24-6258

THE UNITED STATES

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

CASE NUMBER _____

MICHAEL COLLINS IHEME
"PETITIONER"

Vs.

STATE OF MINNESOTA
"RESPONDENT"

ON PETITION FOR A WRIT OF CERTIORARI TO THE MINNESOTA COURT OF APPEALS DECISION

PETITION FOR A WRIT OF CERTIORARI

RESPONDENT
MARY F. MORIARTY
HENNEPIN COUNTY DISTRICT ATTORNEY
C-2000 GOVERNMENT CENTER
300 SOUTH SIXTH STREET
MPLS, MN 55487

PETITIONER
MICHAEL COLLINS IHEME- PRO SE
OID NUMBER 229098
MCF FARIBAULT
1101 LINDEN LANE
FARIBAULT, MN 55021

COURT ADMINISTRATOR
HENNEPIN COUNTY DISTRICT COURT
FORTH JUDICIAL DISTRICT
300 SOUTH SIXTH STREET
MPLS, MN 55487

PETITION PREPARED UNDER FEDERAL RULE OF PROCEDURE 657. 5 (1 & 3), PETITIONER PRO SE

LEGAL QUESTIONS AND ISSUES PRESENTED AND THEIR RESOLUTION BY THE LOWER COURTS.

1. A defendant who was not defended by attorney in a criminal proceeding in every legal sense projection in his trial T4 but proforma and reluctant defenders who stated anyone who committed such crime should be sent to prison for a long time without investigating the case. Shouldn't this wholly void his conviction and illegal upward departure sentencing?

2. Defendant still has two motions undisposed of in the court from the outset September 2008 to date ex. 7As and T6 and was convicted. Isn't this an intentional denial of inalienable constitutional right to convict and illegal upward departure sentencing, all, wholly void, and incompetent tribunal to cause the state to lose jurisdiction of the defendant and subject matter?

3. Minnesota has Appellate representation for assistance of counsel as a due process right. Petitioner's appointed appellate counsel affirmatively refused to meet with him to deprive defendant customary consultation due process to strategize and loyalty. Petitioner was essentially on his own. Counsel was a mirage and wrote up whatever he or she pleases to direct appeal court to the detriment of defendant but the interest of the state. Petitioner to date does not know whether counsel is a man or woman or even attorney. Isn't this an intentional deprivation of due process, wholly void conviction?

4. On September 29, 2008, defendant was shouted down by the Judge as he tried to inform the Judge that he has a motion and also, handed another motion face to face to the Judge and to inform the Judge that these attorneys are no longer representing him. The Judge told defendant that he has no participation and or no opinion in anything in his criminal proceedings T7, even though he is declared competent to stand trial. The motions were not disposed of. Isn't this an intentional deprivation of constitutional inalienable right, wholly void the conviction, incompetent tribunal, and loss of jurisdiction of defendant and subject matter?

5. Between February to April 9, 2009 was sentencing period. Defendant had no attorney and customary consultation due process loyalty to client to strategize for mitigation and character witnesses vouch. Defendant was essentially on his own. Shouldn't his sentence be wholly void, incompetent tribunal?

6. The Judge, Defenders, Probational Officer all in cahoots to withhold from defendant the documents and contents of PSI both during sentencing period and hearing April 9, 2009, in order to impede proper response from defendant of PSI contents. The Judge never asked whether petitioner was aware of the contents of PSI and he indulged in illegal upward departure sentencing. Doesn't this constitute a fraud, incompetent tribunal, wholly void the case, a fortiori is the Judge, defenders and probational officer to cause loss of jurisdiction of defendant and subject matter?

7. During the trial and after, defendant requested from Maria Mitchell a defender about the faith the Judge belongs. This is because the incident happened in a Jewish establishment. The

incompetent, reluctant and rejected defender by the defendant T4 refused to provide defendant the deep extraneous interest and activities of the Judge who was very prejudicial and partial probably due to his faith. The victim worked for Jewish establishment. Now, petitioner got the information recently from another source. Isn't this a denial of due process, and wholly void conviction?

RESOLUTION OR POSITIONS BY THE LOWER COURTS

In all the above legal questions, District Court silent and claimed inane procedural default, Court of Appeals in the negative per decision, and Minnesota Supreme Court occluded on April 16, 2024 because of state's coterie influence or threats or other issues as state refused to respond to Supreme Court order dated March 13, 2024.

LIST OF PARTIES

[X] ALL PARTIES APPEAR IN THE CAPTION OF THE CASE ON THE COVER PAGE.

RELATED CASES

[X] NONE

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

[x] For cases from state courts:

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

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[X] is unpublished.

The opinion of the DISTRICT court appears at Appendix B to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[X] is unpublished.

