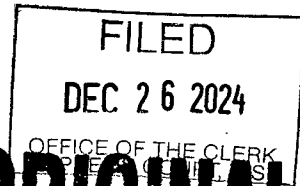


24-6421



ORIGINAL

Before The
Supreme Court of the United States

Richard LEON Strong

7 E. LOMER

V. CASE NO:

State of ARKANSAS

Respondent

Tim Griffin

Attorney General

ON Petition for writ of certiorari
to the Supreme Court of the State
of ARKANSAS, Case No: CR-06: 1346 ON
Appeal from the Circuit Court for
GREENE County, ARKANSAS, Case No:
28 CR-06-71

Richard LEON Strong
118244 P.O. Box 970
MARIANNA, ARKANSAS
72360-0970

I QUESTIONS PRESENTED

1) Is the ARKANSAS SUPREME COURT'S
UNEXPLAINED REFUSAL TO REINVEST JURISDICTION IN THE
TRIAL COURT, CIRCUIT COURT FOR GREENE COUNTY, ARKANSAS,
TO CONSIDER A PETITION FOR WRIT OF ERROR CORAM
NOBIS ON UNLITIGATED MERITORIOUS CLAIMS, AN
UNCONSTITUTIONAL DENIAL OF DUE PROCESS UNDER THE
FOURTEENTH (14TH) AMENDMENT?

2) Is the ARKANSAS SUPREME COURT'S
UNEXPLAINED REFUSAL TO REINVEST JURISDICTION IN THE
TRIAL COURT, CIRCUIT COURT FOR GREENE COUNTY,
ARKANSAS, TO CONSIDER A PETITION FOR WRIT OF
ERROR CORAM NOBIS ON UNLITIGATED MERITORIOUS

Claims, An UNCONSTITUTIONAL DEMAND of the Equal

Protection Clause UNDER the FOURTEENTH (14th) AMENDMENT?

II List of Parties

Richard LEON Strong, Pres SE

PETITIONER

118244 P.O. Box 970

Marion, Arkansas 72360-0970

Tim Griffin

RESPONDENT

Attorney General

State of Arkansas

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Counsel CR-2006-71 3pgs

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Pro-se Motion for Appointment of
Appellant Counsel CR-06-1346 1pg

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IV Table of Authorities

ANDERS V. CALIFORNIA, 386 U.S. 738, (1967)

ESTELLE V. WILLIAMS, 425 U.S. 501, (1976)

LINK V. LUEBBERS, 469 F.3d 1197, (8th Cir. 2006)

MCCOY V. COURT OF APPEALS OF WISCONSIN, 486 U.S. 429
(1988)

MILLER-EL V. ROCKWELL, 537 U.S. 322 (2003)

PENNSYLVANIA V. FINLEY, 481 U.S. 551, (1987)

PENSON V. OTTIE, 488 U.S. 75, (1988)

PEOPLE V. WEINSTEIN, 2024 N.Y. Slip Op. 02222, No. 24
(N.Y. Apr 25, 2024)

STRONG V. HEBBS, 2013 Ark. 376, (Ark 2013)

YATES V. ARKIN, 484 U.S. 211, (1988)

III. Prior Filings, Opinions, and Orders

17 August 2006 Conviction after Jury Trial in the

Circuit Court for GREENE County, Arkansas case

Number CR-2006-71, on Two (2) counts of Rape,

SENTENCED to Two (2) CONSECUTIVE life SENTENCES.

18 August 2006 Mr. Strong was effectively

Abandoned by Defence Counsel, RANDEL MILLER.

08 September 2006 Mr. Strong filed a Pro-Se

Notice of Appeal and Designation of the Record

of the Conviction in CR-2006-71.

13 September 2006 Justice Cindy Thyer entered an

Order Granting Mr. Strong In Forma Pauperis

status in the direct appeal of his Conviction

03 November 2006 Mr. Strong filed a Pro-Se motion

for Appointment of Counsel

02 January 2007 Defence Counsel, Randal Miller, failed

to file a timely Appellant Brief with the Arkansas

Supreme Court, case number CR-06-1346.

