

No. _____

ORIGINAL

24-6090

IN THE
SUPREME COURT OF THE UNITED STATES

FILED

NOV 27 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

In Re William A. Freeman — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

William Alexander Freeman

(Your Name) Inmate # 1003404480

In C/O: COFFEE CORRECTIONAL FACILITY

1153 N. LIBERTY STREET, P O BOX 650

(Address)

NICHOLLS, GA 31554

(City, State, Zip Code)

(Phone Number)

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

- 1.) Did STATE SECURE personam jurisdiction?
- 2.) Did the lower courts fail to extend leniency and STARE DECISIS for the best outcome of Petitioner's pro se proceedings?
- 3.) Was Petitioner's U.S. Const. Right violated?
- 4.) Was MENS REA established beyond a Reasonable doubt?
- 5.) Did Petitioner have a fair and impartial trial?
- 6.) Did STATE inflict Emotional Distress caused by tortious ~~and~~ tactics?
- 7.) How is this not a fundamental miscarriage of justice?
- 8.) Has this Court tolerated such injustice, in the lower courts, that offend the U.S. Constitution?
- 9.) Did the inferior courts interfere Petitioner's unalienable contract right to SETOFF the criminal transaction obstructing Petitioner's Hold Harmless agreement?

TABLE OF AUTHORITIES CITED

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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

- FREEMAN v. WARDEN, No. 1:24-CV-04392-LMM-RDC, U.S. District Court for the Northern District of Georgia, Judgment entered on 10/01/24.
- Freeman v. Scandrett, No. 1:21-CV-03397, U.S. District Court for the Northern District of Georgia, Judgment entered, on or about, Feb. 13, 2023.
- STATE v. FREEMAN, No. 2022-SU-CR-00651, GA Superior Court of Henry County, Judgment entered July 19, 2023.
- Freeman v. Scandrett, No. 1:21-CV-03397, U.S. District Court for the Northern District of Georgia, Judgment entered May 21, 2024.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

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☐ is unpublished.

The opinion of the United States district court appears at Appendix A and C to the petition and is

- ☒ reported at 2022 U.S. Dist. LEXIS 249024; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

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

The opinion of the HENRY COUNTY SUPERIOR court appears at Appendix B to the petition and is

- ☒ reported at STATE V. FREEMAN, NO. 2022-SU-CR-651-HV; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☒ 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: _____, 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 Pending.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

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

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution Articles and Amendments

Art. One Sec. 9 Cl. 2; Art. One Sec. 10 Cl. One; Art. ~~II~~ Sec. 2 Cl. One;
Art. ~~II~~ Cl. 2; Amend. One; Amend. Four; Amend Five; Amend Six;
Amend. Eight; Amend. Nine; Amend. 10; Amend. 13; Amend. 14.

U.S. Statutes and Rules

8 U.S.C.S. 1101 (a)(43)(5); Constitutional Law 840; Criminal Law 46.5;
Constitutional Rights of Prisoners 1.2-2; Public Law 73-10; HJR-192;
Public Policy 110-10; U.C.C. 1-201(25); U.C.C. 3-303(a); U.C.C. 9-102
(a)(20); U.C.C. 9-102(1)(11); 10 U.S.C. 3405(a); 10 U.S.C. 3435(a);
Fed. CODE OF CRIM. PROC.(S) 270, 292-a, 313, 317, 318; Bail Reform Act
of 1984; AMERICAN BAR ASSOCIATION STANDARDS 10-5.1;
S.A.C. #36 MINIMUM STANDARD 3-02 (b)(4);
S.A.C. #36 MINIMUM STANDARD 3-06 (b)(5); Rule 10(a); Rule 36(3)(b)
Rule 20.4(a); Rule 20.1

State of Georgia Statutes

O.C.G.A. 9-11-12(b)(1); O.C.G.A. 16-1-17; O.C.G.A. 17-6-1(e)(2)-(4);
O.C.G.A. 17-7-50; O.C.G.A. 24-1-3; O.C.G.A. 24-9-67.1;
Ga. Code ANN. 24-4-40-4(b).

**STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT**

On May 19, 2021, Petitioner was arrested in CLEVELAND, OH, at Petitioner's residence, without an arrest warrant present, upon Petitioner's request, nor a Miranda Warning, by an unknown number of U.S. Marshal agents. For no known reason, Petitioner was held, then extradition to HENRY COUNTY JAIL, ("HJC"), 120 HENRY PARKWAY, McDONOUGH, GA [30253], for one count of CHILD MOLESTATION, O.C.G.A. 16-6-4, on June 16, 2021. Prior to arrest, on Jan. 21, 2021, Petitioner put the state authorities on Notice of Petitioner's Exempt from Levy, for arrest warrant, by phone, with Detective Joseph, ("Maher"), HENRY COUNTY POLICE DEPT., ("HCPD"), an agent for the state. At HJC, on June 17, 2021, at Petitioner's "First Appearance", preliminary hearing, PUBLIC DEFENDER ("Hayden") refused to investigate Petitioner's exculpatory evidence, and, allowed Petitioner to be held on an excessive Bail, "No Bond", preventative detention without cause.

On this same day, Petitioner, in his due diligence, did, grieve, through an Administrative process, for false arrest, false imprisonment. Demanding Petitioner be immediate release for various U.S. Constitutional violations, challenging the fact of incarceration. Giving Notice, if failed to comply, a civil action will be sought for damages pursuant to TRAZAVANT V. TAMPA. ^(Payor) In this Administrative process, Petitioner received the arresting agency's Tacit Agreement of Petitioner's superior claim and his immediate release. Petitioner, then, sought, in order, to redeem the agreed performance from HENRY COUNTY SUPERIOR COURT, ("state trial court"), ONE COURTHOUSE SQUARE, McDONOUGH, GEORGIA [30253].

However, state trial court erred to protect Petitioner's interest constitutional rights. Yet, continued on a slippery slope, mere preparation, of a series of acts constituting a course of conduct culminating in the commission of state authority's Tort false arrest, arbitrary imprisonment, and, its on-going steps taken to the completion of state authority's tort(s), remote from the actual commission of state authority's arbitrary imprisonment tort. The state authority's sham legal process rendered ineffective to protect the entitled rights owed to Petitioner. The state procured ("initial

indictment¹⁹⁵⁸), 2021-SU-CR-~~400~~-HV, ON Sept. 22, 2021, charging unfairly two counts of CHILD MOLESTATION, O.C.G.A. 16-6-4(A).

ON Aug. 24, 2021, Petitioner filed a 42 U.S.C. 1983, civil action No. 1:21-cv-03397-LWM, U.S. DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, 2211 UNITED STATES COURTHOUSE, 75 TED TURNER DRIVE, S.W., ATLANTA, GA [30303], counter-claim for state trial court in apparent dishonor of Petitioner's Administrative remedy, concurrent with state's criminal action EX DELICTO. Pursuant to the on-going deprivation of Due Process rights; procedural irregularities; and, challenges state's fact of incarceration, under the color of law, authority and jurisdiction. ON Sept. 22, 2022, in apparent retaliation, illegally procured a second indictment, ("Redraft"), 2022-SU-CR-651-HV, that violates the provision in the CODE(S) OF CRIMINAL PROCEDURE. Charged with FOUR counts of CHILD MOLESTATION, O.C.G.A. 16-6-4(B)(1), a higher degree of guilt, pending concurrent with ^{initial} ~~initial~~ indictment. State trial court Judge, as DEFACTO ATTORNEY, entered a verdict of "Not Guilty", in behalf of Petitioner. Petitioner, did, file a PRO SE Habeas Corpus in to state trial court for relief of state's repeated bad faith, of which, is held is suspension from court calendar.

FURTHERMORE, Petitioner suffered through state's malicious prosecution without legal representation. State trial court denied Petitioner a court appointed attorney, without good reason, after Petitioner requested a new PUBLIC DEFENDER for ineffectiveness. State trial court, did, force Petitioner to proceed PRO SE, after multiple times Petitioner made it clear not to waive rights for a court appointed attorney, all rights reserved, when Petitioner, under duress, could not afford one. Petitioner, also, suffered: mail interruption, misplacing, and/or, losing legal mail and legal notes seriously affecting assistance of counsel; denied medical attention; affliction of emotional stress causing diminished mental health and serious physical health problems treated with medication, from the loss of liberty, two family members in death, HCD population abusive conditions due to the nature of the crime, and, Petitioner's evidence suppressed; denied a ^{SINGLE} ~~single~~ man cell for protection from general population, instead continued to put Petitioner's corpus in harms way; denied bail, twice, when it was

mandatory, (see Appendix E for summary); constitutional and statutory double jeopardy; the YEARS long of court calendar confusion, from TWO pending indictments, (see Appendix E for Summary), to the point Petitioner loose cognitive Reasoning. ~~He~~^{He} officials tazed Petitioner, THREE TIMES, in restraints, under mental health stress, to get Petitioner to go to Redraft's illegal bench trial; the mention and testimony of past accusations during Redraft unlawful bench trial; insufficient evidence and hearsay to sustain a conviction; all culminated in the commission of false arrest, arbitrary imprisonment.

In Petitioner's 1983 civil action, the District Court failed to extend leniency, in seeking the best possible outcome for relief of a PRO SE litigant. And, erred to apply the stare decisis doctrine, as to, Petitioner suffered similar circumstance as TRAZAVANT, and more. Sending Petitioner on a seemingly endless course to amend Petitioner's 1983 application to separate occurrences outside of TRAZAVANT equal protection. Failing to see the state's course of conduct culminating, enrolled above, remote from the actual commission of false arrest, arbitrary imprisonment. The District Court erred in accepting District Court Magistrate's Report ~~and~~^{and} Recommendation, ("RJR"), Plain Error for Petitioner's failure to comply with a court order, when Petitioner's repeated complaints to the District Court, civil action Defendants were delaying mail, or denied delivery of, that seriously interfered with Petitioner's responsibility to Redress tort action.

In continued arbitrary imprisonment, under economic and moral duress, Petitioner, at his earliest convenience, did, file an amendment, [Doc. 37], to enhance THIRD AMENDMENT, with objections, explaining the reason for the delay filing amendment, [Doc. 37], excussing Petitioner of Plain Error. The District Court Refused to extend leniency, upon Petitioner's request, in light of what Petitioner expressed. Failing to reenstate judgment for reconsideration, of the merits, abhearing to the RJR and ordered unappealable.