JURISDICTION

[x] For cases from state courts:

The date on which the highest state court decided my case was APRIL 16, 2024 **. A copy of that decision appears at Appendix** C **.**

[ ] A timely petition for rehearing was thereafter denied on the following date:_____, and a copy of the order denying rehearing appears at Appendix_____

[X] An extension of time to file the petition for a writ of certiorari was granted to and including SEPT 13, 2024 **(date) on** JULY 26, 2024 **(date) in Application No.** 24A88

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED TO SUPPORT THE PETITION

1. United States constitution article VI section two the 5th, 6th and 14th Amendments, pages 14 and 20.
2. Minnesota Constitution article one section 6 and 7 page 21,
3. 13 Dunnell Minnesota criminal digest law §14.00(5th. ED. 2004) page 20. All the above are also established in the documents in the appendices A to K.

CRIMINAL LAW, §46 1/2- LACK OF COUNSEL AS INVALIDATING CONVICTION JOHNSON V. ZERBST, 304 U. S. 458.

A judgment of conviction of one who did not effectively waive his constitutional right to the assistant of counsel for his defense is a void as having been rendered without jurisdiction. It follows that intentional denial of counsel by the court in order to win a case renders the state or the court the loss of jurisdiction of defendant and the subject matter. Johnson V. Zerbst, 304 U.S. 458

Habeas corpus, §§46, 48- availability to one tried for crime without assistance of counsel, Johnson V. Zerbst. Also, so stated in Mooney V. Holohan, 294 U.S. 103-115, below here.

Also, held by this court, habeas corpus is an available remedy to one who has, without having effectively waived his constitutional right to counsel, or as in this case here maliciously deprived attorneys both in trial T4 Sept. 29, 2008 and direct appeal Appellate counsel a mirage, in order to wine a case by any projections, been convicted and sentenced and to whom expiration of time has rendered relief by an application for a new trial or by appeal unavailable. It means procedure default inane in malicious intentional denial.

The constitutional requirement of due process is not satisfied where a conviction is obtained by the state through known perjured evidence, or similarly here in this case, through known proforma and reluctant defenders for the defendant. Mooney V. Holohan, 299 U.S. 103-115.

Even though there was hearing and trial in substance, within the meaning of due process of law is denied. So also, similarly here, even though there were

proforma defenders in the trial, and appellate process in substance, within the meaning of due process of law is denied, Mooney V. holohan.

THE INVALIDATION OF CONVICTION AND LACK OF JURISDICTION UNDER 6TH AND 14TH AMENDMENTS AS HELD IN JOHNSON V. ZERBST, 304 U.S. 458:

1.Since the sixth amendment constitutionally entitles one charged with crime to the assistance of counsel, compliance in the true sense with this constitutional mandate is an essential jurisdictional prerequisite for jurisdiction. The lower courts in Minnesota did not meet the requirement or ignored it.

2. If the accused, however, is not represented by counsel in true sense of it than proforma in all projections and has not competently and intelligently waived his constitutional right, the sixth amendment stands as a jurisdictional bar even to a valid conviction and sentence depriving defendant of his life or liberty.

3. A court's jurisdiction at the beginning of trial may be lost in the course of the proceedings due to failure to complete the court as sixth amendment required by providing counsel and of course none proforma counsel for an accused who is unable to obtain counsel, who has not intelligently waived this constitutional guaranty. Here defendant presented a motion twice not disposed of before conviction.

4. The court vehemently held that if the requirement of the sixth amendment is not complied with, the court no longer has jurisdiction to proceed. The judgment of conviction pronounced by a court without jurisdiction is a void, and one imprisoned thereunder may obtain release by habeas corpus.

5. In Slacum V. Simms & Wise,9 U.S. 363, they held in a fraudulent activity that the tribunal was illegal, incompetent and the Judge was a fortiori and all dicta of the tribunal is a void. Same is the case here T126-T128 Jan. 26, 2009 and sentencing phase and day April 9, 2009, PSI withheld from defendant fraudulently.

6.The scope of the sixth amendment is broad as to empower the petitioned court to inquire with regard to the jurisdiction of the inferior or lower court, either in respect to the subject matter or to the person, even if such inquiry

[involves] an examination of facts outside of, but not inconsistent with the record. There are bundles of issues on the record and fraudulent activities that made the tribunal illegal incompetent.

Petitioner respectively requests writ of certiorari review because the questions or and issues petitioner presented are important ones upon which the Supreme Court should rule as the constitutional inaliénable rights deprived petitioner, indeed, affected all Americans and rule of law and due process obliterated flagrantly implicating also judicial aberrant conducts of some Minnesota court agents of district court and appellate counsel that were accorded indifference by the lower Court, hence constitutional issues and debasing judicial profession.

