield rights which are protected by the 13<sup>th</sup> and 14<sup>th</sup> Amendments of the United States Constitutional and Due-Process clause protection of law, constitutes extrinsic frauds.
3. Usurpation of authority in public offices, Deprivation of rights under color of state laws and constitution, Protection by the 13<sup>th</sup> and 14<sup>th</sup> Amendments and the Supremacy Clause of national laws, constitution article VI, subsection 2, and 3, is treason against the United States constitution.

**PARTIES TO THE PROCEEDING**

**RULE 14.1(b) STATEMENT**

Petitioner, Glenn Brumfield /#473624, hereby certifies that the following persons have an interest in this outcome of this case:

Petitioner, Glenn Brumfield /#473624

Timothy Hooper, Warden  
Louisiana State Penitentiary  
17544 Tunica Trace  
Angola, Louisiana 70712

James M. LeBlanc, Secretary  
Department of Public Safety and Corrections  
P.O. Box 94304, Capitol Station  
Baton Rouge, LA 70804-9304

Paul Connick, District Attorney     Jeff Landry, Attorney General

These representations are being made so that the Justices of this Honorable Court may evaluate possible conflicts of interest, disqualification or the need for recusal. There are no other parties to this action within the scope of Supreme Court Rule 29.1.

Respectfully Submitted by,



Glenn Brumfield /#473624 Pro Se  
Louisiana State Penitentiary  
17544 Tunica Trace  
Main Prison East Cypress #3  
Angola, LA 70712

## JURISDICTIONAL STATEMENT

The judgment of the Louisiana State Supreme Court sought to be reviewed was entered in Docket Number 2023-KH-01707 on April 30, 2024. The petition is timely under 28 U.S.C. § 2101(c) and Supreme Court Rules 13.1 and 13.3 because it is being filed within 90 days after denial of a timely sought writ to the Louisiana Supreme Court. This Court has Jurisdiction to review the Judgment of the Louisiana Supreme Court pursuant to the U.S.C.A. 3 § 2, clause 1, Title 28 U.S.C.A. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution Amendment XIII Section 1 of the states:

“Neither slavery nor involuntary servitude shall exist.” Except as a punishment for crime whereof the party shall have been duly, meaning properly convicted.” “shall exist,” within the United States or any places subjected to their jurisdiction.

United States Constitutional Amendment XIV, Section 1, in pertinent part:

“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 of law, nor deny to any person within its jurisdiction the equal protection of the laws.

## APPENDIX

Appendix; (M). State District court Judgment.

Appendix; (Q).State Fifth Circuit Court Of Appeal Judgment.

Appendix; (K).Louisiana State Supreme Court Judgment

Exhibit;(J#1.).Direct Appeal Brief Judgment October 26/2004.

Exhibit;(J#2).Time Picayune, New Paper (10-7-2008).

Exhibit; (J#3).Mr. Peterson suicide letter to Fifth Circuit court Judges.(2008).

Affidavit For Discovery Of Merits Under The Penalty Of Perjury.

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343 17 So.2d at 350	6.
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## STATEMENT OF THE CASE

On July 14, 2000, Glenn Brumfield was arrested by Jefferson Parish Police Department, and charged with First Degree Murder, and Attempted Second Degree murder. On September 11, 2000, the grand jury "allegedly" returned a true bill indictment charging Brumfield for First Degree Murder in violation of LSA-R.S. 14:30.

On April 29, 2003 the district Attorney amended the bill to second degree murder without resubmitting the bill back to the grand jury to be re-considered a true bill. The district attorney added an additional offense charging Petitioner with attempted Second Degree Murder of another victim stemming from the same set of circumstances without a grand jury true bill of indictment or information. The presence of defense attorney or the reading of the bills was waived by the district attorney. Further, on July 23 and 24, of 2003, the court tried Mr. Brumfield and the jury found him guilty of both charges of second degree murder, and attempted second degree murder. On October 1, the district court judge Alan J. Green division "C," sentence Brumfield to life and fifth years to the department of correction, without the benefits of parole, probation, or suspension of sentences.



### CLAIM I:

THE PLEA OF PRESCRIPTION HAD EXPIRED. PROSECUTION WAS NOT PROPERLY TIMELY INSTITUTED, MAY BE FILED AT ANY TIME ON MOTION TO SET ASIDE JURY VERDICTS.

### ARGUMENT

The issue that prosecution was not timely instituted may be raised at anytime, but only once and shall be tried by the court alone. If raised during the trial a hearing thereon may be deferred at the end of trial.

However, the state shall not be required to allege facts showing that the time limitation had not expired, but when the issue is raised, the state has the burden of proving the facts necessary to show that the prosecution was timely instituted.