On July 19, 2023, at the unlawful bench trial of Redraft, Petitioner was convicted, state trial court, on the unconstitutional Redraft, and

there, sentenced to an excessive (60) YEARS as Petitioner invoked his FIFTH AMEND. right to remain silent and standing, throughout trial, in protest of being tried in an unlawful criminal action without legal representative, appointed by the Court, present; ~~and~~.

Hence, the state entered a void judgment with an excessive void sentence, to wit:

COUNT 1, CHILD MOLESTATION, Sentence 20 years to serve

COUNT 2, CHILD MOLESTATION, Sentence 20 years to serve, CONS. to COUNT 1

COUNT 3, CHILD MOLESTATION, Sentence 20 years to serve, CONS. to COUNT 1 and COUNT 2

COUNT 4, CHILD MOLESTATION, Sentence 20 years / 1 year to serve, CONS. to COUNT 1, COUNT 2 and COUNT 3

~~Petitioner~~ has been transported to CORECIVIC, COFFEE CORRECTIONAL FACILITY, subjected to involuntary servitude under the state's on-going commission of false arrest, arbitrary imprisonment, from Petitioner's liberties.

On Oct. 9, 2024, in state trial court, on motion for retrial challenging Redraft indictment number of counts. The state trial court ruled to merge counts 3 with count 1 and counts 4 with count 2, denying retrial. The Redraft indictment count merge now reflects initial indictment. Resentencing is scheduled for Nov. 13, 2024. This did not bring about adequate relief. Further, Petitioner has instructed Appellant Public Defender to file a motion to acquit Redraft indictment being in violation of Amend 5 U.S. Const., Art. One Sec. One Para. XVIII of the Georgia Constitution, and O.C.G.A. 17-7-53, which cross references "Multiple jeopardy in grand jury proceedings" to GIBSON v. STATE. (Appendix D(a)(1)). Acquittal are being researched and state appeal toll awaiting a final order from state trial court.

RULE 20.4(a) STATEMENT

Petitioner invokes this Court's original jurisdiction pursuant to Art. One Sec. 9 Cl. 2 U.S. Const. and 28 U.S.C. 2241(c)(3) Petitioner "is in custody in violation of the Constitution [and] laws of the United States." This writ is an original action seeking enforcement of a public duty for which no redress could be had in any other court as a

necessary for expeditious and effective exercise authority means of confining the inferior courts, compelling ~~them~~ them to exercise their authority when it is its duty to do so. The Judicial Act confers expressly the power of general superintendence of inferior courts on this Court. No tribunal exists by which it can be exercised.

^{D(b)(7)}
Section 14 of the Judicial Act provided that this Court,

"shall have power to issue writs of...habeas corpus... which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law." 1 Stat 81, c. 20. These provisions have in substance been carried over into [subsec.] 234, and 262 of the Judicial Code (28 U.S.C.A. 342, 377, 8 F.C.A. title 28, 342, 377), and 751 of the Revised Statutes (28 U.S.C.A. 451, 8 F.C.A. title 28 451)." EX PARTE PERU. ^{D(a)(2)}

In compliance with ^{D(b)(4)} Rules 20.4(a) and ^{D(b)(6)} 20.1, which requirements are partly compatible in nature but not in action proceedings, as compared in this analysis. Although the Supreme Court Rules requires a habeas corpus proceeding to follow Rules for a writ of certiorari, only in form of documentation not in jurisdiction applications. Whereas, ^{D(b)(9)} Rule 20.1 authorizes 28 U.S.C. 1651(a) as a matter "of discretion sparingly exercised", and show that the writ will be in aid of the Court's appellate jurisdiction.

However, Rule 20.4 states that a writ of habeas corpus "shall" comply with the requirements of ^{D(b)(4)-(7)} 28 U.S.C. 2241 and 2242. As expressed above, 2241, Petitioner invokes this Court's constitutional original jurisdiction. 2242 Para. 39 "reasons for not making application to the district court," cross references to common-law KEENE V. TAMAYO-REYES, ^{(D(a)(3))}, shows good reason:

"Habeas Corpus is not an appellate proceeding, but rather an original civil action in a federal court..." "it is a new suit brought by him to enforce a civil right." EX PARTE TOM TONG, 100 U.S. 556, 559-560, 27 L.Ed. 826, 2 S.Ct. 871 (1883) Emphasis add.

In Rule 20.1 the 1651(a) "all writs" statute is insufficient for this writ being authorized by this statute. This writ, presented in the court, is pursuant to constitutional provision of Art. ONE SEC. 9 CL. 2 U.S. Const. as a matter of right. Likewise, to support Petitioner's affirmative on 1651(a) "all writs" statute was established by this Court in HARRIS V. NELSON. See Appendix D(a)(1A) for full citation quote.

HARRIS shows the district court's "discretion sparingly exercised" does not to this writ and will harm, "defeat", provisions of the Habeas Corpus Act. Also, HARRIS points out, the Federal Rules of Civil Procedure 1-33 and 81(a)(2) authorizes the district ~~and~~ court 1651(a) for the use of deposition and interrogatories only,

Notwithstanding for habeas corpus. This writ, of constitutional right, orders a injunction against the state court arbitrary imprisonment; Petitioner maintained his EXEMPT FROM LEVY status enforcing prohibition of the denial of enjoying such a privilege; Mandamus upon the state courts by the agreeable principles and usage of law to settle Petitioner's real defense counter-claim PRO TANTO full settlement pursuant to Administrative Remedy.

Petitioner does not have a pending state appeal remedy being tolled and held in custody without a final judgment of conviction from state trial court. Therefore, comes within the provisions of 28 U.S.C. 2254 (a), (b)(1)(B)(i) and (ii). See D(a)(9c).

This writ will show the following drastic circumstances, to wit:

- (a) fraud, misrepresentation, or other misconduct of the state court pursuant to 60(b) Fed. R. Civ. P. D(b)(9d).
- (b) characterized malicious, fraudulent, deliberate and willful pattern of search and seizure, authorities demonstrated bad faith and invasion of privacy.
- (c) ineffective assistance of counsel conflicting interest.
- (d) denied mandatory bail.
- (e) state trial court failed to re-appoint counsel for Petitioner, forcing Petitioner to proceed PRO SE.
- (f) evidence suppression of exculpatory facts that would have changed the course of the matter with serious reasonable doubt.
- (g) the conduct in the course of litigation that procured an unlawful Redraft indictment pending concurrent with original indictment and sanctioned to such a departure.
- (h) void judgment pursuant to 60(b) Fed. R. Civ. P.
- (i) mandamus, prohibition and injunction against judges are drastic and extraordinary. D(b)(9e) D(b)(9f)
- (j) unfair trial invoking Fifth and First Amend U.S. Const. protest rights.
- (k) an innocent man convicted.
- (l) state courts in dishonor of Administrative Remedy.

warrants the exercise of this Court's supervisory authority and sufficient to constitute exceptional circumstances in the interest of justice.

REASONS FOR GRANTING THE PETITION

GROUND 1: THE INVESTIGATION POISON THE TREE WITH COMPLICITY TO CONSPIRE LIBEL TO FORCE EVICTION; SUPPRESS EXCULPATORY MATERIAL AND FORENSIC EVIDENCE PREJUDICED PETITIONER; STATE'S MOOT FACT OF INCARCERATION LACK SUBJECT-MATTER AND PERSONAM JURISDICTION.

I. Occurance General Summary

The fact of incarceration, false arrest, is based on conflicting hearsay complaints that hold no probative value to inculpatory facts. The two complaints, (EXIBITS BB-CC), are littered with misidentification; EXIBIT BB is doctored name of suspect to fit Petitioner's; suppression of facts; fictitious criminal history information, provided to officials; and admission to conspiring Libel; preparing the victim with fictitious criminal history, as Petitioner, by both Complainants, **ONE DAY** prior to filing complaints; and, proof of obstruction of justice.

II. Facts and Legal Authority.

A.) The complaints appears to present probable cause, (dabatable), to start an investigation with the police at first glance. However, it does not stand up to the scrutiny of this Writ's examination, nor, shall it with this Court.

1.) Complainant, Derek ("MANN"), (EXIBIT CC), exposes how the conspiracy of libel developed, and corroborates with the victim **ONE DAY** prior to the mother being "arrested". Mann misidentifies Petitioner's corpus as "darkskinned". Complainant, Cicely ("Brown"), (EXIBIT BB), states the wrong birthday year of Petitioner, and, the first name of suspect is crossed out, doctored to appear to match Petitioner's name. Brown's complaint is misleading to have officials believe she was "arrested" to the offense the day of the complaint. Mann admits, both Complainants received fictitious criminal history Brown found and shown to him.

"On 12/10/2020 I was woken up in the morning by my Aunt, the victim's mother, and informed by her she had found out he was a sex offender up in Ohio" (Quoting MANN, EXIBIT CC pg. 1.

MANN's statement, also, reveals preparing the victim the whole day, through conversation and SNAPCHAT, before filing these complaints. MANN admits to this

sharing of fictitious information stating: "the information my aunt and I had found!" Also, a failed attempt to notify an "investigation unit" before filing complaints. Brown's complaint gives the wrong year Petitioner was born, to police. False information provided to field officials of which he adds to Reports, (EXIBIT DD). A different age is found in Maher's Report, (EXIBIT T). Brown intentionally, willfully, knowing withheld telling police the fact. Brown found fictitious information; she shared with Mann and coaching the victim, ONE DAY prior to complaint. Instead, misled police to believe Brown was "arrested" the day of calling police. Mann's statement shows Brown guilty of obstructing justice by perjury and both complaintants falsifying a police report. Fact of incarceration resulting from illegal conduct by private persons.

2) Maher's failure to properly investigate the above findings, yet, saw to pursue criminal charges against Petitioner. Is in complicity with complaintants illegal conduct, pursuant to fruit of the poisonous tree doctrine, using the complaintant's illegal conduct as the subject-matter in the fact of incarceration. Also, Maher failed to follow-up investigation into new material facts brought to him about the offense by Petitioner, to wit:

(i) Petitioner's phone message, (EXIBIT W), of complaintants threats and harassing text messages of an argument between Mann and Petitioner, which led Petitioner to serve Mann a CDC HALTING EVICTION DECLARATION, on Dec. 10, 2020, with December's rent (on a month-to-month lease). Maher failed to collect these text messages. Plus, Petitioner's screenshot of the victim intoxicated in SNAPCHAT videos.

(ii) To take Petitioner's statement via phone, E-mail or certified mail, as Petitioner offered for his unavailability, on Jan. 22, 2021, (EXIBIT X), call to Maher.