2. On the strength of the United States Supreme Court decision in **Fay V. Noia, 372 U.S. 391** (1963), held that federal jurisdiction is conferred to this Supreme Court by the allegation of unconstitutional restraint and it is not defeated by anything that may occur in the state proceedings. State procedural default must yield to the overriding federal policy. This is absolutely the epitome of unconstitutional restraint by any projections which borders hostage situation since 2008 to date.

3. Also, Minnesota Supreme Court held in **State Ex. Rel. Farrington V. Rigg, 78 N.W. 2d 721** (Minn. 1956), that, jurisdiction is conferred to this court when appellant must plainly and affirmatively make issues from the record presented. Petitioner presented bundles of them on the record against the state. Minnesota Supreme Court defied its holding for cover ups against constitutional inalienable rights of Americans nationwide implicated in this case with impunity and gross disregard to the rule of law.

STATEMENT OF THE CASE

It may be reasonable to begin to say that the state refused, disregarded and contemptuous of Minnesota Supreme Court Order issued on March 13, 2024, asking the state to respond in 20 days to petitioner's petition for review of court of appeals decision. The Chief Justice is a woman of color and she was made a token. Defendant who was charged of murder since 2008 and convicted of 2nd degree felonious murder and sentenced to 367 months, an upward departure of 1st degree murder sentencing even though he has no blemishes in his record. In Minnesota a 2nd degree conviction in 2008 to 2010 was 120 to 230 months maximum without previous records in which this defendant is in the bracket. Also, the defendant, indeed, denies all the charges and claimed guiltfree of conviction under the constitution and or rule of law. Defendant declined any form of "PLEA DEAL" and requested "FULL TRIAL" with all pertinent evidences like Ex. 5As, 1As, 7As etc. and witnesses, more so, some very close relatives witnesses of the victim and defendant who knew the happenings in the marriage, including the parents of the victim, petitioners' roommate and two persons who were on the spot of the scene Mr. Benson and Ms. Molina. Defendant also requested police records calls of all 911 of marriage history of a Green Card fraud marriage, as that will bear great testimony of who was abusing who and provoking confrontations. The court did not hear attempted murder attack in the car established in the police report and exhibits 1As, and all the utterances of insult to injury of the victim to defendant. However, the apostate Hennepin County District Court assembled illegal and incompetent tribunal operating like monarchs and despots impeded all the above in order to procure illegal conviction by lynch-law and to deprive defendant medical treatments to risk his life and quickly send him to prison to save money for the county and in cahoots with defendant's proforma defenders. ***The tribunal also indulged in egregious***

fraudulent acts to withhold the documents and contents of fabricated falsehood PSI during the sentencing phase and hearing February to April 9 2009 to procure illegal upward departure sentencing without iota regard to legal strictures, and or rule of law and showed no compelling and substantial reason for the departure and also, to prevent defendant from giving proper response to PSI, an absolute fraud. Although Petitioner had no attorney representation, in all legal sense projection in the trial, and that was also more evidenced and absolute during the sentencing phase when it was very vital for attorney customary consultation to strategize for mitigation, a due process federal law and loyalty to client. Petitioner was denied character witnesses, that would have been helpful, in the illegal sentencing. Petitioner was stripped all his inalienable constitutional rights and his appeals suppressed many times and evidentiary hearing impeded under the cloak of inane procedure default that violated all laws flagrantly. Also, there is new evidence presented here about the judge which petitioner requested during trial but deprived by the reluctant proforma defender Ms. Maria Mitchell regarding the faith of the judge to bring motion but Ms. Mitchell stated she didn't know and refused to investigate to provide the information to the defendant, defendant deprived. Judge Mel Dickstein is a Jew and the incident happened in the Jewish establishment to cause for some concern about the judge's prejudice or at least make some inquest about his feelings and deep connection. This information about the Judge was finally obtained recently which was blatantly denied petitioner during trial by reluctant defenders and underscores the Judge's prejudice here as established in the memorandum, hence substantial for evidentiary hearing but impeded for cover ups. Should this Court eschew their duty in blatant cover ups? Petitioner, unavailingly, made his intentions known in many

ways to the Judge and defenders T4 about proforma attorneys' reluctancy and his lack of faith in them from the outset. Defendant also brought two motions Ex. 7As Sept. 22 2008 and T6 Sept. 29, 2008, undisposed of to date. What more legal protest is expected of this defendant before accorded his inalienable rights? Still he was maliciously denied relief in habeas corpus. Above all, for the state to cover up its illegal imprisonment, it maliciously impeded evidentiary hearing long overdue. Also, defendant, whose Judge and defenders indulged in irregularities T126 – T128 January 26, 2009, that deprived him all inalienable rights to present evidences and witnesses in order to quickly send him to prison, that constituted fraud and illegal and incompetent tribunal like **in Slacum V. Simms & Wise**, where decision or conviction and sentence where rendered wholly void was also denied habeas relief. Invariably, defendant here now, supplicate to this Court for habeas relief to end this hostage situation or illegal imprisonment and cover ups.