### OFFICIAL REVISION COMMENT 1966

(2). Under Art. 8 of the 1928 code which provided that a person could not be "prosecuted tried or punished unless the indictment was returned within one year from the date the offense was made known to a proper official. The plea of prescription could be filed before Trial State v. Sullivan 159 La. 589, 105 So. 631 (1925), State v. Beale, 163 La. 1093, 113 So. 546 (1927), State v. Guilot 200 La. 935, 9 So.2d 235 (1945). In State v. Jones, the court upheld a motion to set aside a verdict nine years after conviction and while the defendant was serving a life term in the state penitentiary, it is clear, therefore, that the plea of prescription may be filed at any time:

The jurisdiction rule is codified in the above Article 577, currently through the 2022-2023 First Extraordinary veto Regular and second Extraordinary session R.S. 15:8 and 15:9. Title XVII. State v. Jones. 209 La. 394, 24 So.2d 627 (1945).

It was also held that, "according to well established jurisprudence of this state, an information, or indictment in cases where the crime charged has been committed more than a year before the filing is an absolute nullity if it does not contain an allegation negation prescription Id at 343, 17 So.2d at 350. Thus also in the absence of such allegation.

The jurisprudence was to the effect that prove that prescription had not run was inadmissible and that an amendment of the indictment to include such allegation was not permissible. State v. Joseph, La. Ann. 405 (1889), State v. Davis, 44 La. 972, 11 So. 580 (1892) State v. Cheatham 178 La. 366 (1933).

The court held, "A written motion to quash bill upon issue untimely institution of prosecution may be raised at any time." Considering an oral motion to quash bills by defense counsel is equivalent to no motion at all, and it is treated as never been made State v. Major 140 So.3d 174, 2013-1139 (La. App. 4, Cir. 2014).

The method for prescribing the institution of criminal prosecution must be made pursuant to Title X. of L.S.A.-C, Cr. Article 383 and indictment is written accusation of crime made by a grand jury and it must be concurred in by not less than nine of the grand jurors and be endorsed, "A True Bill," and the endorsement must be signed and dated."

by the foreman. A defendant who has been tried convicted and sentence by a jury verdict has a substantial constitutional interest in questioning the legality of the grand jury found true bills by which it was presented considering life expectation of Jefferson Parish grand jurors cease to exist between July 14/2000, September 11, 2000, April 29, 2003, and the date of trial 23, 24/2003.

Title XI, of LSA-Cr.P. Article 414 subsection (B) provides, the court shall fix time at which a grand jury be impaneled but, "no grand jury shall be impaneled for more than eight months, and no less than four months.

Pertinent to Title XXXIV, of LSA- C.Cr.P. Article 701, allows the district attorney and the court to dismissed the cases, and release a defendant for all felony crimes that have the resulted in a punishment for which the defendant made be sentenced to death or life sentencing, within the time limitations, one hundred twenty day after arrest of the defendant, must be set free (701).

The court system cannot excuse itself from affording an accused person a trial within the delays required by law, or simply be relying upon internal operating procedures which result in non-compliance with the statutes mandated. Hence: "To protect person accused of crimes against indefinite delays in state prosecution against them.

The Louisiana code of Criminal Procedural Article (578) sub. Section (2) provides the general rule, A. except as otherwise provided in the chapter after two years from the

date of institution of the prosecution, "section (B), the offense charged shall determine the applicable limitations *States vs. Exrel Driever* 347 So.2d 1132 (1977), *State vs. Wayne Chahone* 728 So.2d 832 (1999), *State vs. Sullivan* 159 La. 589, 105 So. 631 (1925); *State vs. Oliver* 193 La. 1084, 192 So. 725 (1939). *United States v. Marion* 404 U.S. 307, 30 L. Ed. 468, 92 S. Ct. 455 (1971), *United States v. Ewell* 383 at 120, 86 S. Ct. At 776 also *United States v. Lovasco* 97 S. Ct. 2044, 43 U.S. 781, 53 L. Ed. 2d 752; *Baker v. Wingo*, 407 U.S. 514, 92 S. Ct. 2182, 33 L. Ed. 2d 101 June 22, 1972. The prosecution had been time barred was not previously raised by defense attorney. There can be no waiver of rights involved in statute of limitations in this connection see LSA-Cr.P. Article 577 The Supreme Court upheld motion to set aside jury verdicts nine years after conviction while defendant was serving a life term sentences in the penitentiary. Moreover, and by a writ of Habeas Corpus *State v. Jones* 209 La. 394, 24 So.2d 627 (1945)

Thus, it is required that defendant and the state district attorney to appear before the bar, 24<sup>th</sup> Judicial District Court of Jefferson Parish, Gretna, La. For a hearing on whether the state attorney can prove beyond reasonable doubt the prosecution was timely properly instituted and time limitation had not expired otherwise the verdicts and sentences must be set aside release defendant from illegal confinement.

## CLAIM 2

Fraud wherein the district attorney and defense attorney allowed the court to exceed its authority wherein none exist. A violation of Brumfield rights which are protected by the 13th and 14<sup>th</sup> Amendments of the United States Constitution Due Process clause protection of law, constitutes extrinsic frauds.