(iii) On Jan. 23, 2021, the next day of Petitioner's call, Maher received conflicting criminal history report of Petitioner, (EXIBIT EE). This report says, (in relevant part):

"Mr. Freeman... report provide history for Ohio only and none of the charges/convictions were sex crimes. No other information proved to be relevant to this investigation."

(iv) To collect time sensitive forensic evidence from the victim, a minor, accused of being intoxicated, under the influence of a substance around the time of being coached with fictitious information.

(v) Investigate the reports, with Bodycam, into Petitioner's claim of complaintants using the criminal process as a tool to force evict Petitioner. A prior attempt with McDONOUGH POLICE DEPT. ("MPD"), on Dec. 17, 2020 at 4:30 AM, waking up Petitioner. MPD responding to a disturbance concluding, after shown the CDC Declaration, the dispute is a "civil matter".

(vi) Nor, investigate into the "investigation unit" Mann sought first as to why they did not pursue the case.

None of these facts and data, listed above, raised alarm for Maher to follow-up investigate further in the interest of ACTUS REUS and MENS REA of the alleged offense. Fruit of the Poisonous Tree Doctrine draws its name from the idea that once the police "poison the tree" (act illegally to obtain or to attempt to obtain the primary evidence), then any "fruit of the tree" (any primary, secondary, or other evidence) resulting from that illegal act also contains that "poison" as WONG SUN V. U.S., puts it. ~~(D(1) is Appendix D(1))~~. Appendix D(a)(9)

In the scope of Fruit of the Poisonous Tree Doctrine, this Supreme Court said this rule does not apply to the evidence resulting from illegal conduct by private persons, such as these complainants, co-conspirators, illegal conduct. Except such conduct involving complicity on the part of the state. WONG SUN ruled:

"Under the due process clause of the Fourteenth Amendment, a rule of evidence prohibiting the admission against the defendant evidence of the direct result or immediate product of illegal conduct by an official." (Emphasis added).

As is the illegal conduct by Maher's complicity to obstruction of justice, asserted herein.

the above shows Maher guilty of complicity to complainant illegal conduct. This, also, seriously sheds doubt and is exculpatory fact excusing Petitioner of the offence. A follow-up investigation would be reliable application of those principles and methods to the facts as required in O.C.G.A. 24-9-67.1.^{D(6)(10)} Maher's reports prove Maher, did, knowingly, willingly, and in reckless disregard of the truth, suppressed the knowledge of falsified complaints. An obstruction that prejudiced reliable procedural due process towards Petitioner's right to Liberty, is direct illegal conduct, of which, poisoned the tree, everything else has its poisonous fruit NUNC PRO TUNC.

3) Even during the investigation stage, Petitioner, withstanding, did, give Maher a Bona Fide Notice, from infancy, Petitioner's Exemption from Levy, on Jan. 21, 2021, recorded phone call, (EXHIBIT X), and made aware the STATE shall not have personam jurisdiction prior to the arrest warrant process. This precluded Exemption, by conveyance, filing a Security Agreement and FINANCING STATEMENT, FORM UCC-1, with an Indemnity Hold Harmless Bond, in the STATE OF MICHIGAN, SECRETARY OF STATE, UCC DEPARTMENT, for the Region of OHIO, ~~pro~~ pursuant to

D(6)(11) D(6)(12)
~~D(6)(1)~~ ~~D(6)(2)~~

ART. ONE SEC. 10 CL. ONE U.S. Const.; Amend. 10 U.S. Const.; PUBLIC POLICY 110-10; PUBLIC LAW 73-10; and HJR-192. ^{D(6)(13)} In his due diligence, commenced on Jun. 17, 2021, Petitioner sought to succeed in an exhaustion of an Administrative Remedy to mitigate damages, declare Maher's subject-matter fact of incarceration moot. Effectively perform his Real Defence duties. GRIEVING the false arrest, arbitrary imprisonment, through, HENRY COUNTY SHERIFF'S OFFICE, ("HCSO"), GRIEVANCE process.

Petitioner gave three Notices, (EXHIBITS D-F), expressing STATE'S lack of personam jurisdiction over the corpus of Petitioner, on its basis of Law. Rendering the STATE "NOTWITHSTANDING"; (pursuant to: Art. 6 Cl. 2 U.S. Const.), ^{D(6)(14)} to enforce Petitioner's right to liberty & due process of law as applied through Amend. 14 U.S. Const. ^{D(6)(25)} This Administrative process challenged this CRIMINAL action EX DELICTO, and, enforced the Burden of proof of the fact of incarceration claim on the STATE. To rebut Petitioner's SCHEDULE OF STIPULATED FACTS, point-by-point, under penalty of perjury. HCSO has failed to respond, point-by-point, in such a factual setting, Petitioner's precluded ~~Super~~ Superior claim. Through this process, Petitioner has successfully exhausted Administrative Remedy receiving Tacit Agreement by acquiescence to certain facts, in Petitioner's immediate release, as so stipulated in Request for Summary Judgment, (EXHIBIT A111 pg 5-7). The fact of incarceration, losing both subject-matter and personam jurisdiction.

GROUND 2: STATE EXECUTED AN UNLAWFUL SEIZURE AND FALSE ARREST OF PETITIONER VIA A VOID ARREST WARRANT PURSUANT TO SUBMITTING A SWORN ARREST APPLICATION UNDER PERJURY, FRAUD IN THE FACTUM.

This Writ has outlined the facts that Maher's illegal conduct in his investigation did not afford him enough basis of ACTUS REUS and MENS REA to obtain an arrest warrant. Yet, this Writ will show Maher obstruction of process by perjuring himself that procured the offense arrest warrant.

Poisonous Fruit; Malice, with respect to slander and libel; and Perjury, are crimes that correctly convicts Maher's tortious conduct applying for the arrest warrant, (EXHIBIT C), for the unlawful search, seizure and false arrest of Petitioner. Maher's tort, Fraud in the execution, did, prejudiced the reliable procedural Due Process that deprives the liberty of Petitioner. Maher's prejudice, "poison", permeated the fact of incarceration and the course ability to legally enforce and execute the offense arrest. Maher progressed to a higher degree of illegal conduct, from

complicity of Libel.

I. Occurrence General Summary.

A) On May 19, 2021, an unknown number of U.S. MARSHALLS, with K-9 unit, was pounding and breaking into Petitioner's, NEW YORK AVENUE, CLEVELAND, OH, rented residence. Demanding Petitioner to come out with hands up. When Petitioner opened interior solid door, he was met with agents, fully armed, behind an armor shield, brandishing weapons, all aimed at Petitioner, claiming to be executing a live arrest warrant, 7:30 A.M. Tactics to arrest a violent suspect towards law enforcement agents, to which, Petitioner has no history of being. In fear for his life, of such intimidation, Petitioner, unlocked the glass security exterior door, that was damaged by agents. Petitioner stepped out showing empty hands and was rushed immediately hand-cuffed without shoes on. Petitioner civilly demanded to see the arrest warrant, as to what this was about. No such arrest warrant was shown. Petitioner was, then, placed into an unmarked vehicle, without a ^{D(a)(10)} MIRANDA warning and transported, abducted, to CUYAHOGA COUNTY CORRECTIONAL CENTER. Where Petitioner awaited extradition to HCS (29) DAYS.

B) Upon receiving STATE'S CRIMINAL DISCOVERY, Petitioner noticed Maher's tortious conduct, mentioned in Ground 1, when applying for the offense arrest warrant, (EXHIBIT C). Maher's own reports reflect his tortious conduct in (EXHIBITS P-X). The only reasons Maher gave in testifying to obtain the arrest warrant, were:

(i) "to the best of his... knowledge and belief WILLIAM A. FREEMAN, did... commit the offense..."

(a) Hearsay, Maher did not receive "this case for further investigation," until Dec. 22, 2020, (EXHIBIT P). Maher presented no evidence nor a victim's statement.

(b) also, Prejudiced Petitioner: Petitioner is presumed innocent of current charges,

(ii) a false concluding testimony that Petitioner "refused to give a statement."

(a) Perjury, in conflict with Maher's reports and testimony at preliminary hearing.

II. Facts and Legal Authority.

A) Maher's Reports (examining EXHIBITS P-U), reflects the truth of his tortious

conduct. (IN EXHIBIT P), Maher reports, when entered into the course of the matter. So Maher did not do the initial contact interview with complainants or victim; Nor collect their statements, standard procedure for a detective. Field officials collected these statements. Afforementioned, these complaints gave Police fictitious probable cause to further investigate.

Maher's arrest warrant application, (EXHIBIT Q), to HENRY COUNTY MAGISTRATE COURT. Maher gave a brief summary of the alleged incident, ok still standard no harm there. However, Maher concludes his short summary with,

"I attempted to interview William A. Freeman and he refused to provide a statement."

this is NOT a factual statement Maher makes in a factual setting as Magistrate court and a testimony given under this lawfully administered oath. (EXHIBIT R) shows Maher swear this false statement is "true and correct", to hearsay and a false statement, as the evidence rule applies to this court hearing, (O.C.G.A. 24-1-3 "...in all courts"). Maher progressed to a higher degree of illegal conduct, this writ will prove.

Surprisingly the time of day was 7:26 AM, outside of normal court business hours. Clerical errors do happen. Maher had time, if this was the case, a clerical error, early outside of normal court business hours, to correct this false statement error even though the Box "WARRANT ISSUED" is marked. This was no clerical error but intentional illegal conduct. Further, Maher does not correct his hearsay and false statement. In Maher's arrest warrant affidavit, (EXHIBIT S), Maher continues to erroneously swear, "to the best of his... knowledge and belief, WILLIAM A. FREEMAN did, ... commit the offense..." Hearsay and, again, the false concluding testimony, "refused to provide a statement," as inculpatory fact. On this affidavit was time stamped 8:56 AM, (90) MINS. has past. Whereas, Maher had time to correct this correct this hearsay and his false statement, follow-up investigate PETITIONER's attempts to turnover material evidence and provide witnesses. After affirmation of this affidavit, again, there was time for Maher to correct his tort, even with the arrest warrant posting live for execution, the same day at 9:18 AM, (EXHIBIT C). Wasting no time, (22) MINS., to post live this fraudulent warrant, On Apr. 22, 2021. When STATE trial court case dockets, on two pending indictments, began to roll time.