REASONS FOR GRANTING WRIT OF CERTIORARI

THIS IS A CASE ABOUT THE CONSTITUTIONAL INALIENABLE RIGHTS OF ALL AMERICANS IMPLICATED IN PETITIONER'S CASE HERE.

THERE HAVE BEEN MANY ASSASSINATIONS ATTEMPTS ON PETITIONER'S LIFE IN ORDER TO CLOSE HIS CASE AND TO IMPEDE IT FROM REACHING THE U.S. SUPREME COURT OR TO DO ANYTHING OR SPEND ANY MONEY TO MAKE IT REJECTED. THREE PAST PETITIONS CONFISCATED AND DISGUISED. IN AUGUST TO SEPTEMBER REPEATED ATTACKS OF FOOD TRAY POISONING BY TWO STAFF AND INMATE T GIBSON CELL 202 IN K3A CELL HALL AND POTENT KILLER CHEMICAL AND CARCINOGEN ATTACK POURED IN MY CELL ALL REPORTED NO ACTION.

3. TO ESTABLISH THAT INTENTIONAL DEPRIVATION OF CONSTITUTIONAL INALIENABLE RIGHTS TO COUNSEL IN TRIAL AND AT LEAST IN FIRST DIRECT APPEAL, FRAUDS AND LACK OF FIDELITY TO THE RULE OF LAW, DUE PROCESS AND CONSTITUTION OF THE UNITED STATES CAN NOT BE TOLERATED BY THIS COURT.

4 ALL LOWER COURTS RULINGS WERE ABSOLUTELY AND DEFINITIVELY IN CONFLICT WITH THE SUPREME COURT OF THE UNITED STATES HOLDINGS WITH REGARD TO VALIDITY AND STRUCTURAL ERRORS OF INALIENABLE CONSTITUTIONAL RIGHTS OF ALL AMERICANS, MORE SO, IN FERATTA V. CALIFORIA, 425 U.S. 806, 45 L. ED 2D 799, THE COURT HELD THAT "THE ALLOCATION OF POWER TO COUNSEL TO MAKE BINDING DECISION IN MANY ASPECTS OF TRIAL STRATEGY CAN ONLY BE JUSTIFIED BY THE DEFENDANT CONSENT AT THE OUTSET TO ACCEPT COUNSEL AS HIS REPRESENTATIVE". IT IS SELF-EVIDENT, T4 THAT PETITIONER NEVER ACCEPTED MARIA MITCHELL AND NANCY LASKARIS AS HIS ATTORNEYS ON RECORD. ABOVE ALL, APPELLATE COUNSEL AFFIRMATIVELY REFUSED TO MEET WITH DEFENDANT, AND WAS A MIRAGE TO DEFENDANT. PETITIONER, TO DATE, DOES NOT KNOW WHETHER APPELLATE COUNSEL IS A MAN OR WOMAN AS COUNSEL REFUSED TO SHOW UP AND EXPOSE THE SHORTCOMINGS OF THE TRIAL COURT WHICH WAS VERY FATAL TO PETITIONER. THIS IS AN UNDENIABLE COLLUSION AND FRAUD, AS DEFENDANT RECEIVED ZERO ASSISTANT IN THE DIRECT APPEAL SO GLARINGLY DONE. STATE ENCRUSTED ITSELF IN INANE PROCEDURAL DEFAULT AND STATE LIMITATION RULES AND REFUSED TO ANSWER LEGAL QUESTIONS. INVARIABLY, FOR PROCEDURAL DEFAULT TO HAVE IOTA BEARING TO PROTECT THE STATE IN THE TRIAL, SENTENCING, AND APPELLATE PROCESS REPRESENTATION STATE MUST SHOW LEGITIMACY AND OR VALIDITY OF CONVICTION, THAT IS SHOWING FIDELITY TO RULE OF LAW, DUE PROCESS AND CONSTITUTION OF THE UNITED STATES OTHERWISE IS INANE PROCEDURAL DEFAULT AND STATE LIMITATION RULE, JUST LIKE THE CASE HERE. DECEPTION AND OR FRAUD IN ANY CASE PROCEEDINGS MAKE THE TRIBUNAL PARTICIPANTS A FORTIORI LIKE IN THIS CASE. THE 367 MONTHS SENTENCING UPWARD DEPARTURE OF ILLEGAL 2ND DEGREE CONVICTION WAS A FRAUD AS THE STATE WITHHELD PSI DOCUMENTS AND CONTENTS FROM DEFENDANT. IT WAS NEVER A MISTAKE BUT A CONTEMPT OF RULE OF LAW AND A DEBASE OF GREAT LEGAL PROFESSION. IT 'S AMONG THE PLETHORA OF REASONS FOR

STATE COVER UPS AND THE IMPEDIMENT OF EVIDENTIARY HEARING DUE TO THESE IRREGULARITIES SHOWED UP ON THE RECORD AND WILL BE FLASHED ON THEIR FACE.