## ARGUMENT

Fraud is a knowing, willfully, deceitful cunning act to recklessly disregard the constitution and law, as to deprive another person or party to depart from that something legally belongs to him, or as to surrender what legal rights he or she has is not only frauds, but upon the courts contemplating extrinsic frauds. The issue that prosecution was not timely, properly, instituted may be raised at any time and is not subject to post-conviction relief LSA-Cr.P. Article 924-930.8 whenever it comes to fraud is a motion to the courts to set aside illegal jury guilty verdicts and sentences or judgments.

The state shall not be required to allege facts showing that the time limitation had not expired, but when the issue is raised, the state has the burden of proving the facts necessary to show that the prosecution was timely instituted. Pursuant to LSACr.P. Art. pursuant to LSA-Cr.P. Article 577 and 578, Subsection (2) had not expire.

## OFFICIAL REVISION COMMENT 1966

(2). Under Art. 8 of the 1928 code which provided that a person could not be "prosecuted tried or punished unless the indictment was returned within one year from the dated the offense was made known to a proper official. The plea of prescription could be filed before Trial State v Sullivan 159 La. 589, 105 So. 631 (1925), State v Reale, 163 La. 1093, 113 So. 546 (1927), State v. Oliver 193 La. 1084 192 So. 725 (1939); State v. Jones, 209 La. 394, 24 So.2d 625 (1945) The court upheld a motion to set aside a verdict nine years after conviction and while the defendant was serving a life term in the state penitentiary.

The Method for prescribing the institution of criminal prosecution must be made is pursuant to Title X of LSA-C.Cr.P. Article 383, which provide an indictment is written accusation of crimes made by a grand jury, and it must be concurred on by, not less than nine of the grand jurors and is endorsed "A True bill."

The endorsement must be signed and dated by the foreman of the grand jurors.

Pertinent to Title XXXIV, of LSA- C.Cr.P. Article 701, speedy trial act allows the district attorney, trial judge, and defense attorney to move and dismissed charges and release defendants that may be sentenced to death or life imprisonment for any bills of indictment or information not found by grand juries within the time limitations, One hundred twenty days after arrest of the defendant must be set free. The court system cannot excuse itself from affording an accused person a trial within the delays required

by law, or simply by relying upon internal operating procedures which result in none compliance with the statutes mandates.

"To protect person accused of crimes against indefinite delays in state prosecution against them LSA-Cr.P. Article (578) Subsection (2). provides the general rule, A.(2). Except as otherwise provided in this chapter. "No trial shall be commenced," "Nor any bail obligation be enforced." (2). In other felony cases after two years from the date of institutions of the prosecution." Section (B). The offense charged shall determines the applicable limitations. State v. exrel Driever 347 So.2d. 1132 (1977). State v. Wayne Chabone 728 So.2d 832 (1999).

#### CONSTITUTIONAL TREATIES:

The 13<sup>th</sup> Amendment of the United States Constitution states.

Section, 1. "Neither slavery nor involuntary servitude shall exist." "Except as a punishment for crime whereof the party shall have been duly, which mean properly convicted," "shall exist, within the United States, or any places subjected to their jurisdiction." See...Default United States v. Morgan 22F.2d 673.

The 14<sup>th</sup> Amendment of the United States Constitution Provides, "No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States Constitutions." "Nor deny to any person within its jurisdiction of the equal protection of law. Motion to enforce, the United States Constitutions, Pursuant to Article 6. Subsection (2).

The Supremacy of National Law. This Constitution and the Law of the United States which shall be made under the authority of the United States shall be the supreme law of the land, and that the judges in every state shall be bound thereby anything in the constitutional or laws of any state to the contrary notwithstanding.

Frauds not trial shall be commenced after two years of institutions of prosecutions, wherein the states failed to timely, properly instituted prosecution constituting extrinsic frauds.

The United States Constitution Article 6 subsection 3, Oath of Office, "The senators and Representative before mentioned and members of the several states legislatures and all executive and judicial offices." shall be bound by oath or affirmation to support this constitution.

#### DEFAULT:

Whether the courts would consider facts and not opinion the issues of defendants claims became illuminated twenty three while his is serving life and fifty years with the department of corrections. The issue under time limitation Article 577 do not stipulate, that defendants had to prove facts upon which his claims was based, was not known to him or his attorney. Most certainly it was not known to him, but it should have been known to his attorney, that represented Brumfield. The default amount to his paid defense attorney failures to secure and protected his client interest and rights to safeguards and immunities laws or constitutional rights, and filed motions to quash or



dismissed all charges against his client, by the state, so now Brumfield is serving life and fifty years, because of attorney failures, created a ripple effect of missed representation of counsels on direct appeal, and post conviction relief, wherein the court had no authority at all. Prosecution was not timely, properly instituted. Time limitation had expired, and no trial shall have been commenced after two years, the state instituted criminal prosecution. The defense attorney conspired with the district attorney conspiracy and connives at the very defeat of his client receiving guilty verdicts more are less it is fraud. A violation of defendant rights protected by the 13<sup>th</sup> and 14<sup>th</sup> Amendments.