Maher could have vacated that arrest warrant and re-submitted a new

application, if one was needed. Following a complete proper investigation and applied the evidence rule provided in O.C.G.A. 24-1-3. Two DAYS later, Maher sealed his illegal conduct admitting in his report that he swore to the details, (EXHIBIT U), or lack thereof, of hearsay and perjury. This tort got a fraudulent arrest warrant approved, is evidence of fraud, for this writ. To which, ultimately led to the illegal search, seizure, and the invasion of privacy arresting Petitioner at his home, May 19, 2021, WITHIN (30) DAYS, of warrant posting live. At this point, Maher was out of corrective measures.

B) Maher swore, on court official documents, an repeated **THREE TIMES**, Petitioner "refused to provide a statement. This writ will prove with a showing of real fact's Maher's testimony is false. (EXHIBIT V), shows Maher did attempt to make initial contact with Petitioner, on Jan. 12, 2021. (Over ~~three~~ **four** MONTHS prior to posting his fraudulent arrest warrant live, **FOUR MONTHS** prior to the false arrest of Petitioner). He called during Petitioner's business hours and was unavailable, Maher left a message. A few day later, on the morning of Jan 18, 2021, Maher reports, (EXHIBIT W), Petitioner returned Maher's call, was unsuccessful and left Maher a message. Of which, Maher report further summarizes this message:

"was returning my call and wanted to speak with me. The message stated he has been receiving threats and harassment from the parties involved. MR. FREEMAN stated he had text messages too."

This is a recorded statement, with, material evidence. Maher calls back, no answer from Petitioner, and leave message as to why he was calling.

Maher starts, (EXHIBIT X), Report, "I received a return call from MR. FREEMAN..." This is the second call back Petitioner made to Maher, showing a willingness to cooperate with Maher's ~~full~~ investigation. Maher wanted to meet Petitioner to obtain a written statement. Petitioner began to relay an oral statement Maher calls "a back story." Maher interrupts, frustrate, Petitioner's statement to explain what Petitioner was testifying as "a civil matter", as did MPD. Maher reported was not available for a meeting. However, Petitioner ~~an~~ attempt to give an oral statement on this call.

These reports are probative value for this writ, proving, without a doubt, the falsehood of Maher affidavit. Maher committed obstruction of process by perjury, on oath, applying for the offense arrest warrant tainting the

process, fraud in the process, depriving Petitioner of due process, violating privacy rights and depriving petitioner's liberties. Petitioner's statement attempts did not just stop orally. In addition, the attempts to give Maher a statement is,

"Mr. Freeman was trying to provide alternates to meeting with me in person: sending a statement via certified mail or by e-mail." quoting (EXHIBIT X).

All these reports show Petitioner's clear attempts to give a statement, was outside of what Maher preferred. Also, on this same call, what Maher does suppress in his report, but in the audio, is Petitioner gave Maher BONA FIDE Notice of Petitioner's precluded Exempt from Levy, (from a public arrest warrant Levy), in compliance with the law to avoid any misidentification like what is made in this matter.

C) However, Maher swore to the best of his knowledge, true and correct, Petitioner 'refused to give him a statement', on oath, in court constitutes obstructing justice, by perjury and fraud in the factum. There is audio evidence provided by Maher to these calls. Petitioner's full accounted statement is declared and expressed, filed Pro SE, into STATE TRIAL court, attached is the only copy, to SUMMARY JUDGMENT AFFIDAVIT, (EXHIBIT G). According to common-law, Maher can make the statement, 'Knowing someone did commit an offense.' Only when the offense is committed in the presence or immediate knowledge of the offense. None of these circumstances Maher can testify as admissible in this matter from his point of entry into the course of the matter.

This showing of Maher's suppression of Petitioner's statement attempts, is probative value, arising from Maher's ability to misrepresent facts to a court. And, committed in a judicial proceeding, to obtain a fraudulent arrest warrant for Petitioner, is knowing, willfully, Reckless disregard, and intelligently, bad faith, malice aforethought, and constitutes fraud in the factum, obstructing justice, (B.U.S.C.S. 1101 (a)(4)(5)), by perjury. A criminal offense of making a false swearing to false facts on a legal instruments, in a legal setting. Maher's tort, containing poisonous fruit for clear and convincing complicity to the private conspirators, corrupting the arrest warrant process, Obstructing of process with fraud in the factum. Causing EXHIBIT C to be Invalid, Null and Void NUNC PRO TUNC. The highest degree of an irregularity, obstructing procedural due process.

It is factual, Maher's arrest warrant for Petitioner, as clearly shown, is fraudulent. This arrest warrant, (EXHIBIT C), is essentially defective, incapable of being enforced to seize and arrest Petitioner. Maher's tortious conduct, fraud in the execution, per-judiced Petitioner's right to Due Process; invaded his right to privacy; denied Petitioner entitled Liberties; utilizing unreliable and unlawful application of those principle and methods that change the course of this matter. Sending STATE on a slippery slope to cause the torts of arbitrary imprisonment of Petitioner. 'Maher refused my statement', is what his affidavit should have read.

DEFORTE, sets out, equal protection for Petitioner, what is a clear invasion of privacy and, in such, required Petitioner's conviction be set aside. See DEFORTE Quote in Appendix D (11).

D) Maher's call reports, absolutely supports Petitioner's cooperation with Maher's investigation and is clearly abscond of refusing to give a statement. Also, with no exigent reason to answer his investigation. Quoting Maher:

"I explained he, [MR. FREEMAN], was not in any trouble with me and he did not have any warrants pending against him," (EXHIBIT X). Emphasis added).

Maher had no probative value an arrest warrant. However, the lack of Petitioner's statement surely does not constitute grounds to obtain an arrest warrant. Petitioner, standing on all rights reserved, a private People, Petitioner is not obligated to give a statement to public law enforcement officials, without an attorney present, is well within the constitutional FIFTH Amend. U.S. Const. and common-law MIRANDA ^{D(6)(17)} warning, "the right to remain silent?" A MIRANDA warning Maher failed to give, before questioning for a statement, nor upon false arrest. Maher's bad faith, obstruction and fraud in the factum, is what change from the Jan. 21. phone call to April procuring this fraudulent arrest warrant.

There are no other reported attempts, from Maher, trying to contact Petitioner, and yet, failed prior to applying for the arrest warrant. without any exigent circumstances to answer Maher's tier 1 investigation for a statement and the lawful right to refuse, when this writ has shown willful cooperation; nor a failed court appearance; and a false statement, does not require applying for an arrest warrant to search and seize Petitioner. In clear invasion of his privacy, depriving Petitioner of Liberty so secured by the U.S. Const. On the other hand this

could have been prevented. Maher had several opportunities, in the course of the matter, as this writ has shown, to vacate his illegally obtained arrest warrant to redress his false statement, or at best, honored Petitioner's privacy right exempt from Levy.

E) Maher's fraud in the execution of the arrest warrant, obstruction of process, violates procedural due process, that misled STATE in complicity, to private persons, complainants, conspiracy, posting live Maher's fraudulent arrest warrant, then the execution of it. "The willful act of corruption, intimidation and force intended to distort and impede the administration of criminal law." the mere definition of obstruction of justice. BLACK'S LAW 11th Ed., (2019). Fraud in the execution of an warrantless arrest, without a MIRANDA warning. Tactics to arrest a violent suspect. That falls in the guidelines of the PATRIOT ACT of 2022, of which, Maher abuses.

Maher's malice aforethought sent military-like forces for Petitioner, in reckless disregard of law; Petitioner's BONA FIDE Notice Exempt from Levy; Constitutional protected rights and privileges; prejudicially ~~has~~ trespassed on Petitioner's privacy rights and life of Petitioner. A tactical force personnel that abducted Petitioner without the likelihood of being violent. With such an obstruction of due process. Maher's illegal conduct is an unjustifiable, inexcusable and unmitigated person-endangering state-of-mind.

GROUND 3: INEFFECTIVE ASSISTANCE OF COUNSEL; SUPPRESSION OF EXCUPATORY EVIDENCE CAUSE AN UNFAIR COURT PROCEEDINGS AND GRAND JURY EXAMINATION; DENIED RIGHT TO COUNSEL.

The ineffectiveness of court appointed Public Defenders, did, change the course of the matter, suppressing evidence. A tort that prejudiced Petitioner, by committing obstruction of due process, a procedural irregularity, suppressing the possibility of having Petitioner's material facts examined and cross-examined against Maher's improper investigation, even absolutely acquitted. Causing Petitioner to be denied a fair preliminary, evidentiary, hearing, and a fair impartial presentment examination to the grand jury, when PUBLIC DEFENDER ("Hayden"), Refused to follow petitioner's instructions, a conflict of interest, to submit entering defense material exculpatory evidence at preliminary hearing to be examined and cross-examined. PUBLIC DEFENDER Agis ("Bray") III, failed to assert this defect in the trial court. Court failed to appoint Petitioner a new attorney after the withdrawal of

Bray, causing Petitioner to proceed STATE's criminal action in forced PRO SE status.

I. Occurance General Summary.

On Jun. 17, 2021, Petitioner should have been incarcerated for only (30) DAYS, possibly discharged, at the initial preliminary hearing, (also known as "First Appearance"), with the facts, this writ, established above. Or even for only (60) DAYS on Jul. 29, 2021, at the continued preliminary hearing, had Hayden been effective presenting exculpatory evidence as this writ. Failed opportunities to prevent Petitioner from false arrest, arbitrary imprisonment and its duration. Hayden informed Petitioner, via phone conference, shortly before Jul. 29 hearing, as to refusal to view evidence, strategize and submit Petitioner's defence for liberty contained in Petitioner ~~cell~~ cell phone (at those two hearings), ill advising 'it was not time for that yet.' Hayden's 'way is to present the evidence in Superior Court.' Irregular, abhearing to court calendar practice, a public interest, not the private interest to liberate Petitioner guaranteed by the U.S. Const. Petitioner protested this conflict of interest to resolve this matter at preliminary. Telling Hayden 'this course of action is a conflict of interest, to her duty representing Petitioner effectively at the hearing and that her conflicting action, of not receiving Petitioner defense evidence', (Petitioner was trying to hand over), 'will push Petitioner further under duress.

Petitioner's strategy at the evidentiary hearings, was to see the state court examine the evidence collected by Maher's investigation, lack thereof, verses Petitioner's exculpatory material evidence, to determine if there is enough probative value beyond probable cause that a grand jury of reason would return a True Bill. Charging an offense where criminal law applies ACTUS REUS and MENS REA of the Petitioner or nullify the charge where state law do not apply, to not over load the state trial court with frivolous, moot, indictments as this matter.