5. THE LOWER COURTS SHOWED PRIVILEGE, ENTITLEMENT, POWER AND NO ACCOUNTABILITY. CASE WAS REASSIGNED FROM MS. ANNA R. LIGHT TO SENIOR ASSISTANT ATTORNEY MR. ADAM PETRAS TO INDICATE NO RESPONSE TO BLACK WOMAN NEW CHIEF JUSTICE AS A TOKEN AND NO ACCOUNTABILITY.

6. THE SIXTH AMENDMENT GUARANTEES THAT "IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENSE AND DUE PROCESS". THIS IS ONE OF THE SAFEGUARDS OF THE SIXTH AMENDMENT DEEMED NECESSARY TO INSURE FUNDAMENTAL HUMAN RIGHTS OF LIFE AND LIBERTY AND JUSTICE. THIS INCLUDES NONE PROFORMA DEFENDERS ATTORNEY REPRESENTATION AND ALL MOTIONS IN THE CASE HEARD BEFORE CONVICTION AND SENTENCING. THE RESPONDENT HAS NO RATIONAL REFUTATION TO MAKE HERE THEREFORE UNLAWFUL DETAINEE SINCE 2008 TO DATE, HENCE, RESPONDENT LOST OF JURISDICTION OF DEFENDANT AND SUBJECT MATTER FOR INTENTIONAL CONTEMPT OF RULE OF LAW.

Fraud decimates anything or profession it enters or touches. Fraud is fraud and certainly people in the judicial system must be held in the toughest standard than the society. Also, rule of law and due process in a criminal proceeding are inextricable. Omission of rule of law and due process is unacceptable for a conviction therefore procedural default inane. The fact some court agents here, the Judge, defenders, appellate counsel, county head nurse were in cahoots in frauds does not make fraud legal or is it? It simply means they acted fraudulently, deprived defendant inalienable rights such as no representation, debased great and respected legal profession and odious. All judicial acts in a fraud are incompetent and wholly void regardless when discovered as the case here. Fortiori are a Judge and defenders here T126-T128 January 26, 2009 deception denied medical treatments and witnesses. Also, a blatant lack of fidelity to rule of law, due process and constitution of the United States in order to convict minority defendant is a serious judicial aberrant conduct where the defendant was denied opinion and or participation in his trial. If state had any iota legitimacy or validity in their conviction and

sentencing they would have called for evidentiary hearing than their odious abuse of discretion to encrust themselves in inane procedural default and state limitation instruments to cover up glaring structural errors violating 6th and 14th amendments. In a fraud, and structural errors, procedural default and or any state limitations is inane. State must show there is no fraud or deceptions in the trial and sentencing and there was no record in order to prove the validity of conviction and sentencing to prevail. ***Also, Univocally, the judge stated that defendant's participation or his opinion is not needed in anything T6-T7 September 29, 2008 and so was it throughout the trial unless for what he was asked to say, hence defendant's two motions not disposed of to date. There are two motions in the court still since 2008 and defendant convicted and sentenced and sent to prison because he is a black man. If defendant cannot participate and has no opinion in anything as stated by the judge then how could he be competent to stand trial? Isn't it an oxymoron? It is the first wrong foot for inane procedural default and all state limitation instruments, due to violations of federal inalienable constitutional rights.*** Court of Appeals didn't deal with validity of conviction and sentencing and upward departure sentencing with regard to fraudulently withholding falsehood PSI from defendant and no attorney representation for indigent defendant issues in all legal sense projections. Indeed, state has no rational refutation to make here and should throw the case out and begins a redress of their actions or come to evidentiary

hearing to face the evidence against them than impediments and cover ups and attempting on the life of defendant in order to close his cases.

In any civilized societies Judicial system, the court agents, if Minnesota is among, are held in the toughest standard about fraud. Enough is enough in attempting assassination, murder, torture and debilitating defendant, who requested fidelity to rule of law, due process and constitution of the United States, in order to close his cases for cover up. Petitioner may have been poisoned already, only time will tell of cancer and other issues he is having. That's crime covered up with crimes by a judicial system or isn't it? Imagine that! Imagine also, an ordinary citizen doing the same thing, the consequences because defendant requested for justice and rule of law.

