

24-5342

No

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IN THE  
SUPREME COURT OF THE UNITED STATES

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IN RE RICHARD J. RAMSEY                      PETITIONER

ON PETITION FOR A WRIT OF HABEAS CORPUS

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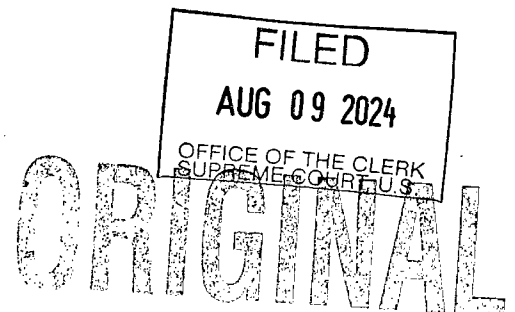
PETITION FOR WRIT OF HABEAS CORPUS

RICHARD J. RAMSEY

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## QUESTIONS

1

WHETHER WAIVING JURY TRIAL IS CONSTITUTIONAL UNDER THE 6<sup>TH</sup> AMENDMENT, WHEN THE 6<sup>TH</sup> 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; 5<sup>TH</sup> RIGHT TO SELF INCRIMINATION, 6<sup>TH</sup> 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 1<sup>ST</sup> 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.

Rule 14 (b)(i)

LIST OF PARTIES

ELIZABETH B. PRELOGAR (COUNSEL OF RECORD)

OFFICE OF THE SOLICITOR GENERAL

U.S. DEPT. OF JUSTICE

950 PENNSYLVANIA AVE. NW, SUITE 5614

WASHINGTON D.C. 20530

U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF)

450 E STREET NW

WASHINGTON, D.C. 20442-0001

RULE 14 (b) (iii)

RELATED CASES

I US COURT OF APPEALS FOR THE ARMED FORCES

USCA DKT # 24-0164/AR PETITION FOR A REDRESS OF GRIEVANCES

ON 17 JUNE 2024 THE COURT DENIED SAYING THEY HAVE NO

....

JURISDICTION

II US SUPREME COURT

RICHARD J. RAMSEY v. ARMY J.A.G. CASE # 24-5051

WRIT OF CERTIORARI JUDGEMENT PENDING

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RULE 14(1)(H) / RULE 10 (a) reason relied on for allowance of writ.

CAAF by denying my 1<sup>st</sup> amendment petition, on 17 JUNE 2024, has departed from accepted and usual course of judicial proceedings, and or sanctioned such a departure by a lower court as to call for an exercise of this court (Supreme court) supervisory power. Respondent, (CAAF), is allowing, J.A.G. personnel ( and judges) to advise an accused that he is waiving a constitutional right, which do not exist in the constitution. (GENERAL, SPECIAL AND SUMMARY COURT MARTIALS) are not part of ARTICLE 3, section 2, clause 3 and or 6<sup>th</sup> amendment of the constitution. To secure convictions, by lying as to what and where your rights are is a fraud.

INDEX TO APPENDICES

- A US COURT OF APPEALS FOR THE ARMED FORCES ORDER
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CONSTITUTIONAL RIGHT
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## TABLE OF AUTHORITIES CITED

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U. S. v. GRAY 37 MILITARY JUSTICE 751 (ACMR 1993) PAGE D



IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

RESPECTIVELY

PETITIONER PRAYS THAT A WRIT OF HABEAS CORPUS

REVIEW JUDGEMENT BELOW IN US COURT OF APPEALS FOR THE  
ARMED FORCES

FEDERAL CASES:

THE OPINION OF THE US COURT OF APPEALS APPEARS AT APPENDIX A  
TO THIS PETITION AND TO MY KNOWLEDGE IS UNPUBLISHED

## JURISDICTION

1 The date that the us court of appeals for the armed forces decided my ISSUES

was 17 JUNE 2024.

2 No petition for rehearing was timely filed on this case

3 No petition for rehearing was submitted or denied by U.S. court of appeals for the armed forces

JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. 1651(A), AND  
THE ALL WRITS ACT.

CONSTITUTIONAL AND STATUORY PROVISION INVOLVED

U S CONSTITUTION ARTICLE 3, SECTION 2, CLAUSE 3 (see page A-F)

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. pg 2 2 3 4 5

US CONSTITUTION 6<sup>TH</sup> AMEDNMENT (see page A-F)

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..

pg 1 2 3 4 5

7-12

## 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> amendment. [ here after 6<sup>th</sup> amend.] “impartial jury”. That you have a jury is ART 3,2,3. The 6<sup>th</sup> amend. Is not needed to have a jury see WOOD, {299 us 142}. The “impartial jury” under the 6<sup>th</sup> goes to state of mind, not whether you have a jury or not. The 6<sup>th</sup> secured impartiality. If the 6<sup>th</sup> amend secured jury trial; then without the 6<sup>th</sup> amend. There is no right to jury trial,.but see {ART 3,2,3}, You had a jury trial right before the 6<sup>th</sup> amend. Was proposed, and ratified;in (1791) the right to a jury proceeded the 6<sup>th</sup> amendment.