After only two conference calls, both shortly before each preliminary hearing, aforementioned, and no appointed day to see Petitioner's cell phone. Hayden's action is reckless disregard of Petitioner's defense for liberty was, willful, knowingly and intelligently, prejudiced of having Petitioner's material facts examined and cross-examined against Maher's, even an absolutely acquitted.

Hayden, also, ill advised that the magistrate judge 'don't have the power to dismiss'. Promoting the fear that the DISTRICT ATTORNEY, ("DA"), will have the power to reindict, when there was no indictment at this point in the course of the matter.

ONCE IN STATE trial court, the trial judge, did, appoint Bray briefly. In the six month Bray was on the case, Petitioner, and Bray had two video chats, Bray handled with difficulty. Bray made no effort to review Petitioner's substantial material evidence, exculpatory facts, excussing Petitioner from the alleged fault in this matter. Nor investigate this evidence, showing Bray to be ineffective in securing a proper defense. And the state trial court agreed ordering Bray to withdraw, on Mar. 23, 2022. Petitioner made it very clear many times, in open court, Petitioner reserved the right to court appointed attorney. The trial court gave Petitioner no other options, outside of Bray, but to proceed in forced pro se. Petitioner fears HeJ destroyed his cell phone and the evidence, it contained, per HeJ's property policy after transport to prison.

II. Facts and legal Authority.

Mahe testified, fruit of the poisonous tree, WONG SUN, at July 29 preliminary hearing, to hearsay; No witnesses; No victim; NOR the production of inculpatory evidence. Mahe was truthful about the phone calls, (EXIBITS W and X), even listed the different ways Petitioner attempted to give a statement. And, testified Mann's key evidence, the SNAPCHAT "SCREENCAP" of the victims so-called confidence, "got deleted," as STATE's only witness. Hayden failed to object Mahe's hearsay; challenged Mahe's conflicting warrant affidavit statement, (just established above), in front of the same magistrate that issued it; Presented Petitioner's copy of Mann's SNAPCHAT screenshot sent to Petitioner's sister as a threat to move out. More facts that Hayden could have entered as defence, see Exculpatory Evidence Suppressed Appendix E.

Hayden's Tort denied Petitioner due process to have this evidence examined in such a factual setting and grand jury hearing violating O.C.G.A. 24-9-67.1. To have challenged Mahe's insufficient subject-matter and personam jurisdiction pursuant fictitious information misidentifying Petitioner. To acquit and discharge Petitioner, not wasting the grand jury process. Instead, Hayden answered the magistrate's question, on record, the defense has "No" evidence to

present, is reckless of obstruction of process, as to continuing to formulate a proper defense. Hayden's advice and action inadequately secured a lawful procedural due process by obstructing justice; deliberate suppression of exculpatory material evidence that, did, change the course of the matter. Allowing Petitioner to suffer an increase of ~~guilt~~ a higher degree of guilt with more charges. And failed to prevent unlawful preventative detention without just cause. Hayden's actions created a high degree of ~~procedural~~ procedural Due process irregularity. Tainting and denying Petitioner the legal manner of reliable and predictable, principles and methods, (pursuant O.C.G.A. 24-9-67.1), causing the July 2021 grand jury to examine case offense, in part, without Petitioner's exculpatory evidence, and returned a True Bill in ~~favor~~ favor of the STATE.

The magistrate ~~erred~~ to have this matter Bound Over, even adding more charges ~~to~~ to the July 2021 grand jury, unfairly. Based solely on moot subject-matter. According to common-law, in BRADY v. MARYLAND, ^{D(2)(12)} this Supreme Court has long held suppression of evidence is a perversion of Justice. See Appendix D(a)(12).

The state court allowed moot proceedings to a grand jury instead of dismissing this matter. At best reprimanded Hayden, protecting Petitioner's rights, for not being prepared to present a defense evidence, then rescheduled. The STATE at preliminary hearing, or at any time in the course of the matter, should have seen Maher's weak case and vacated and discharged Petitioner. Yet, led the charge to push for a higher degree of guilt. The reason magistrate Judge Jones changed the count on (EXHIBIT C) by handwriting the increase from one count to three. Hayden's and Bray's obstruction of process prejudiced Petitioner and, did, change the course of the matter, to a higher degree of guilty. Just abhearing to court calendar ~~practice~~ ~~pro~~ practice, Public interest. Denying Petitioner, private interest of We the People, to release the fact of incarceration that illegally held Petitioner to mitigate Public interest accountability.

^{*} A petitioner's case is prejudiced when there is "a reasonable probability that but for counsel's unprofessional errors, the result of the proceedings would have been different." Id at 694." STRICKLAND v. WASHINGTON, D(a)(~~12~~)⁽¹³⁾

These Public Defenders assistance inadequately secured a lawful Due Process to this moot subject-matter and personam. Petitioner, did, assert these issues in the state trial court the Hayden committed perjury. The trial court may have been right

or rushed, to disagree, Ruling Hayden did not prejudice herself, debatable. The state trial court, did, erre to not determine Hayden's tort does change the course of the matter by her deliberate suppression of defense evidence, an obstruction of justice that prejudice due process. The state trial court lack extending leniency to Petitioner, a PRO SE detainee, for the best possible outcome; and also, erre to set legal administration of reliable principles and methods in Due Process pursuant to O.C.G.A. 24-9-67.1. These court appointed counselors' obstruction of process, evidence suppression, created a Procedural Due Process irregularity that prejudice Petitioner's personal liberty interest, (pursuant Criminal Law 46.5), from unconstitutional arbitrary imprisonment. See also, Constitutional Law 514.3 Appendix D(b)(19).

Petitioner suffered false arrest, its duration, because the obstruction of justice, described herein this writ, that prejudiced personal liberty interest mostly without a court appointed counsel. Petitioner was denied legal representation in the criminal case, and entrapped, under duress, into PRO SE proceedings. In the case of LASSITER this Supreme court held:

"in sum the court's precedents speak with one voice about what "fundamental fairness" has meant when the court has considered the right to appointed counsel, and we thus draw from the presumption that an indigent litigant has right to counsel only when, if he loses, he may be deprived of his physical liberty."

The state trial court failed to apply LASSITER ^{D(2)(14)} in its criminal action against Petitioner. When, with two pending indictments, having the possibility of depriving Petitioner's physical liberty for up to (80) YEARS. Petitioner maintained his right to counsel, and not once waiving it intelligently. After the withdraw of Bray, Petitioner, did, orally, in open court, and in writing, request for legal counsel, once by name; requested a Pro Bono attorney; also, desperately requesting the state trial court's only option to counsel, the withdrawn Bray, as co-counsel. However, the state trial court denied all of Petitioner's requests. Thereafter, Petitioner was forced to proceed PRO SE. Petitioner gave STATE opportunity to appoint counsel. State officials, herein, this writ, are found in complicity to force eviction, Libel, conspiring with private persons, that further prejudiced Due Process entitled to petitioner. In joint suppression of Petitioner's exculpatory material evidence, did, cause injuries to Petitioner's health, liberty and loss of business.

GROUND 4: SUBJECTED PETITIONER TO UNREASONABLE PREVENTATIVE DETENTION, ARBITRARY IMPRISONMENT; DENIED MANDATORY BAIL.

The procedural Due process violation, this Writ, has shown the proof needed to support these unconstitutional and statutory issues that renders moot STATE's fact of incarceration, its duration, to which, STATE deprived Petitioner mandatory bail. Herein, this Writ asserts, state courts erred subjecting Petitioner to unlawful preventative detention, without bail. Moreover, the state trial court use of subterfuge to deny Petitioner Liberty, pursuant mandatory bail, during pre-trial to formulate a speedy proper defense.

I. Occurance General Summary.

On Jun. 17, 2021, "First Appearance", HENRY COUNTY MAGISTRATE JUDGE ("Ramos") set a "No bond" without abhearing to the Bail REFORM ACT and AMERICAN ^{BAR} ASSOCIATION STANDARDS. Ramos failed to show preventative detention was necessary. Petitioner had no prior history of committing a new crime out on bail; nor intimidate, nor articulate to ~~intimidate~~ intimidate or harm the victim or community at large; does, have ties to the community - other family ties; rented from Mann and a signed construction contract in Peachtree City, GA. (See EXHIBIT N - Ramos Bond Order). A 'No Bond' is excessive bail and constitutes preventative detention. State trial court followed this flawed, process irregularity denying Petitioner bail, unreasonable preventative detention when bail was mandatory. Petitioner was incarcerated pursuant to moot fact of incarceration, false arrest, on May 19, 2021, STATE failed to indict within (90) DAYS. State trial court denied Petitioner a second time on his PRO SE request for bail, on Oct 19, 2022 arraignment of a Redraft indictment, also, failed to indict within (90) DAYS. State courts operated out side of reliable bail standards. Also, did, not prove that preventative detention was necessary.

II. Facts and Legal Authority.

A) In the STATE's criminal action, the STATE courts failed to show that preventative detention was necessary for Petitioner, to assure the safety of the public or of any person. In the absence of evidence presented, nor evidenced in Petitioner's past record, state has inflicted unlawful preventative detention. The

state courts acted improperly to assume a "substantial" likelihood Petitioner will commit a felony when released.

In the common-law, Rock and Jones, D(A)(15), guidelines set therein, were not followed, that Petitioner is presumed innocent, in Ramos order denying Bond. (EXHIBIT N), Ramos list five factors for the reasons she denied Bond. Ramos responds to factors (1) and (5), the same, 'No ties to the community,' moot hearsay. Factor (2), 'Due to prior criminal history and current charges'. A history, of which, Petitioner has not been in trouble in over (15) YEARS and presumed innocent of current charges. Factor (3) no comment. And, Factor (4) responds 'due to the age and relationship of the parties and again current charges. Ramos' order does not meet what courts has held for preventative detention. This order does not meet a generic conclusion of unfounded hearsay, and no evidence to support determination. Hayden failed to object.