Petitioner hopes this court will not tolerate the aberrant, bestial, procrustean, and medieval conducts of some people in the judicial system and DOC who bring a fat wrecking-ball to the struggling credibility and integrity of Minnesota Judicial System as a whole and the DOC. Most people know what is going on in the DOC and District Court working in cahoots to tortures, hostage situation, cruelty, threats to inmate life, impediments of contacts, confiscation of documents and legal mails, deprivations, outlawry, suppression, scofflaw with regard to this case and attempted murders.

The fact is, there is nobody charged with crimes since 2008 and illegally convicted of 2nd degree felonious murder, without blemishes in his record, per federal and state laws and holdings who is still in prison except this petitioner held hostage and perennially tortured and attempted murder on his life to close his cases or perhaps another black man. This is absolutely "a hostage situation and definitely a crime against humanity or clandestine genocide". Petitioner strongly

hopes this Supreme Court will rise to its creed of legal decency and thereby applying the law to the truths and facts on the record at least before it is too late.

These are few among countless cases lower courts overruled and contemptuous of
FEDERAL:

FERARTTA V. CALIFORNIA, 425 U.S. 806, 45 L. ED 2D 799. HELD THAT "THE ALLOCATION OF POWER TO COUNSEL TO MAKE BINDING DECISION IN MANY ASPECTS OF TRIAL STRATEGY CAN ONLY BE JUSTIFIED BY THE DEFENDANT CONSENT AT THE OUTSET TO ACCEPT COUNSEL AS HIS REPRESENTATIVE". PETITIONER DID NOT ACCEPT HIS RELUCTANT AND PROFORMA ATTORNEYS AS HIS REPRESENTATIVE, T4. CONVICTION NOT BINDING AND WHOLLY VOID. THIS DISTRICT COURT AND ITS APPELLATE COURTS DISREGARDED AND CONTEMPTUOUS OF THIS HOLDING.

EVITTS V. LUCEY, 469 U.S. 387. THE COURT HELD "DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT GUARANTEES A CRIMINAL DEFENDANT EFFECTIVE ASSISTANCE OF COUNSEL ON FIRST APPEAL AS OF RIGHT, PP391-405. NOMINAL REPRESENTATION ON APPEAL AS OF RIGHT DOES NOT SUFFICE TO RENDER THE PROCEEDINGS CONSTITUTIONALLY ADEQUATE. A PARTY WHOSE COUNSEL IS UNABLE TO PROVIDE EFFECTIVE REPRESENTATION IS IN NO BETTER POSITION THAN ONE WHO HAS NO COUNSEL AT ALL". THIS IS NOT IN LINE WITH THE PROMISE OF **DOUGLASS V. CALIFORNIA, 372 U.S. 353** AND THE PROMISE **OF GIDEON V. WAINWRIGHT, 372 U.S. 335. PE**TITIONER SUFFERED FATALLY IN THE DENIAL OF THE PROMISES OF DOUGLAS V. CALIFORNIA AND GIDEON V. WAINWRIGHT.

ANDERS V. CALIFORNIA, 386 U.S. 738. THE COURT HELD HERE THAT "DEFENDANT WAS DENIED ATTORNEY REPRESENTATION IN DIRECT APPEAL EVEN UPON REQUEST, A DENIAL OF THE PROMISES OF **DOUGLAS V. CALIFORNIA, 372 U.S. 353 AND GIDEON V. WAINWRIGHT, 372 U.S. 335**. THE APPELLATE COUNSEL MADE ADVERSE COMMENTS ABOUT THE CASE THAT IT WAS ASININE AND BOOTLESS TO FILE APPEAL AND ALSO STATED SO TO THE COURT BUT REFUSED TO RECUSE HIMSELF SINCE HE COULD NOT DEFEND THE DEFENDANT. COUNSEL REFUSED TO EXPOSE THE SHORTCOMINGS OF THE COURT. DEFENDANT LOST FAITH ON THE COUNSEL RIGHTFULLY SO AND REQUESTED FOR ABLE AND ZEALOUS DEFENDER THAT SHOWS LOYALTY TO CLIENT BUT WAS DENIED". THE SAME IS THE CASE HERE WITH THIS PETITIONER. NANCY LASKARIS, STATED TO DEFENDANT THAT ANYONE CHARGED OF THIS CRIME SHOULD SPEND LONG TIME IN PRISON. ALSO, PETITIONER FILED MOTION TO REMOVE THE RELUCTANT DEFENDERS BUT HE WAS IGNORED, DEFENDANT IS STILL HAS TWO MOTIONS IN COURT SINCE SEPT. 22 & 29, 2008 TO DATE AND CONVICTED & SENTENCED TO ILLEGAL UPWARD DEPARTURE SENTENCING. ALSO, APPELLATE COUNSEL HERE REFUSED AFFIRMATIVELY TO MEET WITH DEFENDANT AND REFUSED TO EXPOSE TRIAL COURT SHORTCOMINGS.