15 February 2007 Mr. Strong filed a Pro-Se motion

for extension of time to file a Pro Se Appellant

Brief, case number CR-06-1346

20 April 2007 Randal Miller, Appellant Attorney, filed

a second motion to withdraw, case number CR-06-1346

17 May 2007 motion to withdraw as counsel, DENIED.

Thirty (30) day extension to file Appellant Brief

Granted to Appellant Attorney, Randal Miller,

Strong v. Arkansas, 257 S.W. 3d 80 (Ark. 2007)

02 August 2007 Mr. Strong filed a Pro-Se Motion

to Dismiss Conviction and Sentence of Trial Court

Case Number CR-06-71.

06 September 2007 Motion for Extension of Time to

file belated Appellant Brief Granted. Appellant

Attorney, Randal Miller, Given Additional thirty (30)

Day to produce Appellant Brief, and the matter

was referred to the Committee on Professional

Conduct, Strong v. Arkansas, 261 S.W. 3d 453 (Ark. 2007)

11 September 2007 Mr. Strong filed a Pro-Se Motion

for Appointment of Counsel. Case Number CR-06-1346

09 October 2007 Office of Professional Conduct

DECLINED to prepare a formal Complaint against

Attorney, Randy Franklin Philhoses, Ark. Bar # 81130.

21 February 2008 Direct Appeal, Affirmed, Appellant

Attorney, Randal Miller motion to withdraw, Granted,

Strong v. Arkansans, 277 S.W.3d 159 (Ark 2008)

09 May 2008 Mr. Strong filed a Pro-Se Rule 37

Petition, Case Number CR-2006-71

20 May 2008 Mr. Strong filed a Pro-Se Amended Rule

37 Petition, Case Number CR-2006-71

11 July 2008 Mr. Strong filed a Pro-Se Second

Amended Rule 37 Petition, Case Number CR-2006-71

25 July 2008 Mr. Strong filed a Pro-Se motion for

Default Judgement in his Rule 37 Petition, Case

Number CR-2006-71

28 July 2008 State's Response to Mr. Strong's

Rule 37 Petition, Case Number CR-2006-71

06 August 2008 Mr. Strong filed a Pro-Se Second

Motion for Default Judgment in his Rule 37 Petition

Case Number CR-2006-71

03 September 2008 Dismissal of Mr. Strong's

Rule 37 Petition by Justice Cindy Thyer Case

Number CR-2006-71

08 September 2008 Mr. Strong filed a Pro-Se

Motion of Appeal on Dismissal of Rule 37 Petition

Case Number CR-2006-71

04 November 2008 Mr. Strong filed a Pro-Se

Response to State's motion to Dismiss Mr. Strong's

Appeal of the Trial Court's Dismissal of Rule 37

Petition, Arkansas Supreme Court Case Number

CR-2008-1079

13 November 2008, State's motion to Dismiss Rule 37

Petition Appeal Granted, Case Number CR-2008-1079,

(Date 11/13/2008).

03 August 2009 Mr. Strong filed a Pro-Se Petition in

The Circuit Court for Greene County, Arkansas to

Vacate and/or set aside the Judgment, Case Number

CR-2006-71

16 October 2009 Petition to Vacate and/or to set-

aside the Judgment, DENIED, Justice Cindy Thyer

CASE Number CR-2006-71

16 October 2009 Mr. Strong Filed a Pro-SE Petition

for writ of Mandamus Contending that Justice

Cindy Thyer failed to act in a timely manner on

his Petition to Vacate Judgment.

14 January 2010 Petition for writ of Mandamus,

Petition moot, Strong v. Thyer, Case Number

CR-2009-1208 (nak 01/14/2010)

15 April 2010 Appent of PRO-SE motions for access

to the Record and for Appointment of Counsel (IN. RE.

Pet. for to Vacate Judgment) Dismissed, motions moot,

Case Number 2010-88 (nak 4/15/2010)

07 December 2010 Mr. Strong Filed a Pro-SE

Hobbs Corpus petition in the Circuit Court for
Lee County, Arkansas Case Number CV-2010-1162
Strong v. Hobbs.