There are constitutional limits on when preventative detention may be imposed. These limits require that the state meet a significant burden of proof only where the state can prove FACTS, "support a finding, WOMACK v. STATE, D(A)(16). This Supreme Court addressed the constitutional limits on pretrial detention in U.S. v. SALERNO, D(A)(17) where it ruled on the constitutionality of the federal BAIL REFORM ACT OF 1984. An individual's liberty interest, SALERNO think that congress careful delineation of the circumstances under which detention will be permitted when the government proves by "clear and convincing evidence" that an arrestee present an "identified and articulable significant threat." A declaration of an determination to inflict harm, (made by means of inuendo - the spoken or written words), to an individual or community at large, risk of intimidating witnesses or obstructing justice, D(B)(20), O.C.G.A. 17-6-1(e)(2)-(4). SALERNO continues holding that the BAIL REFORM ACT carefully limit exception authorizing the detention prior to trial of arrestees charged with serious felonies who are found after an adversary hearing. STATE's statute on bail O.C.G.A. 17-6-1 language is like the BAIL REFORM ACT and the AMERICAN BAR ASSOCIATION STANDARDS, ("ABA STANDARD"), which require a showing. (EXHIBIT N), shows no evidence that an identified and articulable significant threat, but Ramos' D(B)(21) hearsay, unlawful to reliable predictable standards, pursuant O.C.G.A. 24-1-3.

No where is an exception made for bail hearings in magistrate court nor

state trial court. The state's burden in particular cannot be met using hearsay as in FARMER v. STATE.^{D(2)(18)}

The state trial court failed to set bail upon petition when it was mandatory. In RAWLS v. HUNTER,^{D(2)(19)} this Supreme Court held that under O.C.G.A. 17-7-50^{D(6)(22)} if the state refuses bail to an incarcerated the state indict within (90) DAYS. If state fails to do this then bail is mandatory. The case docket records, in this matter, are clear Petitioner has been incarcerated since May 19, 2021. Petitioner has been refused bail, by Ramos, at First Appearance. Also, state trial court failed to meet the (90) DAYS to indict requirement, twice. See Recapitulations Summary E1, for accounting of DAYS.

The state trial court did not prove that preventative detention was necessary. The state's burden is heavy and Petitioner has a fundamental right to Liberty. A "No Bond" and denied a lawful mandatory bail ~~is~~ is in violation of O.C.G.A. 17-7-50, denying Petitioner the secured constitutional right to Liberty. A procedural Due Process irregularity that would have allowed Petitioner to get back to work and afford an attorney had he ~~was~~^{been} released, by state courts obstruction of process

On Oct. 19, 2022 hearing presentment reflects similarities to Ramos' order and provided a certificate of indictment, (EXHIBIT O), not certificate of conviction, of a prior similar accusation. A offense expunged from Petitioner's criminal history. As with Ramos, STATE enter no evidence, nor witnesses to justify preventative detention. See Appendix E3, Recapitulations Summary. In Petitioner's due diligence, Petitioner performed, pursuant to Petitioner's private precluded indemnity duties, provided sufficient Bonded Bailment-Transaction documents: Bill of Redemption, etc., (EXHIBIT S FF-JJ),^{D(6)(23)} pursuant Art. ONE SEC. 10 Cl. ONE, received by the state trial court's Clerk of Court. To ensure Petitioner's release obligation. The facts and charges, also, a prior indictment are legally irrelevant when determining bail for Petitioner.

A ruling denying bail cannot be based on hearsay, as it is in this matter. All of the evidence presented was not competent. This ground asserted, herein, is important, in Petitioner's confusion of defending two pending indictments, in forced Pro SE proceedings, Petitioner ~~was~~ unknowingly did not object this issue at Oct. 19 hearing. The state trial court erred in extending leniency to

Petitioner, denying equal protection of common-law. As in Ramos bond hearing, the Assistant District Attorney, (Ast. DA"), entered the Plaintiff has a relationship with the victim and is a threat to intimidate the victim from testifying, lack probative value, outside of established law, asserted above. And, is inadmissible, pursuant to Johnson, ^{D(a)(20)} only did discriminate Petitioner's entitled rights to mandatory bail, "even without objection." (Emphasis added).

Also, as established in DUKE V. STATE, ^{D(a)(21)} (here in Georgia), the hearsay testimony of the Ast. DA, as state's only witness on Oct 19, cannot be deemed to be supported by the evidence. According to DUKE, the state cannot offer into evidence, or read from a GEORGIA CRIME INFORMATION CENTER printout, nor an indictment certification that was RES SUBICATA and expunged, and irrelevant at state trial court bail hearing. As to what ABA STANDARDS 10-5.1 ^{D(b)(24)} ON PRETRIAL release states. See Appendix D(a)(2b). The evidence, herein, agrees, bail was mandatory to release Petitioner, as Petitioner petitioned, in state trial court to redress this tort, obstruction of process, Oct. 19. This standard is in line with this Supreme Court's decision in SALERNO.

The Ast. DA merely laid an inadequate foundation with no probative value in evidence and no witnesses, this discriminated Petitioner. The purpose of a pre-hearing bail is to prevent punishment before a conviction. Bail was mandatory Sept. 22, 2021 NUNC PRO TUNC. See Appendix E-1. Any ~~restrict~~ restraints on Petitioner's Liberty imposed out of concern for the public safety or the administrations of justice, could have been simply not to commit a new offence. Petitioner is indigent, there is no need for a money bond at all. It should be enough to simply emphasize the importance of appearing for court. For there is no fact Petitioner pose a flight risk. Prior records show Petitioner did appear in court, successfully responding to all prior court obligations.

Had the state courts applied STARE DECISIS towards these reliable funda-^{D(b)(26)} mental principles of law embodied in the Fourteenth Amend. and Eighth Amend. U.S. Const. plus the common-law, herein, ~~per~~ pursuant the state court's presumption of INNOCENCE and its lawful determination, after the consideration of the insufficient facts and data, it would have prevented Petitioner from arbitrary imprisonment and its duration. the state's obstruction of process is a Due Process nuisance that fails to protect Petitioner's guaranteed rights.

GROUND 5: STATE'S BENCH TRIAL DEPARTURE OF AND SANCTIONED A CONSTITUTIONAL AND STATUTORY DOUBLE JEOPARDY OF AN UNLAWFUL REDRAFT INDICTMENT PURSUANT TO RULE 10(A).

In the mist of Petitioner's forced PRO SE proceeding and after exhausting a lawful administrative process receiving STATE's Tacit Agreement, case: FREE AND CLEAR, Justice and Accountability has been served. No(U), state trial court violates CODE(S) OF CRIMINAL PROCEDURE, ("CODE OF CRIM. PROC."), to evade entitled relief, in abuse of process, procuring an unlawful redraft indictment.

I. OCCURANCE General Summary

state bench trial court agreed to protect Petitioner's constitutional rights to personal liberty interest. By, continuing on Mahre's slippery slope, mere preparation, of a series of acts constituting a course of conduct culminating in the commission of state crimes: tort, false arrest, arbitrary imprisonment, and, an on-going, steps taken to the completion of tort, remote from the actual commission of state's torts. State's bench trial court sham legal process rendered ineffective to protect the entitled rights of Petitioner when state procured, ("initial indictment"), 2021-SU-CR-950-HV, on Sept. 22, 2021, unfairly charging, two counts of CHILD MOLESTATION, O.C.G.A. 16-6-4(A). See (EXHIBIT A) case docket.

Then, on Jul. 7, 2022, STATE procured a second indictment, No. 2022-SU-CR-651-HV, ("Redraft"), (EXHIBIT B) case docket, that violates the provision in the CODE OF CRIM. PROC., with Four counts of CHILD MOLESTATION, O.C.G.A. 16-6-4(b)(1), pending concurrent with initial indictment. State trial court judge entered a verdict "NOT Guilty", as DEFACTO ATTORNEY, in behalf of, Petitioner. Petitioner did file a PRO SE Habeas Corpus, (EXHIBIT LL), into state trial court for relief of STATE's repeated bad faith, of which, is held in suspension.

At an bench trial of redraft, on Jul. 19, 2023, Petitioner was convicted and sentenced to an excessive (80) YEARS. Sanctioning the unconstitutional redraft as Petitioner invoked his right to remain silent and standing, in protest of this unlawful criminal action without a court appointed attorney. Henceforth, state trial court entered a void judgment sanctioning a void sentence. Petitioner was transported from HCS to CORRECVIL, COFFEE CORRECTIONAL FACILITY, subjected to arbitrary imprisonment.

II. Facts and Legal Authority.

A showing of evidence, in this Writ, that, both state criminal indictments were pending concurrent and with multiple charged counts of the same offence behavior, in violation of the Fifth Amend. U.S. Const., CODE(S) OF CRIM. PROC. and O.C.B.A. 16-1-17.^{D(b)(27)}

Examining the case Dockets, it does show two concurrent pending criminal indictments. They, in themselves, ~~recovered~~ record that the state district attorney, ("DA"), did, in fact, violated the CODE OF CRIM. PROC. to procure a redraft indictment to evade the Administrative Remedy with the Clerk's and state's Tacit Agreement towards the initial indictment. Documented in the SUMMARY JUDGMENT, (EXHIBIT MM), filed Dec. 10, 2021. (EXHIBIT MM), expresses the exhaustion of the Administrative process resolving this matter PRO TANTO FREE AND CLEAR. Prior to Remedy, the DA appeared in front of the Jul. 2021 grand jury, without Petitioner's exculpatory material evidence. See Appendix F Suppressed Evidence Summary. And obtained initial indictment.

However, examining the redraft case docket, (EXHIBIT B), of current void judgment, show the DA procured redraft outside of criminal procedure, from a subsequent Apr. 2022 grand jury. This grand jury, this writ will show was without jurisdiction, returned redraft with four counts, two more than initial indictment, on Jul. 7, 2022. During the same Apr. 2022 term, when Petitioner filed Evidence of Administrative Remedy into state trial court.

Looking at (EXHIBIT B), cover page, shows the list of counts, and scan across to the end of each count line, the same warrant Number of (EXHIBIT C), is attached to counts one through three. As originally intended before being BOUND over to the July 2021 grand jury, But, count four is unwarranted. See, also, (EXHIBIT A), cover page. It's the same offense warrant attached to those count listings. This tort, of this illegal redraft, outside of CRIM. PROC., is in pursuant of the same offense event and same matter. Subjecting Petitioner, twice, in jeopardy of Petitioner's Liberty. Referring back to, (EXHIBIT B), pg 2., redraft indictment starts court calendar simultaneously, on Apr. 22, 2021, (the date posting live the arrest warrant). Pg. 4, runs through Apr. 24, 2023, concurrent with initial indictment.

Courts have ruled that the government does empower the juries to nullify the law. The power to try the law as well as the facts before it. Thus, the July 2021 grand jury did nullify the application of the law to the facts, that were in part,

where the grand jury believed that the law should not apply, and so, produced a finding of not guilty to two of the charges in the convicted redraft indictment.