ENTSMINGA V. IOWA, 386 U.S. 748. THE APPELLATE COUNSEL REFUSED TO FILE PLENARY APPEAL AS REQUESTED BY THE DEFENDANT. THE COUNSEL FILED SHORTCUT VERSION TO THE

DETRIMENTS OF DEFENDANT THAT WAS FATAL. IT IS THE SAME WITH PETITIONER HERE AS TRIAL ATTORNEYS REFUSED TO PRESENT EX. 5As, 1As,7As, POLICE 911 MARRIAGE HISTORY TO KNOW WHO IS ABUSING WHO OF BROOKLYN CENTER CITY POLICE, CLOSE FAMILY WITNESSES INCLUDING THE PARENTS OF THE VICTIM ABOUT WHAT THEY KNOW WHEN THEY KNEW THEM. APPELLATE COUNSEL REFUSED TO EXPOSE THAT RULE 20 WAS FRAUDULENT AS IT VIOLATED 5TH AMENDMENT AND COERCING, AND PSI WAS FRAUDULENT AND WITHHELD FROM DEFENDANT DURING SENTENCING PHASE AND THE HEARING TO INDULGE IN ILLEGAL 367 MONTHS SENTENCING ON 2ND DEGREE ILLEGAL CONVICTION IN 2008 TO 2022 STATUTE OF PRESUMPTIVE 120 TO 230 MONTHS.

SLACUM V. SIMMS & WISE, 9 U.S.363. THE JUDGE WHO PRESIDED OVER THE CASE HAD VESTED INTEREST ON THE CASE, THEREFORE DECEPTION AFFECTED A PARTY DUE TO THE PREJUDICED DECISIONS. HENCE, FORTIORI IS A JUDGE, THEREFORE INCOMPETENT IS THE DICTA, CASE WHOLLY VOID. THE SAME IS THE CASE HERE WHERE THE JUDGE'S EXTRANEOUS INTEREST WAS IMPLICATED AS TO WHERE THIS CASE OCCURRED POINTS TO PREJUDICE. AS SUCH, DEFENDANT WAS DEPRIVED THE KNOWLEDGE OF THE JUDGE'S RELIGIOUS FAITH UPON REQUEST BY DEFENDANT AND DEPRIVED BY MARIA MITCHELL A PROFORMA DEFENDER. ALSO, THE JUDGE, DEFENDERS, PROBATIONAL OFFICER IN CAHOOTS TO WITHHOLD THE DOCUMENTS AND CONTENTS OF PSI FROM DEFENDANT BOTH IN THE SENTENCING PHASE AND THE HEARING. ALSO, DECEPTION ON JANUARY 26, 2009 TO DEPRIVE DEFENDANT MEDICAL NEED SURGERY TO THE DETRIMENT OF HIS HEALTH FOR QUICK KANGAROO COURT T126-T128 IN ORDER TO SAVE MONEY.

STATE CASES:

STATE EX. REL. MAY V. SWENSON, 65 N.W. 2D 657 (Minn. 1954). MINNESOTA SUPREME COURT HELD THAT AT NO TIME MR. SWENSON COMPLAINED OF INCOMPETENCE AND MISCONDUCT OF DEFENDERS DURING TRIAL AND HE WAS DEPRIVED ATTENTION. UNLIKE THIS PETITIONER, WHO FROM THE OUTSET CONTACTED DEFENDERS TO STEP DOWN, AT LEAST, IN FIVE DIFFERENT WAYS, T4, THAT HE HAD NO FAITH IN THEM. ABOVE ALL PETITIONER SENT TWO MOTIONS TO THE JUDGE FACE TO FACE TO REMOVE RELUCTANT CHAMPION ATTORNEYS TO NO AVAIL. THIS DECISION HERE IS SAYING THAT BY MINNESOTA CONSTITUTION OR LAW IF ANY DEFENDANT HAS ISSUES WITH HIS ATTORNEY THAT ISSUES IF MOTIONED BY THE DEFENDANT MUST TAKE PRECEDENT OVER EVERYTHING ELSE TO BE REVOLVED AS DUE PROCESS OTHERWISE THE TRIAL IS A VOID BUT IF THERE IS NO MOTION THE TRIAL IS FAIR. HERE, IN THIS CASE WITH PETITIONER, THE TRIBUNAL MALICIOUSLY SHOW NO ACCOUNTABILITY AND CONTEMPT TO RULE OF LAW. PETITIONER STILL HAS TWO MOTIONS IN COURT SINCE 2008 TO DATE AND HELD IN UNLAWFUL DETAINEE SINCE 2008 TO DATE.