The absent of state witness discovery reports, or any pretrial reports, opening and closing argument of defense and state attorneys, there is nothing to review other then trial strategy, on direct appeal and post conviction relief.

Anyone who acting under the color of state laws regulations or custom, constitutional deprives another person or party of any rights privileges or immunities secured by the United States Constitution, and laws, "shall be liable to the insured party or person." Request for appointment of counsel to be provided in according with Civil Rights Attorney Fees awards under Title 42 U, S, C.

Subsection 1983 (12) *Monro v. Pape* 365, U. S. 167, 171, 81 S. Ct. 473, 475, 5 L. Ed. 2d 492 (1961), *United States v. Classic* 313, 115, 299 326, 61 S. Ct. 1031, 1043, 85 L. Ed. 1368 (1941). Institution prosecution was not properly timely instituted, time limitation had expired is fraud, and the finding of jury guilty verdict is absolutely null and void, and have no effect, and defendant rights protected by the 13<sup>th</sup> and 14<sup>th</sup> Amendments of the United States Constitutions has been violated, by the state, and therefore, the jury guilty verdict and sentences must be set aside and defendant be set free from illegal custody.

District attorney has the burden of proof otherwise to show beyond a reasonable doubt, that fraud upon the court, do not exist, and that institution of prosecution was timely properly instituted, and did not expired.

In *Brumfield v. State*, preserve all rights in a properly, motion correct illegal sentences pursuant to Title XXX Louisiana Code of Criminal Procedure Statute Annotated Article 882, Correction of Illegal Sentences: review of illegal sentences, and illegal sentence may be correct at any time by the court that imposed the sentence or by an appellate court on review B, A, sentence may be reviewed as to its illegality on the application of the defendant or of the state, subsection (1), in an unappealable case by writ of Certiorari and Prohibition, C. Nothing in this article shall be construed to any defendant of his rights in a proper case to

The writ of Habeas Corpus, (a) the first sentence taken from Fed Rule 35, state that almost self evident authority of the court to correct an illegal sentence at any time. State v. Johnson 220 La, 64,55 So,2d 728 (1951), United States 330 U.S. 160,67,S, Ct, 645, 91 L Ed 818 (1947). Moving back to Louisiana Code of Criminal Procedure Article,872, Basis for valid sentence. In order that a valid trial may be held, it is essential that the charged be brought by a valid indictment, In State v, Duhon. 142 La, 919, 922,77So,791, 792 (1918).The defendant was tried and sentence for a felony in the absent of indictment, or information made by grand jury true bills, supporting Title X. of Louisiana stature annotated, Code of Criminal Procedure Article 383, an

indictment is a written accusation of crime made by a grand jury, and it must be concurred in by not less than nine grand jurors, and is endorsed, "a true bill," and the endorsement must by signed and dated by the foreman of the grand jury.

The court has applied the same rule in case involving a substantially defective indictment or information is State v. McDonald 178 La 612,620, 150 So,308,310 (1934). where the indictment for burglary was held totally defective for it failed to state that a house or structure had been entered. The court characterized the proceeding as follow.

"The verdict in this case was found upon and indictment so defective the it charged no crime and therefore of no effect," LSA-C.Cr.P Art.405 "the judge had no authority or power to sentence the accused," (added). "There can be no trial conviction or punishment for a crime without a formal sufficient accusation," (Emphasis added):

The above article recognized the jurisprudential requirement by making a valid and sufficient indictment are fully spelled out in Title XIII.

Furthermore, the final requirement for a valid and sufficient verdict, judgment, or plea of guilty.

Most challenge of sentence have been directed at the sufficiency and validity of the verdict. For example, "A valid sentence cannot rest upon a verdict which is not responsive to the indictment. ( State v. Roberson ) 111 La, 809,35 So 916 (1904). In Glenn Brumfield v. State. In order that a valid trial may be held it is essential that the charge be brought by a valid and sufficient grand jury true bills of indictment or information. In State v. Duhon 142,La 919,77, So 792 ( 1928). If not so the court point out that this was in direct conflict with the Constitution Article IX and where the court lacked subject matter jurisdiction there can be no conviction, or punishment for a crime without formal and sufficient accusation.

In the absence thereof, a court has no jurisdiction whatsoever and if it assumes jurisdiction, a trial and conviction are null, and void. State v, Soileau 173 La, 531, 534, 138 So 92, 93. This motion to correct illegal sentence was filed 6/13/ 2012,into the 24<sup>th</sup> Judicial District Court docket number 00-5362-and 03-2741, The court found no illegalities in defendant sentences, his constitutional rights have been violated by the courts. The court states, "sentences impose is mandated by statute and defendant is not entitled to relief.