Equal protection of the laws passes same rights and law application under same circumstances equally. To which, the state trial court is bound to this constitutional guaranty embodied in the 14 Amend. U.S. Const. which states (in relevant part) that,

"No state shall...deny to any person within its jurisdiction the equal protection of the laws."

The essential purpose of this doctrine is to ensure that the laws and the state treat all persons alike. This writ shows how the state trial court failed to meet this reliable application of this principles through failed methods.

This writ enforces equal protection of the common-law application to acquit and discharge, set aside, redraft indictment as ruled in People v. BENSON^{D(2)(22)}, and the long held answer to the question of law, when two indictments for the same offense and same matter are pending, **THIS** shall extinguish redraft indictment.

At present, the redraft ~~ind~~ indictment does not follow the CODE OF CRIM. PROC. as outlined in BENSON. The code provides the procedure which must be followed in ALL criminal cases. This ~~is~~ statute is for the benefit of petitioner, designed to prevent illegal jeopardy. Sec. 270^{D(6)(20)} of the CODE OF CRIM. PROC. provides that an order from the trial court is necessary to submit a charge to a second grand jury after an earlier grand jury arrived at a different conclusion. Sections^{D(6)(29)} 313^{D(6)(30)}, 317^{D(6)(31)}, and 318 of the CODE OF CRIM. PROC. provide that where an indictment is set aside the defendant must be discharge, unless the court directs the case be re-submitted to another grand jury and an order is necessary.

In the examination of the case dockets of these two indictment, shows no such lawful procedural application exists. The state trial did not discharge petitioner, nor gave the DA any such directive, by an order, to re-submit charges to the Apr. 2022 grand jury. BENSON further upheld, that an indictment in violation of the provisions of Sec. 270 is absolutely void. As the second grand jury would be acting without jurisdiction. At present, redraft indictment mirrors findings and shall be equally void.

There has been several decisions in the trial court which also held that an order of re-submission is necessary only when the ~~ind~~ indictment is set aside

because of insufficiency or illegality of the evidence before the grand jury. Again, these case dockets run concurrently, without vacating interruption of initial indictment prior to procurement and show no such defects, asserted by Petitioner, address for re-submission to procure Redraft indictment by order of the state trial court. When there was already in existence an earlier outstanding indictment for the same offense res judicata provision made through an Administrative remedy. The lawful procedural pattern for a second grand jury would not have been objected by Petitioner to set aside initial indictment, had the Redraft indictment been resubmitted, by order, to a second grand jury for the sole purpose of the trial court correcting the procedural prejudice in the initial indictment. Being procured, however, without Petitioner's exculpatory material evidence suppressed at preliminary hearing from examination.

The court in Benson could not forbear that two grand juries, upon the same evidence, arrived at different conclusion as to the degree of guilt, of which, the practice of renewing a complaint before a subsequent grand jury after a previous one have fully examined into the facts of the case, in part In WOC matter, and have presented an indictment founded thereon, is not to be commended. This writ shall perfect remedy for two pending indictments as forbidden. In keeping therewith, the legislature evidently intended to (1) protect against double indictment, (2) the necessity of providing double bail, (3) defending Petitioner twice, etc., of which Petitioner have been suffering. For this Court to allow the state's sham legal process to persist is a perversion of justice.

As was granted in Benson, the issuance of this writ enforces against illegal Redraft indictments as a product of constitutional and statutory double jeopardy. It be set aside, with prejudice and discharge Petitioner, because the state is NOTWITHSTANDING and no remedy exists to sustain two void indictments. This is both fair and secured pursuant to law. Fused in good faith, this writ's issuance shall establish the sense of stability to one law, the predictability of the outcome, and ensures fairness enforcing Equal Protection of applying common-law. FAIN V. DUFF, D(a)(23), is in strong support of the issuance of this writ.

Recently, on Oct. 9, 2024, the state trial court, in post-conviction proceedings, ruled to merge four counts into two counts on Redraft indictment, without amending Redraft and denying retrial. In accordance with Benson the Redraft indictment is void. There forth, its judgments are void and any sentence is void. Further, the ruling to merge counts, only for the record, proves a departure of agreeable principles and

usage of law that Petitioner is entitled to.

"He is entitled to be tried under an indictment that is "perfect in form and ~~sub~~ substance." Kyle V. State, D(2)(24).

A ruling to merge counts proves the Redraft indictment is not perfect in form and substance. And, to deny Petitioner acquittal does violate constitutional and statutory jeopardy provisions. Art. One Sec. One Para. XVII of the Georgia Constitution states:

"Jeopardy of life or liberty more than once forbidden."

This provision cross references to the heading, "Multiple jeopardy in grand jury proceedings" O.C.G.A. 17-7-53. Of which, quotes the syllabus from GIBSON V. STATE, D(2)(1).

in GIBSON, the Georgia Supreme Court clarified a linear principle as to grand jury ^{authority} ~~authority~~, quote:

"The Court also determined that by the finding and return of a true bill on the indictment, as originally returned by the grand jury, and the entry of the return on the minutes, the trial court acquired jurisdiction of the case, and the functions of and the power of the grand jury ended."

Here, in GIBSON, as in BENSON, the misuse of law, by the state court, is clear in RE Petitioner. EXHIBIT A and B reveal initial indictment was in the superior court's jurisdiction and the grand jury function of and power end, even though Redraft was procured in a different grand jury term. Showing Redraft indictment is unlawful and unenforceable. Because, public record cannot be changed by the grand jury. For the second of two reasons:

"That body could not strip the superior court of its jurisdiction, when so acquired." GIBSON

To the contrary the state trial judge allowed such a stripping of court authority. This writ shows a clear departure of and sanction to such a departure.

GROUND 6: U.S. DISTRICT COURT ERRED TO ABHEAR TO STARE DECISIS IN PETITIONER'S 1983 TO MITIGATE DAMAGES PURSUANT TO STATE TRIAL COURT IN DISHONOR OF SUCCESSFUL EXHAUSTION OF REAL DEFENSE ADMINISTRATIVE AGREEMENT FOR FULL SETTLEMENT AND CLOSURE, FREE AND CLEAR.

Petitioner, from infancy, stepped ~~low~~ towards a corrective and diplomatic process of an administrative remedy. State court, operating in the color of law, is in apparent dishonor of Administrative agreement by acquiescence procured through HCSO grievance process, (EXHIBITS D-F). Petitioner pursued a 28 U.S.C. 1983 civil action, to mitigate damages, on or about Aug. 24, 2021. Of which, relief was unsuccessful, because the U.S. District, ("U.S. Dist."), court erred to abhear to the STARE DECISIS DOCTRINE.

I. OCCURRENCE General Summary

In Petitioner's due diligence, Petitioner, did, a BONA FIDE ACCEPTED FOR SETOFF, QUID PRO QUO, of STATE's arrest warrant and true bill instruments, then afterwards, requested SUMMARY JUDGMENT, (EXHIBIT G), in state trial court. In exchange for STATE's special-duty Due Process agreed performance, in SCHEDULE OF STIPULATED FACTS in (EXHIBIT G). To protect Petitioner's entitled privileges and immunity guaranty pursuant to Art. 4 Sec. 2 Cl. ONE U.S. Const. ^{D(b)(32)} provisions. And, STATE's subsequent voluntary immediate Acquittal, Discharge and Release of Petitioner from both pending indictments, case/accounts. Expressed in Petitioner's Bailment Documents, (EXHIBITS GG-JJ), pursuant to Art. ONE Sec. 10 Cl. ONE U.S. Const. ^{D(b)(2)}, "make/pass ~~law~~... law impairing the obligation of contracts", and Art. II Sec. 1 (a) U.S. Const. ^{D(b)(33)} Petitioner has satisfied Court's case/account obligations for FULL SETTLEMENT AND CLOSURE, FREE AND CLEAR. Received and Accepted by the STATE's Clerk of Court, with instructions. (See, also, WRIT OF RIGHT, EXHIBIT FF).

State trial court has failed to perform special-duty in dishonor of Petitioner's Superior claim Administrative Remedy. Petitioner gave state trial court clear chance to redress dishonor. The STATE's Clerk of Court, did, stamp "RECEIVED" constitutes acceptance of Petitioner's tender, (EXHIBITS GG-II, Petitioner's Bailment Presentment), ON Oct. 13, 2022, PRO TANTO voluntary IMMEDIATE Acquittal and Discharge of Petitioner's corpus for the Balance of Justice. TO WHICH, the state trial court OWES a Special-Duty Due Process Performance in this matter.

Petitioner did not willfully enter into a contract, of general appearance, with STATE to owe STATE a special-duty servitude surety performance; NOR wishes to enter into one. NOR, did, Petitioner give voluntary consent, NOR, by willful and intelligently waive any rights which gave STATE general personam jurisdiction for STATE to waive any constitutional privilege or immunity guaranty. NOR a willful participant in the unlawful bench trial of Redraft and subsequent void sentence, SUB SILENCIO protest. The state trial court, in reckless disregard, reliable principles and methods, as to, those entitled constitutional guaranties, failed to redress STATE's criminal action EX DELICTO. STATE, also, in reckless disregard of Petitioner's lawful Administrative Remedy to STATE's torts, obstruction of process, interred with the winding-up process of the Petitioner's Remedy. state court's unprofessionalism, of the political arm of Government, ~~was~~ willfully intended to frustrate process, behind two pending indictment, the lawful entitled rights sought praying for Due Process fairness. As Raised in Petitioner's said

1983 civil action seeking relief that, which, U.S. Dist. denied by not abhearing to the decision in TRAZAVANT V. TAMPA. See Appendix D(a)(B).

II. Facts and Legal Authority.

Petitioner sought to exhaust an administrative remedy, not to 'side step a corrective process which might have cured or rendered moot the very defect later complained of.' (U.S. v. Williams, D(a)(25)). This issues asserted in this Writ, the common-law agrees STATE's obstruction of process renders moot STATE's process of its laws to convict and execute sentence of redraft indictment. The assigned U.S. Magistrate recommendation for dismissal, without prejudice, pursuant to Local Civil 41.3 (A)(2), and, had directed Petitioner to file a Fourth Amended complaint. See FREEMAN V. SCADRETT, Doc. 31. Petitioner does not see how his circumstances differs TRAZAVANT.