03 October 2013 Hobbs Corpus Petition Appeal,
affirmed, Strong v. Hobbs, 2013 Ark. 376 (Ark 2013)
Case Number CV-2011-249

31 May 2017 Commutation application DENIED
by Governor Asa Hutchinson.

09 August 2024 Mr. Strong filed a pro-se Petition
with the Arkansas Supreme Court to REINVEST
Jurisdiction in the trial Court to consider a petition
for writ of Error Coram Hobbs.

10 October 2024 Petition to REINVEST Jurisdiction

IN the Trial Court to Consider a Petition for writ
of Error Coram Nobis - DENIED Case Number
CR-06-1346 (Arks 10/10/2024)

23 October 2024 Mr. Strong filed a Pro-se
Petition for Rehearing EN BANC as Denial of
Petition to Reinvest Jurisdiction in the Trial
Court CR-06-1346

30 October 2024 State filed a Response to
Petition for Rehearing EN BANC CR-06-1346

08 November 2024 Mr. Strong filed an Answer
to State's Response to Petition for Rehearing
EN BANC CR-06-1346

21 November 2024 Petition for Rehearing EN-

BANC - DENIED CASE NUMBE CR-06-1346

II Jurisdictional Statement

SEEKING REVIEW by the UNITED STATES SUPREME COURT of the UNEXPLAINED REFUSAL to REINVEST

JURISDICTION in the TRIAL COURT to CONSIDER A

PETITION for WRIT of HABEAS CORPUS by the ARKANSAS SUPREME COURT on 10 OCTOBER 2024.

PETITION for REHEARING WAS DENIED by the ARKANSAS SUPREME COURT on 21 NOVEMBER 2024,

WHICH RENDERS it FINAL.

JURISDICTION IS CONFERRED ON THIS COURT by U.S. SUP. CT. RULE 10(c) AND IS TIMELY UNDER U.S. SUP.

CT. RULE 13 (1). THE ARKANSAS SUPREME COURT'S

DECISION WAS A FINAL ADJUDICATION AND THE DENIAL

Conflicts with the Due Process and Equal

Protection Clauses of the fourteenth (14th)

Amendment to the United States Constitution as

seen in Pennsylvania v. Finley, 481 U.S. 551 (1987)

VI Constitutional Provisions and Statutes

Fourteenth (14th) Amendment, U.S. Constitution

Article Two (2), Section Eight (8), Arkansas Constitution

Sixth (6th) Amendment, U.S. Constitution

Article Two (2), Section Thirteen (13), Arkansas Constitution

A.C.A. § 5-14-103

A.C.A. § 5-26-202

VII Statement of the Case

1) Mrs Strong was charged by Felony Information only on 23 February 2006 for: 1) ONE Count of Rape

Occurring on 10 January 2006, Ark. Code Ann. § 5-14-103;

2) ONE Count of Rape Occurring on 13 January 2006,

Ark. Code Ann. § 5-14-103; and 3) ONE Count of Incest,

Ark. Code Ann. § 5-26-202, all against the same victim.

2) After a long trial on 17 August 2006,

Mrs Strong was found guilty on the Two(2) counts

of Rape and sentenced to Two(2) consecutive life

sentences, The Incest charge was Nolle Prossed.

3) Mrs Strong did not receive a fair and
Impartial trial as secured and guaranteed by the

Constitutions of the United States, and the state of Arkansas. For over eighteen (18) years, Mr. Strong has sought to correct this Denial of his Constitutional protections through the Direct and Collateral Post-Trial Avenues available to him, without any of his Claims being heard on the merits.

4) Mr. Strong currently seeks to have Jurisdiction Reinvested with the trial Court to consider a Petition for Writ of Error Coram Nobis (The proposed Petition is included in the exhibits) so that the Constitutional errors and omissions can be addressed and Mr. Strong can obtain Relief.