Denied July 30, 2012. filed 8/24/2012 into the state Fifth Circuit Court of Appeals,  
Jefferson Parish Gretna La, docket No, 12-K H-666 denied October 12/2012.

Filed 10/30/2012 into the Louisiana State Supreme Court docket No, 2012-2353,  
(Ex-rel Brumfield v, State La. 2013), La C, C, P. Article 930.8 in State ex-rel Glover v,  
State, 93-2330 ( La, 9/5/95) 660 So, 2d. 1189, State v. Parker 98-0256 ( La. 5/8/98) 711  
so, 2d 694. Considering the Louisiana State Supreme Court is in direct conflict with its  
own judgments citing State ex-rel Johnson v, Day. A post conviction relief made under  
L S A- C, C, P, Article 924-930, 8 is not the same as L S A-C Cr, P. Articles 872-  
882, which may be correct and raised at any time see...State Exrel Johnson v. Day  
637, So. 2d. 1062-92, 1022. (La, 5/13/94), State v, Campbell 877, So 2d 112, 116; also,  
discussed in State v. Edwards 113 So 3d, 1261-62, (2014).

Filed April 9, 2013 into the United States Eastern District Court of Louisiana,  
Habeas Corpus subsection 2254, docket No; 13-3938 claiming Fifth Amendment rights  
to due-process had been violated by the state wherein the trial court lacked subject  
matter jurisdiction, when he went to trial and was found guilty without a grand jury  
founded. true bills of indictment or information, all action of the court is absolute null  
and void. United States Magistrate Judge Karren Roby Wells ruled denied with prejudice  
as time barred, December 19/2014. see...supporting Affidavit C J, Appendix reason 2254  
should have been granted for relief.

### CLAIM 3:

Usurpation of authority in public offices, Deprivation of rights under color of state laws and constitution, Protection by the 13<sup>th</sup> and 14<sup>th</sup> Amendments and the Supremacy Clause of national laws, constitution article VI, subsection 2, and 3, is treason against the United States constitution.

### ARGUMENT:

Motion to correct illegal sentence is now a new LSA-Cr.P. article 882-872 subsection (1) (2) (3), see...Constitution:

"No person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury, except I cases arising in the Land or Naval force or in the militia when in actual service in time of war or public danger, Nor shall any person be subject to the same offense to be twice put in jeopardy of life or limb; Nor shall be compelled in any criminal case to be a witness against himself, Nor be deprive of life, liberty or property without due process of law.

Brumfield was tried jury reached guilty verdicts and judge sentenced him to life and fifty years without grand juries finding true bills of indictment or information. This matters was in conflict with LSA-Cr.P. article 872 (1) (2) (3) Louisiana State Constitution Article IX, in State v Duhon 142 La 919, 922, 77 So. 791, 792 (1918) State v Soileau 173 La. 531, 534, 138 So. 92, 93(1931).

The court stated: There can be no trial, conviction or punishment for a crime without a formal, and sufficient accusation. The judge therefore had no authority or power to sentence the accused.

The article recognized the jurisprudential requirements by making a valid and sufficient indictment are fully spelled out in Title XIII in which Brumfield was denied relief required for.

A void judgment would not be denied wherein the court rendered the decision was acting in manner inconsistent with the laws, and the United States constitutional in federal Rule Civil Procedure Rule 60 (b)(4). *Honneus v. Donovan* 93 F.R.D. 433, 436-37 (1982) Aff'd 691 F.2d 1, Cir 1982.

Motion to set aside a judgment as void for lack of Jurisdiction is not subject to the time limitation *Garcia vs. Garcia* 712 P.2d 288 (Utah 1986).

A Judgment render by a court without personal or want of subject matter jurisdiction is absolute null and void wherein the court had none or no jurisdiction under the United States constitution amendment fifth, *Decuir v. Decuir*, S.Ct. 105 La. 481, 29 So. 932 May 6, 1901.

A court cannot confer jurisdiction where none existed and cannot make a valid proceeding valid, for it is clear and well established law that a void judgment order can be challenged in any court at any time *Clark v. Hebert* 15 La Ann 279 *Edward v. Whited* 29 La Ann 650; *Alter v. Pickett* 24; La. Ann, 515 *Bernard v. Vignaud* 1 Mart (U.S.) 8:

Quine v Mayes 2 Rob 511; William vs. Clark 11, La. Ann 761, Old Wayne Mat. L. Assoc vs. McDonough 204 U.S. 8, 27 S.Ct 236 (1907). State v. Duhon 142 La. 919, 922, 77 So. 791, 792 (1918). The judge therefore had no authority or power to sentence the accused. State