Petitioner put his faith into the U.S. Dist., that, ~~was~~ would surely see the merits are strong for relief showing leniency in reviewing for consideration. Petitioner does not have U.S. Dist. Doc.(s) 34-36 to remember the outcome, as a direct result of HCS mail and legal mail notes interference, (by delay or no delivery, and/or, misplaced); under emotional distress inflicted by STATE's sham legal process an unlawful redraft indictment, forcing Petitioner into PRO SE proceedings. Until, at Petitioner's earliest availability filed an amended complaint, not to supersede THIRD AMENDMENT complaint, but to enhance it. Requesting U.S. Dist. leniency to consider the merits for relief, of which, was denied. The U.S. Dist. failed to extend leniency, in seeking the best possible outcome for relief. And, erred by failing to apply the STARE DECISIS DOCTRINE, as to, Petitioner suffered similar circumstances as in TRAZAVANT. Instead, U.S. Dist. magistrate, sent Petitioner on a seemingly endless course to amend Petitioner's 1983 application to separate false arrest and denied medical attention into two different actions, contrary to the standard rule in TRAZAVANT. Failing to see STATE's course of conduct culminating, enrolled above, remote from the actual commission of false arrest, arbitrary imprisonment. See WILKINSON V. GARLAND, D(a)(26).

The U.S. Dist. erred adopting U.S. Dist. REPORT AND RECOMMENDATION, ('RJR'), Plain Error for Petitioner's failure to comply with a court order. Petitioner's objection, repeatedly complained of the delaying mail, or failed delivery of, incarcerated, seriously interferred with Petitioner's timely response to the court. HAYES, (D(a)(27)), understood this disadvantage. Petitioner did not see the equal and predictable treatment in regards applying TRAZAVANT. HAYES gives Rules of guidance for the court to continue proceedings:

- (a) previously dismissed claims be reinstated, and
- (b) order leave to file ~~THIR~~ Amended enhancements, Petitioner found good cause to ~~disen~~ disturb the ruling previously.

In Petitioner's amendment, (Doc. 37), with objections, explains the reason causing delay. The U.S. Dist. refused to extend leniency, upon Petitioner's Request, nor applied the common-law standards as in HAYES, making U.S. Dist. judgment unable to be appealed.

When applying the MATHEWS V. ELDRIDGE test, (P(a)(20)), in support of Petitioner's guaranteed relief, this Supreme Court has long determined the principle whether a court procedure provides due-process protection by analyzing the nature of the private interest that will be affected by STATE's action and the risk of an erroneous deprivation through the procedure used amongst other test proofs. In accordance with this test, Petitioner's corpus, private property, secured interest, is ~~Automatic~~ Automatic Protection and is prejudiced by the STATE's interference of limb and liberty conversion by taking secured interest as surety; the frustration of procedural safeguards to prevent justice by obstruction of process; the looming uncertainty of further injury; the cost of additional court procedural safeguards to obtain relief guaranty currently sought; plus the Public accountability cost. While Petitioner under duress, his corpus will continue to suffer a series of frustrating unanticipated change circumstances subjected to STATE's arbitrary imprisonment. Substantially, frustrates justice are determined ACQUITTAL and DISCHARGE under MATHEWS test and Frustration Doctrine. See STATE V. SCHUMAN, D(a)(29).

Petitioner prays this court issues writ to protect claim of immunity, "EXEMPT FROM LEVY." Each correspondence and Petitioner's was made, "All rights Reserved", with full reservation and without waiver of any defenses and objections which may be available to mover, particularly, but not exclusively, sovereign immunity". Petitioner following the accepted course of procedure, Administrative Remedy, sought recognition by the inferior courts his claim of immunity, "EXEMPT FROM LEVY," pursuant to Art. II Sec. 2 Cl. One U.S. Const. made on behalf of Petitioner, private property, and the state's defendant, WILLIAM FREEMAN, by ~~conv~~ conveyance, recognized and allowed by the STATE OF MICHIGAN, SECRETARY OF STATE, UNIFORM COMMERCIAL CODE DEPT., ("SECRETARY"). ~~Be~~ Be given full force and effect by this court, that Petitioner HOLD HARMLESS and his private property, and, WILLIAM FREEMAN, proceeded against in the state court be declared immune from the jurisdiction and process of the inferior courts.

EXHIBITS GG-JJ, filed in the inferior court, a formal statement advising the court of the proceedings and communications. Suggesting to the courts and praying the enforcement of this secured constitutional right, pursuant these instructions. The inferior courts either denied or fail to hear on the apparent ground that Petitioner had waived his immunity, somehow, applying petitions in pro se proceedings. The court thought this constituted a general appearance despite Petitioner's declaration, special appearance, reservation of his rights to assert his constitutional immunity as a real defense in the suit.

In Ex Parte, Peru, (D(b)(2)), this Court could not say an action "with full reservation and without waiver of any defenses and objections which may be available..." has waived immunity. Like Ex Parte, Peru, Petitioner has consistently declared his reliance on the immunity, in "Full faith and credit..." pursuant to Art. IV Sec. One U.S. Const. both before the SECRETARY and inferior courts.

"Neither method of asserting the immunity is incompatible with the other, nor, in view of the purpose to be achieved by permitting the immunity to be asserted, are we able to perceive any grounds for saying that the inferior courts should disregard the claim of immunity, which [Petitioner] is authorized to advance by way of defense in the pending suit, merely because [Petitioner] has seen fit to preserve its rights to interpose other defenses." Peru.

This court further determines, the SECRETARY has allowed the claim of immunity and caused its action to be publicly registered and a request "must be accepted by the courts as a conclusive determination by the political arm of the Government that the continued retention "interferes with the proper conduct." (Ex Parte, Peru). Upon Petitioner's submission, this Court declares, in Peru, it became the court-duty, in conformity to established principles, to ~~release~~ release Petitioner, his property, and to proceed no further in the case. This Court, in Peru, resolve:

"Our national interest will be better served in such cases if the wrongs to suitors... are righted through diplomatic negotiations rather than by compulsions of judicial proceedings."

CONCLUSION

This writ is right reason for not applying in the district court.

Briefly, this writ has shown that exceptional circumstances exist to warrant the exercise of this Court's supervisory authority. State court, did, illegally obtain and executed a ~~fraudulent~~ ^{fraudulent} arrest warrant, invading Petitioner's privacy, through false testimony, suppressing evidence excusing Petitioner of fault investigation and court process. State court maliciously procuring two pending concurrently intended

to confuss a forced PRO SE Litigants preparation for an unfair trial. Dismissing initial indictment unlawful error barring effective remedy from appeal. State court continuously suppressing exculpatory evidence and the disadvantage Petitioner faced detained, causing criminal action to sway in the prosecution's favor, which could have changed the course of the matter. Petitioner suffering ineffective of counsel, agreed by state court, on the record of initial indictment. State court failing to re-appoint a different counsel. The whole transcript record reflects Petitioner, did not intelligently and willfully waive right to court appointed counsel, ~~state~~ state court limited this right to forced PRO SE. The disadvantages Petitioner faced detained, unlawful preventative detainision, seriously effecting assistance to PRO SE counsel. The inferior courts fail to extend leniency, even upon Petitioner's request, to protect his right to appear in all court hearings, nor the hearing of the merits of 1983 after notice of Petitioner's disadvantages. Did, deny Petitioner of mandatory bail suffering punishment before conviction. "Time served" is pre-conviction punishment. State court, did, enforce a void judgment. Did, dishonor Petitioner's real defense administrative remedy by Tacit agreement.

The above established exceptional circumstances of unprofessionalism, procedural irregularities and unlawful errors requires, by law, the issuance of this writ as mandamus, prohibition and injunction against these judges' decisions. This writ has successfully shown the tortious actions taking against Petitioner, found guilty of violating Petitioner's constitutional rights.

After considering the foregoing facts, Reasons, and Relevant law warrants relief. Denying Petitioner justice and the equal protection provisions of Amand. 14 U.S. Const. Depriving, one of We the People, Petitioner's fundamental secured blessing of liberty to himself ordained and established justice in the U.S. Const. Any detainment, thereof, or forth, pursuant to state process of its law contrary to constitutional liberty is arbitrary and "NOTWITHSTANDING". (Art II cl. 2 U.S. Const.).

This writ shows "that adequate relief cannot be obtained in any other form or from any other court", pursuant to Rule 20.4(a). The EXHIBITS has successfully, by clear and convincing evidence, showed sufficient proof to establish probative value and culpability for constitutional, unlawful error committed by state court. As to, "no reasonable fact-finder would have found [Petitioner] guilty of the underlying offense." 28 U.S.C. 2254(e)(2)(B). D(b)(35)

There is only one possible resolution of this legal matter. This writ prays the enforcement of Rights so fundamentally important as to REQUIRE compliance with Due Process standards of fairness and justice pursuant to Equal Protection of Law Guaranty. Petitioner prays relief in law and equity, the IMMEDIATE, Acquittal and Discharge. Prays that Petitioner is enlarged from custody pursuant to Rule 36(3)(b). (D (b)(36)).

"And I say unto you, Ask, and it shall be given you; seek, and ye shall find; knock, and it shall be opened unto you. For everyone that asketh receiveth; and he that seeketh findeth; and to him that knocketh it shall be opened."
- LUKE 11:9-10

The Clerk of this Court is INSTRUCTED by the conditions of the issuance of this writ. ON OR about Nov. 13, 2024, Petitioner will be transfer from COFFEE CORRECTIONAL FACILITY to HCD, HENRY COUNTY JAIL. Pursuant to RULE 36.1, HCD shall not be authorized to transfer custody ~~over~~ to any other ~~per~~ custody once Petitioner is at HCD, pending Petitioner release, on Nov. 13, 2024. The Clerk of this Court is DIRECTED to REMAND the Superior Court of Henry County, GA, to ~~be~~ set aside, Acquit and Discharge Petitioner from its criminal action, injunction to proceed no further in its case, PRO TANTO FREE and CLEAR. The Clerk of this Court is DIRECTED to REMAND down to the District Court to reinstate Petitioner's 1983 civil action and to mandamus summary judgment in Petitioner's favor for FULL SETTLEMENT and CLOSURE, with interest. The Clerk of this Court is DIRECTED to follow Petitioner's 1983 relief instruction and condition for the release of Petitioner, pursuant to Supreme Court Rule 36(3)(b), a mandatory enlargement. The Clerk of this Court shall complete these instruction prior to, by, and for Nov. 13, 2024. ~~that is~~
~~the instruction for the release of Petitioner, pursuant to~~

Petitioner respectfully prays this writ of habeas corpus issuance.

I declare under penalty of perjury that the foregoing is true and correct, and, placed in the prison mailing system.

Executed on 10/29/24.



William J. Speer L.S.
Petitioner

[Signature]
NOTARY PUBLIC

EXP 1/27/26