DISTRICT COURT SHOW OF COTERIE AND CONNECTION OF POWER AND NO ACCOUNTABILITY AND IGNORED MINNESOTA SUPREME COURT ORDER ISSUED

BY BLACK WOMAN CHIEF JUSTICE MARCH 13, 2024. THE SUPREME COURT THEN OCCLUDED APRIL 16, 2024.

One of the issues that instituted the writ of certiorari was the state's disregard bluntly the order of Minnesota Supreme Court Chief Justice issued on March 13, 2024, to show privilege, entitlement and no accountability APPENDIX D. Here is the chronological order of events: In February 2024 petitioner appealed the decision of Court of appeals for a review because it failed bluntly to deal with the validity and legitimacy of the trial, conviction, sentencing and the illegal & incompetent tribunal issues raised by the Petitioner. On February 29, 2024, assistant attorney Ms. Anna R. Light responded for the state stating that "they opposed the review but if the Supreme Court of Minnesota asks them to respond they will do so in full to answer all the questions raised by the petitioner". On March 13, 2024, Supreme Court of Minnesota through the Chief Justice ORDERED the state to respond to petitioner's petition as it has been accepted by the Court. As a result of this order the state moved the case from assistant attorney Ms. Light to Senior Assistant Attorney Mr. Adam Petras who on March 18, 2024 responded for the state and in essence repeated what Ms. Light stated on February 29, 2024, that "if the Supreme Court asks them to respond they will respond in full" even though the Supreme Court has asked them to respond to no avail. It seems to appear that the state moving the case from Junior staff to Senior person Mr. Adam Petras was to intimidate the female Chief Justice and other female justices in the court and that the state has coteries to remove any of them as the message suggested and that they disregard the order.

To date petitioner has not heard from the Supreme Court of Minnesota with respect to state's blunt disregard of its order and he is being tortured and his life incessantly threatened in many

ways clandestinely. On April 24 2024, petitioner tendered a motion to throw the case out and be released from prison APPENDIX G. The Minnesota Court and the DOC have impeded and threatened anyone who attempted to come close to know anything about the truth of this case, and must do anything to impede justice. It is the reason they impeded evidentiary hearing of issues on the record pointed out by petitioner to the contrary of Minnesota rule of law and due process see **Dobbins V. State, Kromiga V. State, Ferguson V. State and Brock V. State**. The rule of law holds it that "it is an abuse of discretion for post-conviction court or Judge to fail to hold evidentiary hearing when petitioner raised a genuine material fact on the record, see **13 Dunnell Minn.-Digest criminal law §14.00 (5th ED. 2004). Also see Wilson V. State, 2007. The state, indeed, utterly violated and contemptuous of United States constitution article VI §2, it says, "This constitution and the laws of the United States which shall be made in pursuance thereof; and all the treaties made and which shall be made under the authority of the United States shall be the supreme law of the land; and the Judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding". Indeed, the Minnesota court here showed no fidelity to fourteenth (14th) amendment of the constitution, it says that "Nor shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law". Indeed**, these provisions are universal in their application to all persons within the territorial jurisdiction without regard to any difference of race, of color or nationality; and the equal protection of law is a pledge of protection of the law. As established on the record, the deprivation of attorney representation in the trial T4 and direct appeal, in order to win a case, was a deprivation of equal protection of the law and due process in

violation of sixth and fourteenth amendments. Hence, they are structural errors and decision here is incompetent and wholly void. The state impeded any evidentiary hearing in order to avoid to confront the overwhelming evidences on record against them.

The State also disregarded and contemptuous of Minnesota constitution article one section six to seven; It says, **"THE ACCUSED SHALL HAVE DUE PROCESS AND WITNESSES IN HIS FAVOR AND TO HAVE ASSISTANCE OF COUNSEL IN HIS DEFENSE; NO PERSON SHALL BE HELD TO ANSWER FOR A CRIMINAL OFFENSE WITHOUT DUE PROCESS OF THE LAW; NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS; THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS SHALL NOT BE SUSPENDED".**

State knew that its case was very empty, and because the defendant is a member of minority race group in which case they have nobody to fight on their behalf to expose kangaroo court. Minnesota case number 27-cr-08-37043 and appellate number A23-1610 is well documented in Appendix A to J. The State, glaringly disregarded and contemptuous of its constitution and the United States constitution WHICH WAS FATAL to this petitioner and it is the bases for writ of certiorari.

APPELLATE PUBLIC DEFENDER REFUSED TO REPRESENT PETITIONER IN HIS PETITION. PETITIONER HAS MADE SUCH REQUEST THREE TIMES TO NO AVAIL SEE APPENDIX K

CONCLUSION

The petition for the writ of certiorari should be granted.

Respectfully submitted September 10, 2024

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