"There is no discretion to ignore lack of jurisdiction," Joyce vs. U.S. 474 2d 215 wherein a judgment is void and therefore subject to relief under federal civil Rule 60 (b) (4). Only if the court that rendered judgment lacked jurisdiction or in circumstances in which the court action applies amount to plain usurpation of power constituting a violation of due process of law United States vs. Boch Oldsmobile Inc 909 F.2d 657, 661 (1<sup>st</sup> Cir. 1990), United States v. 119, 67 Acres of Land 663 F.2d 1328, 1331 (5<sup>th</sup> Cir. 1981) see... Wilmer vs. board of County Comm'rs 69 F.3d 406 (10<sup>th</sup> Cir. 1995). The relief request is not a discretionary matter of the court, it is mandatory, Louisiana Code of Criminal Procedure Article 872 (1)(2)(3) of the Title XXX Chapter 1 general sentencing provisions State v. Soileau 173 La. 531, 534, 138 So. 92, 93(1931), Orner vs. Shalala 30 F.3d 1307, 1310 (10<sup>th</sup> Cir. 220-224 n.8) (10<sup>th</sup> Cir. 1979) A void judgment is one that has been procured by extrinsic or collateral fraud entered by a court judge or court may be in a legal sense immune from any claims that it is guilty of corruption because of its improper exercise of authority he or she has no such protection where it lacked subject authority.



Jurisdiction and the issue has been raised and asserted in court, subject matter jurisdiction before a court judgment. The judgment rendered is not only absolute null and void, but is also usurpation of authority, and treason against the constitutions. State Exrel -Danielson v. Village of Mound 234 Minn.531,534 48 N, W, 2d 855,863 (1951). Hooker v. Boles 346, Fed,2d 285,286 (1965) in Cohens v, Virginia 6, Wheat (19 U S.) 264,404 (1821).And to assume jurisdiction in this case would result in treason: State v, Shield 33 La, Ann 99 (1881),State v. Logan 104, La,254,28.S0,912(1901): State v, Morrison 1878.30 La, Ann 817.

Chief Justice John Marshall once states, "we judges have no more rights to decline the exercise of jurisdiction which is given than to usurp that which is not given."The one or the other would be treason to the Constitution."Cohen v. Virginia (19. U.S) 26,4,404 (1821). held under court judgment absolute null, and void, Decuir v. Decuir, S, Ct, 105 La, 481,29 So,932 May 6, 1901,see...State v, Armstead 1144 So. 3D 2014-0036 La, App.4, Cir, Ct,(6/4/2014). Refer back to default," 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 force or in the militia when in actual service in time of war or public danger, Nor shall any person be subject to the same offense to be twice put in jeopardy of life, or limb, Nor shall be compelled in any criminal case to be a witness against himself.

## QUA WARRANTO:

ORDER TO SHOW CAUSE. By what authority the courts are acting upon, wherein the trial court had no jurisdiction pursuant to the mandatory words "shall" violated defendant herein rights protected by the 13<sup>th</sup> and 14<sup>th</sup> Amendments of the United States Constitution and Louisiana state laws and constitution, subsection 2, 3.

Absolute nullity may be raised at any time wherein the court that rendered the judgments was clearly acting in a manner inconsistent with due process of law and the constitution, is usurpation of power and treason against the United States constitution, which forbid, involuntary servitude, "except as a punishment for crime whereof the party or person shall have been duly, "meaning properly convicted before a court" "Thus the sentences and jury guilty verdicts must be set aside and release defendant from illegal confinement.

## CONCLUSION:

Motion request to appear with District Attorney before the 24<sup>th</sup> Judicial District Court Jefferson Parish Gretna La. To hold hearing to show cause, time limitations instituted prosecution had not expired, under Court docket numbers 00-5362 and 03-2741. The district attorney shall not be required to allege facts showing that the time limitation had not expired, but when the issue is raised, the District Attorney has the burden of proving the facts to show prosecution was timely instituted, return by grand

jury true bills within one year from the dated of arrested. The offense was made known to the district attorney.

### RELIEF

A hearing was denied, with the district attorney, plea of prescription had run out time limitation had expired, and state district court was barred from bring defendant to trial. And it was "fraud upon the court, where defense attorney, and district attorney allowed the court to exceed its authority bringing defendant trial, "usurpation of power in public office, is treason against the United States constitution wherein the judgment rendered by court, violates defendant right protected by the 13<sup>th</sup> and 14<sup>th</sup> Amendments United States constitution, due process of laws. Guilty verdicts and sentencing s must be set aside and release defendant from illegal confinement.

### District Court Judgment:

Judge Michael P. Mentz division "P." denied motion to set aside verdicts and sentences October 10<sup>th</sup> 2023, and defendant received on October 18/2023, without a hearing.