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

The 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> amendment; any such waiver under the 6<sup>th</sup> amend. Is waiving impartiality not whether you have a jury or not; you can waive 6<sup>th</sup> amendment impartial jury and still have a jury trial right under (ART 3,2,3). In WOOD the 6<sup>th</sup> amend. Is not necessary. The court in SINGER is trying to read jury trial right in the 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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...6<sup>th</sup> 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, and 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

WHELCHER 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 6<sup>th</sup> 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 6<sup>th</sup> 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-2-3) 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 6<sup>th</sup> amend. Is where trial by court martial lies. Neither the 6<sup>th</sup> 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 convencing evidence means evidence is highly and substantially more likely true, than not true. By WOOD (299 us 142), its likely true that the 6<sup>th</sup> 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.( 5<sup>th</sup> and 6<sup>th</sup> amendment rights) see (exhibit 2 record of trial page 197). The constitution made civilian law, and rights Congress made military law.



## REASON RELIEF NOT SOUGHT BELOW

My writ is directly challenging a prior Supreme court ruling in SINGER v. US, 380 US 24, 85 Sct 783, 13 L.Ed 2d 630 (1965). The court in singer said Your method to jury trial, is "impartial jury" which is right to be waived under the 6<sup>th</sup> amendment. I'm arguing that the 6<sup>th</sup> amendment did not secure jury trial as a right, only impartiality. The right to **HAVE** a jury is Article 3, sec 2, cl 3, of the constitution. See WOOD v. US, 299 US 123, 81 L.ED 78, 57 S.Ct 177 (1936). At ( 299 US 142 and 143) The court stated 6<sup>th</sup> is not necessary for jury trial, and the 6<sup>th</sup> is impartiality. The whole judicial system is committing fraud by saying the right is under the 6<sup>th</sup> amendment when, the right to have preexisted the 6<sup>th</sup> amendment. No lower court or military court can: re-review, remand, overturn, or see if the supreme court is correct as to where your right to have a jury is located. Only this court in WOOD, can decide if and where is your right to have a jury or if the right is to impartiality under the 6<sup>th</sup> amendment. If you waive the 6<sup>th</sup> amendment you waive impartiality not whether you have a jury or not. Article 3, sec 2, cl 3 secured to you a jury, while the 6<sup>th</sup> amendment secured impartiality only.

RULE (20.1)

HOW DOES THIS WRIT WILL BE IN AID OF THIS COURTS APPELLATE JURISDICTION, WHAT EXCEPTIONAL CIRCUMSTANCES WARRANT THE EXERCISE OF THE SUPREME COURT DISCRETIONARY POWER AND WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT.

You have a true fraud by the U.S, government "JUDICIAL BRANCH", against the citizens rights under the constitutions ARTICLE 3 section 2, clause 3 and the 6<sup>th</sup> amendment. There is no amendment to the constitution securing to military soldiers a constitutional right to a court martial, which can be waived. Lying saying you waive a right; which is not a right in the constitution, thereby waiving the 5<sup>th</sup> and 6<sup>th</sup> rights is a fraud by the judge and by the military J.A.G

The supreme court needs to decide if the 6<sup>th</sup> amendment is securing a right to a jury trial, so it can be waived. 2. Is the 6<sup>th</sup> amendment only securing impartiality. WOOD v. US 299 U.S. 142-143) 3. By (WOOD), article 3, sec 2, cl 3, secured jury trial; not the 6<sup>th</sup> amendment...article 3, sec 2, cl 3, is suppose to be waived. If you waive jury under the 6<sup>th</sup> amendment, you waive impartiality only, not whether you have a jury or not. The government still owes you a jury because you did not waive article 3, sec 2, cl 3,. By (SINGER v. US), the supreme court is in error. They are trying to put the right to have a jury into the 6<sup>th</sup> amendment. See (WOOD v. US 299 US 142) the 6<sup>th</sup> amendment is not need for trial by jury.If you rule on this and

rule for petitioner, you can prevent a lot of lawsuits by over the 2+ million people.

Who are locked up in this country, on plea bargains, which were induced by fraud

EXCEPTIONAL CIRCUMSTANCES: 95 %,federal, 93 % state and 98% military convictions end in plea bargains. As appellate authority over all courts, you need to decide where is the right to have a jury and where is the right to impartial jury. To have a jury is not part of the 6<sup>th</sup> amendment,,(see WOOD v. US 299 US 142-143)

My case is military, by case law of the supreme court we don't have a jury trial right in the 6<sup>th</sup> amendment or ARTICLE 3, sec 2, cl 3. So where is my constitutional right which was waived when the judge advised me, I waived such right. This court needs to stop this fraud by the military's judge advocate general people.

This court in its appellate jurisdiction needs to tell all courts / judges / prosecutors / defense counsels: 1 stop saying you have a 6<sup>th</sup> amendment right to jury trial, which is not true. You have an ARTICLE 3, sec 2, cl 3, right to jury trial. 2. Stop saying you waive your 6<sup>th</sup> amendment right to jury, when you really are waiving ARTICLE 3, sec 2, cl 3.