5) However, even though the Arkansas Supreme Court stated in a previous opinion, Strong v. Hobbs, 2013 Ark 376, (Ark 2013) pg 3, that the proper avenue for Mr. Strong as the Claims he has Raised was a writ of Error Coram nobis. The Arkansas Supreme Court, without providing an opinion, Denied Mr. Strong's Petition to Reinvest Jurisdiction with the Trial Court to Consider a Petition for Writ of Error Coram nobis. Thereby once again obstructing Mr. Strong's pathway to obtain Relief on Claim processing and procedural grounds and not on the merits Raised by Mr. Strong.

VII ARGUMENT

1) Mr. Strong has attempted, at every stage, to raise the claim of violations of his Rights. Mr. Strong's Due Process claims have not been litigated and NEVER BEEN ADJUDICATED ON THE MERITS. While Mr. Strong's ineffective assistance of counsel, prosecutorial misconduct, and judicial abuse of discretion claims may be waived as freestanding, they remain reviewable as a sub-claim under Due Process protections. Mr. Strong has achieved the standard of a "Reasonable Probability of Relief."

2) That the Arkansas Supreme Court's Denial of Mr. Strong's Habeas Corpus Petition of stated

that Mr. Strong's Issues should be raised in
a Petition for writ of Error Coram Nobis. see
Strong v. Hobbs, 2013 Ark 376 (Ark 2013) pg 3.

this alone establishes a "reasonable probability"
of Relief to Grant the Petition to Reinvest

Jurisdiction in the trial Court to Consider a

Petition for writ of Error Coram Nobis. Mr. Strong's

Claims are established by the Record and are

meritorious. see Peterson v. Ohio, 488 U.S. 75-83-84,

(1988) (A Determination that arguable issues were

presented by the Record creates a constitutional

Imperative).

3) Mr. Strong's Request for Certiorari is

Due to the Arkansas Supreme Court's arbitrary process for Denying to Reinvest Jurisdiction in the Trial Court. While there is no Constitutional Right to Post-Conviction Review, when a state elects to provide an avenue for post-conviction relief, the process must comport with the protections of the Fourteenth (14th) Amendment. SEE Yates v. Arken, 484 U.S. 211, 217-218, (1988); Pennsylvania v. Finley, 481 U.S. 551, 558, (1987) ("When a state opts to act in a field where its actions has significant discretionary elements, it must none the less act in accord with the dictates of the Constitution - And, in particular, in accord with the due process

Clause").

4) THE PROCEDURE IN ARKANSAS LACKS DUE PROCESS PROTECTIONS. THE ARKANSAS SUPREME COURT REJECTED MR. STRONG'S PETITION TO REINVEST JURISDICTION IN THE TRIAL COURT TO CONSIDER A PETITION FOR WRIT OF ERROR CORAM NOBIS WITHOUT ANY OPINION AS TO THE PERCEIVED DEFECTS IN THE FILING. WHEN A COURT "GAVE NO REASON AT ALL FOR ITS DECISION" AND "WE DO NOT KNOW THE BASIS FOR ITS ACTION" IT ESTABLISHES THAT THE COURT DID NOT "PROVIDE [A] FULL CONSIDERATION AND RESOLUTION OF THE MATTER." SEE ANDER V.

CALIFORNIA, 386 U.S. 738 (1967). A REVIEW OF THE RECORD SHOWS THAT THE ARKANSAS SUPREME COURT

did not give full consideration to the substantial
evidence Mr. Strong put forth in support of the
prima facie case. SEE Muller-El v. Cockrell, 537
U.S. 322 (2003)

5) The first Remedy Sought by Mr Strong is
an Elaboration of the Right Recognized in Mcloy
v. Court of Appeals of Wisconsin, 486 U.S. 429, 443
(1988) wherein if an Attorney advises the Court
that an Appeal is frivolous, then "No Constitutional
deprivation occurs when the Attorney explains the
basis for that conclusion." ("Once the Court is
satisfied both that Counsel has been diligent in
examining the Record for meritorious issues and

that the Appeal is frivolous, Federal Concerns are satisfied and the case may be disposed of in accordance with state law.") The Rationale of McCoy Requires the same due process for state post-conviction petitions, wherein the petitioner's claims are not reviewed by an attorney, but only the court. If the fourteenth (14th) Amendment is protected only by "requiring the attorney to assert the basis for this conclusion," McCoy, 486 U.S. at 441, then it reasons that absent the level of attorney review; then the Arkansas Supreme Court should be required to "assert the basis for this conclusion."