### Answer

The state has no proof Brumfield conviction and sentences had become finalize at the conclusion of the 5<sup>th</sup> Circuit Court of Appeal, defendant is not time barred on his motion to set aside verdicts and sentences to (AEDPA) 930.8 which does not apply, some would be granted relief while others are denied the same rights to equal

protections under the laws. This motion was denied based upon personal feeling outside the law that governed motions, But admonish the courts from utilizing its own abilities to recharacterizes properly filed motions and pleadings by changing them to post conviction relief latch hold articles (AEDPA), 930.8 review *Castro v. United States* 124 S.Ct.786 and *Stewart v. Martinez-Villard*. 523. U.S. 637,642,118 S.Ct. 1618,140 L.Ed.2d 849(1998).Brumfield motions should have granted for relief. The direct appeal rulings is what triggers the time limitations on post conviction relief. But not motions. This did not happen on October 26/2004.(hints): Chief Judge Edward A. Dufrense Jr. in docket no:04-KA-0552 C/W 2004-KA-05530 denied appeal brief. Exhibit #1. and the time Picayune(10-7-08) News Paper Exhibit J#2. And the dear judge letter from Mr. Jerrold Peterson central staff director. And Exhibit J#3 *State v. Brumfield*, direct appeal brief is to this very date still pending without a real judgment by the Fifth Court Of Appeal. "NO application for post conviction relief shall be considered if its is filed more then two years after the judgments, conviction and sentence has become finalizes is jurisdiction. Citing *state v. Brown* 16-141(La.App.5<sup>th</sup> Cir. Ct. 9/22/2016 and this is absolute true, but however, in this case an application for post conviction relief, "Shall not be entertained if the petitioner or defendant may appeal the conviction and sentence which he seeks to challenge or if an appeal is still pending LSA-C.Cr.P. Article 924.1 meaning that jurisdiction of the trial court is divested without authority and that the appellate court attaches, or remand attaches upon

the entering of the order of appeal. Thereafter, the trial court has no jurisdictional authority to take any action except as otherwise provided by Laws LSA-C.Cr.P. Article 916."No post Conviction relief Application is designed to take the places of a direct appeal. The Applicant must first exhaust whatever appellant rights he or she has citing State v. Singleton, 871 So.2d 596,03-1307 (La. App.5<sup>th</sup> Cir. Ct.3/30/2004.2004) all three judges in caption, direct appeal reviews, was reviewed in public, as corrupt judges practices in offices, and they did abandon their affirmative duties to be impartial in making any rulings, or judgments, toward offenders would could not pay for attorneys, and this was clearly confirmed by the Louisiana State Supreme Court,(2008); when the court issued and order back to, or transferred Brumfield (P.C.R.) Claims to the State Fifth Cir. Ct. of Appeals to be reconsider see...( catch #22). The order by the state Supreme Court did not cure the consent judgments, that is absolute null and void on direct appeal. Notice Brumfield did not received by the state 5<sup>th</sup>.Cir. Ct. of Appeal, a fair, legal, constitutional review or ruling on direct appeal by any of the three judges, caption impanel, under Title Chief Justice Judge Edward A. Dufrense Jr. in fact defendant (PCR) Applications filed was premature before the court without any legal authority before the to entertained.

No fault on defendant Brumfield, it was Mr. Peterson central staff director who did not have legal authority under the law to make any rulings, or Judgments on October 26/2004. This is what the courts already knew, but failed to correct the problem. The suicide letter supports facts, Mr. Peterson admitting he made all rulings, and for over (10) ten years not one brief, writ application was ever reviewed, or ruled on by any of the judges in the State Fifth Circuit Court of Appeal Jefferson Parish Gretna La.

Therefore, the instrument Title Chief Justice Judge Edward A. Dufrense JR. is void October 26/2004. In the interest of justice this matter before Louisiana supreme court is properly and timely, for relief, as to plain errors, or errors patent review, defendant return back to the district court to exhaust claims that was unknown to him .Slack v. McDaniel, 120 S.Ct. 1595, 529, 115 473 (U.S. April 26, 2000).

#### CONCLUSION:

Remand back to the court with instruction claims was not known to defendant until some twenty-three years, it became illuminated while serving life and fifty year. The issue or claims should have been known to His defense attorney, who failures did

created a ripple effect of missed representation of counsels on direct appeal, and post-conviction relief. A hearing with the district attorney was denied. And the plea of prescription did expired. trial, verdict, and sentences is absolute null and void, with no legal effect. It was fraud upon the court, usurpation of authority in public offices, and treason against the united states constitution treaties. Defendant herein rights protected by the 13th and 14th amendments of the United States Constitution has been violated.

**RELIEF:**

Motion to set aside verdicts, sentences is timely before this honorable court, and defendant must be release from illegal confinement

**JUDGMENT:**

Pursuant to docket numbers 00-5362 & 03-2741. Fifth. Cir. Ct. of Appeal No: 23-KH-530. Glenn Brumfield v. State, judgment December 8/2023 time barred. Louisiana Supreme Court docket No. 2023-KH-01707 April 30, 2024 denied as time barred. Defendant received May 12, 2024.