There is no voluntary, intelligent, knowing, abandonment of a known right when.

The constitution did not secure a right to court martial. 2 the judge said there was a constitutional right. 3. I waived a right which doesn't exist, under the constitution.

The proper remedy is to overturn this conviction and sentence by the military.

Around the 6<sup>th</sup> MAY 2024, I mailed to the U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF) 7 different letters under the 1<sup>st</sup> amendment right to address the government for a redress of grievances. On 17 JUNE 2024 they stated they have no jurisdiction...even though they do use 28 USC 1651(a), and All Writs Act. I went to CAAF thinking they can fix this fraud, and make rules for other military members, not just me and the ARMY. Clearly, they don't care if the judges are lying and committing fraud, to obtain convictions.

I ask this court (SUPREME), to either 1. Order the (CAAF), to hear my petition and consider relief 2. Or for this court (SUPREME), to order relief on it's own.

REASON FOR NOT MAKING APPLICATION TO DISTRICT COURT  
OF THE DISTRICT IN WHICH THE APPLICATE IS HELD  
COURT RULE 20 (4)(a)

PETITIONER, case took place back in 1995. From the 23 JULY 1995, the day I was apprehended by Army Criminal Investigation Division (here after CID) and my trial date was 5 DEC 1995. I was given a 28 year sentence. This went into effect on 23 JULY 1995 to 21 JULY 2023. I served 16 ½ years locked up and the last 11 ½ years on parole. As of 21 JULY 2023, I finished both my sentence and parole. I'm no longer held in confinement, or on parole. I filed a petition to the military (CAAF)

As you read the questions, you will come to see that the U.S. Supreme Court is the only court that can rule on this petition. My question (#1) is about a prior court ruling by the supreme court and the conflict between two cases. No other court can re-review, over rule, set-aside a decision of the supreme court. Lower courts do not have the authority to do such. My next questions (#2, #4,) all relate to rulings from the supreme court as to what rights, in the constitution, we as military have and where and how they are waived.

Question (3) whether the court (CAAF) has jurisdiction on my petition for a redress of grievances and can hear and award relief. The respondents are hiding behind "finality of conviction", when I have case law that this does not keep (CAAF) from reviewing and awarding relief under the ALL WRITS ACT. The respondents lied and committed fraud to get my conviction.



## REASON GRANTING PETITION

On the 6<sup>th</sup> June 2024, I mailed a 1<sup>st</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> amendment. The right to have a jury (article 3,2,3) is separate from the right to impartial jury.(6<sup>th</sup> amendment). The supreme court recognized this in WOOD (299 us 142, 2d para). Neither (article 3 nor 6<sup>th</sup> 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 6<sup>th</sup> amendment. IF this is correct then the 6<sup>th</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> amendment) which can be waived. All judges, prosecutors, defense counsel, appeal personal believe 6<sup>th</sup> 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

## CONCLUSION

The 5<sup>th</sup> amendment "GRAND JURY INDICTMENT", Article 1 section 8, clause 14 congress makes the regulations for the armed forces; Article 2 the president is commander in chief, other than these there is no constitutional law for the military by the constitution.. A court martial is not a jury under the constitution article 3 or 6<sup>th</sup> amendment. We are being advised we are waiving rights which do not apply, which is a falsity; and the 6<sup>th</sup> amendment has no jury trial right other than impartiality. The supreme court in SINGER placed the right to have a jury under the 6<sup>th</sup> amendment, thus waivable. This is an incorrect reading of the constitution. You do not need the 6<sup>th</sup> amendment to have a jury trial right. Which everyone needs to know about. The DOCTRINE OF STARE-DECISIS should not apply. WOOD ( 299 US 142) should control over PATTON and SINGER as to what right you are waiving. And where is this right located.

## CONCLUSION

QUESTION 1: petitioner is not saying jury trial can't be waived. The problem is the judges, defense counsel, prosecution and country believes the 6<sup>th</sup> amendment secured jury trial when all it did secure was impartiality. All accused is being advised that you are waiving the 6<sup>th</sup> amendment when it's ARTICLE 3 sec 2, clause 3 of the constitution that secured a jury trial right to the accused; and can be waived. The supreme court in SINGER, ( 380 U.S. 24, [1965] ), believes the 6<sup>th</sup> amendment, "method is impartial jury," is your right to have a jury trial, when this is a fraud and not true.

QUESTION #2 and #4 for the military there is no constitutional right to any court. ( general, special, summary court martials ) we are being advised that we are waiving a right, which factually do not exist in the constitution. Saying we have constitutional right to general court martial is a lie and a fraudulent way of obtaining convictions. The (CAAF) does have jurisdiction to hear and award relief.

THIS PETITION FOR WRIT OF HABEAS CORPUS SHOULD BE GRANTED.

Respectively submitted / date

*Richard J Ramsey* 10 AUG, 2024

RICHARD J. RAMSEY

4 (A) BUCK ROAD

MIDDLETOWN, RI 02842