6) Mr. Strong has personally demanded that his Constitutional and Statutory Rights be REVIEWED by EVERY Court in which he has Pleaded for over EIGHTEEN (18) years. No Court has allowed Mr. Strong to argue the Claims on their merits. A process for REVIEW of the Claim has been implemented by the Arkansas Legislature, which the Arkansas Supreme Court applies Arbitrarily. There is NO DUE PROCESS protection, as Required by the Fourteenth (14th) Amendment, which is why the United States Supreme Court should Grant Certiorari.

7) The SECOND Remedy sought by Mr. Strong is

for his Petition for writ of Error Coram Nobis to be heard on the Merits of the Grounds Raised in his proposed Petition for writ of Error Coram Nobis, which was included with Mr. Strong's Petition to the Arkansas Supreme Court to Reinvest Jurisdiction in the Trial Court.

8) Mr. Strong presents Claims of Due Process Violations by way of: 1) Ineffective assistance of Counsel; 2) Prosecutorial Misconduct; and 3) Judicial Abuse of Discretion. Mr. Strong's Arguments are:

1) That Trial/Appellate Counsel Intentionally and willfully failed to protect Mr. Strong's Due Process Rights by not Subjecting the State's Narrative to Reasonable

Adversarial testing; 2) that the state Prosecutor knowingly presented perjured testimony from their Chief witness, Kathy Young, and the alleged victim, Krystal Marie; and 3) Judicial Abuse of Discretion with the permitting of Malinex testimony, see People v. Weinstein, 2024 N.Y. Slip Op. 02222, No. 24, (N.Y. App 25, 2024) and when Ruling on Directed Verdict Motion, giving more weight to the alleged victim's impeached testimony over the testimony and circumstantial evidence that supported Mr. Strong's Innocence.

9) Mr. Strong's claims have evaded judicial review as the courts below have sidestepped the issues by utilizing procedural and claim processing rules. Justice demands

that Mr. Strong's claims be addressed on the merits and he should be provided with an evidentiary hearing, be appointed effective counsel, and have the proceedings presided over by a special judge who has no prior involvement in this matter.

10) Mr. Strong argues that the collective weight of these issues warrants re-investing jurisdiction in the Trial Court; since one of the related issues is an alleged Brady violation, and another is an alleged Molineux violation; Both cognizable in *Ex parte Cram* *Nobis* proceedings.

11) However, the Arkansas Supreme Court denied Mr. Strong's Petition without considering any of his

Claims or providing any opinion on the Denial. The Arkansas Supreme Court Refused to Consider any of the Issues identified in Mr. Strong's proposed Petition for Writ of Error Coram Nobis.

B) To this Day, Mr. Strong still has not Received a meaningful Judicial Assessment of what are perhaps his Strongest Overreaching Legal Claims: 1) The Prosecution knowingly introduced perjured testimony to convict him; and 2) The knowingly Allowed Molissex testimony used to prejudice the Jury and convict him. These Represent Mr. Strong's Strongest Arguments for a New Trial, Yet these have never been properly addressed in the

18 years Mr. Strong has been pursuing Relief.

This is Extraordinary!

13) Instead of the Arizona Supreme Court

Generalizing that these issues are either recognizable

or previously ruled upon, Mr. Strong's claims should

Simply be addressed as he has presented them.

14) Furthermore, because Mr. Strong's claims, if

Proven, would entitle him to Relief, this matter

should be directed back to a trial court for an

Evidentiary hearing, which is why the United

States Supreme Court should Grant Certiorari.