**TRAVERSE:**

The state Supreme Court judgments is void wherein the courts are acting in a manner inconsistent with the laws. Usually, Brumfield would be time barred under LSA-C. Cr. P. Article 924-930.8. Pursuant to 28 U.S.C. Subsection 2254 and Subsection 2244 (d)(1). However, the facts upon defendant claims was not known to him, nevertheless, It should have been known to his attorney who had represented Brumfield. his trial defense attorney was ineffective for he failed to raise the issue or claims, and

filed motion to Quash or dismissed all charges by the state, Pursuant to 577 and 578 (2). However this procedural is an exception to 930.4 and 930.8 time barred post conviction relief. On a motion to set aside verdicts according to well established Jurisprudence of Louisiana State law. Brumfield trial, conviction, and sentence, have not become finalizes at the conclusion of a three judge panel in the 5<sup>th</sup> Cir. Ct/ of Appeal. And this is what the court refused to admit, And correct, But it do not preclude Brumfield from raising the claims on a motion to set aside verdict, under Louisiana Law. There shall be no trial, conviction or sentences, pursuant to an absolute null and void trial, conviction and sentence.

The courts know that the direct appeal rulings is what triggers the time limitation to post conviction relief not motions. This did not happened on October 26, 2004. (hence); under Appeal docket No. 04-KA-552 c/w and 04-KA-553. Denied. Appeal brief Exhibit. J# J# 1. and Time Picayune ( 10-7-08). New paper. Exhibit J # 2. And the dear judge letter from Mr. Peterson, central staff director. Exhibit J # 3. Brumfield vs. State direct appeal brief is to this very date still pending without a real judgment by the 5<sup>th</sup>. Cir. Ct. of appeal. An application for post conviction relief, shall not be entertained by any court. If the petitioner may appeal the conviction and sentences, which he seeks to challenge on direct, Or if and appeal is pending. ( LSA-C.Cr.P. Article 924.1).

The instrument in Title Chief Justice Judge Edward A. Dufrense Jr. on October 26/2004 is hereby void and with no legal authority by law. Therefore direct appellate court still remand attached upon order of direct appeal. LSA-C.Cr. P. Article 916.

"Striking Louisiana Supreme Court Judgment as void," citing *Ex. rel Glover v. State*, 660 So.2d 1189. No Post Conviction relief application is designed to take the place of a direct appeal. Applicant must first exhaust whatever appellants right he or she has, citing *State v. Singleton*, 871 So.2d 596 (2004). See... default Brumfield was denied effective representation, which fell below the level of professional assistance. Absents of attorney failures, the results would have been different because defendant would not have been found guilty at all. Pursuant to 577 and 578. A layman will ordinarily be unable to recognizes counsels errors and to evaluate attorney professional performance. The courts must consider there is no absolute right to counsels in D.O.C and therefore Brumfield suffered a significant lost of liberty and fundamental constitutional miscarriage of justice, that violated his constitutional rights to have effective representation.

Considering, "it was Brumfield attorney errors that led him to filed late state post conviction relief," although his direct appeal brief was not ruled on any of the judges in the 5<sup>th</sup> Cir. Ct. of Appeal Jefferson Parish Gretna LA. Direct Appeal, counsel could not demonstrated a "cause and prejudice," standards, and a layman petitioner bears the risk in the state post conviction and Federal habeas corpus 28 U. S. C. Subsection 2254 and 2244, for all attorney errors made in the course of presentations.

A conviction in a case wherein a defendant have not enjoyed the fundamental, constitutional, Federal rights to be heard by attorney is void, and that his imprisonment also violates the 13<sup>th</sup> Amendment of the United States Constitution, which forbids involuntary servitude, except as a punishment for crime, being duly, meaning properly

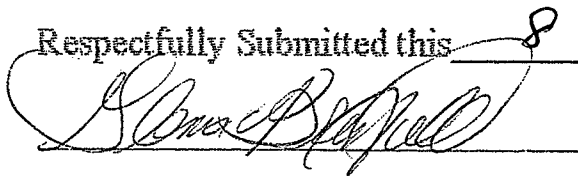


convicted in a court of law. Since no punishment for crime can be valid ,unless after a valid trial 577;- 578, (2), verdict and sentence. 872 Subsection (1), (2), (3). And 882 Subsection (1)(2)(3) .The only valid rights there is for the court, is to release defendant from unlawful confinements.

**PRAYER:**

Mr. Glenn Brumfield # 473624. Prays that this Honorable United State Superme Court granted His application for Writ of Certiorari and any other such relief this Honorable Court deem it to be appropriate, ordering the state of Louisiana to show legal cause, why Mr. Brumfield still remain in continued unconstitutional incarceration;

Respectfully Submitted this 8 day of July 2024.



Glenn Brumfield #473624 Pro,Se.