15) Federal Courts are highly deferential to

State Courts, and the State Courts, in turn, are

highly deferential to the Trial Courts. This resolves

the intent and purpose of a Review Court, which

should be impartial in their review of the

proceedings below, not showing favoritism to either

Party, but reviewing the proceedings with open

critical eyes. See *Lock v. Lockbeers*, 469 F.3d 1193,

(5th Cir. 2006)

16) EVERY PERSON ACCUSED OF A CRIME IS
Constitutionally presumed innocent and entitled to
a fair and impartial Trial with the opportunity
to present a complete DEFENCE. SEE U.S.
Constitutional amendment Six (6), and AMENDMENT
FOURTEEN (14), ARKANSAS CONSTITUTION ARTICLE TWO (2),
ESTELLE v. WILLIAMS, 425 U.S. 501, 96 S.Ct. 1169, 48
L.Ed. 2d 126, (1976). THE RIGHT TO A FAIR ~~TR~~ AND
IMPARTIAL TRIAL IS A SECURED AND PROTECTED
FUNDAMENTAL LIBERTY, AND THE PRESUMPTION OF
INNOCENCE, ALTHOUGH NOT ARTICULATED IN THE
CONSTITUTIONS, IS A BASIC COMPONENT OF A FAIR
AND IMPARTIAL TRIAL UNDER THE U.S. SYSTEM OF

Criminal Justice; The Constitution's guarantee
Defendants a meaningful opportunity to present
a complete ~~at~~ and Adequate defense.

It is the solemn duty of the Courts to
diligently guard and to be watchful for the
Constitutional Rights of the People, and against
any and all stealthy encroachments thereon

17) All Courts have A Responsibility to hold to the Highest Standards as Required of them by the Biblically based founding Documents of the American Democratic Republic; and to Affirm the Lower Courts Decisions, in this instant case, is an outright Declaration that these Republic creating Documents, upon which all courts receive their Authority, are no longer valid and therefore dissolve this Republic and all its institutions, as De Facto.

VIII. REASONS FOR GRANTING THE PETITION

1) The case at hand involves issues of significant public interest, and is of substantial questions of law concerning the interpretations of the Constitution, statutes, and acts of the Legislature.

2) Granting the petition at hand would help to illuminate unconstitutional actions and omissions by public servants; Establishing proper Constitutional strict precedents.

3) The order of the Arkansas Supreme Court is erroneous and conflicting with the previous opinions held, not only by its own court, but also other courts.

4) The Conduct of the Arkansas Supreme Court
is prejudicial to the effective and expeditious
Administration of the business of the Courts; and
adversely to the efficiency of the Judiciary.

5) The order of the Arkansas Supreme Court,
if allowed to stand, will have a severely adverse
effect on the perception of the Courts ability for
Independence, integrity, and impartiality; It will
have a negative synergistic affect on the public's
Confidence in the Judiciary.

6) The Arkansas Supreme Court has violated and
disregarded their duties and Responsibilities
as expressed in the founding Documents and of the

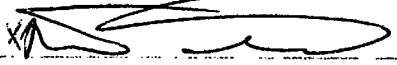
spirit of its pledge, mission, and function of
being the "watch dog" See the American citizenry
against tyrannical power seekers, as was intended
by the founding members of the American
Democratic Republic.

7 The Arkansas Supreme Court have not
only violated Mr. Strong's secured and guaranteed
Constitutional and statutory Rights, but have set
upon a dangerous path for the continuing precedent
of ignoring, invalidating, and dismissing of the protected
and expressed Constitutional and statutory Rights of the
Public at Large.

8 Thereby, Creating the Necessity for this

Court to INVOLVE itself for the Benefit and
Defence of all the peoples of the American
Democratic Republic.

Wherefore PREMISES CONSIDERED, Mr. Strong
Respectfully REQUEST AND BELIEVES this Court will
Find it REASONABLE, ROLING ON THE SQUARE AND by the
Compass, to: REVIEW the RENDERINGS of the Courts
below for ABUSES Against the Constitution of the
United States; CONDUCT ORAL ARGUMENTS ON these
ISSUES; Plus any AND all other Relief AND EXPUNCTION
that may be AVAILABLE, JUST, AND PROPER.

Respectfully submitted
D 26 December 2024
 118244

Richard LEON Strong, Pro Se

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Marz ANNA, ARKANSAS

72360-0970