

III
In the United States Supreme Court

United States of America
RESPONDENT

V.

T.B.A.

William J. Mabie
PETITIONER

PETITION FOR WRIT OF CERTIORARI

Comes now petitioner acting PRO SE* requesting
Court grant Certiorari to The United States
Court of Appeals for the Seventh Circuit,
Vacature and Remand for cases 30076 M JR^{FN1}
and 30158 RHM, (15-1899 & 16-2432) arising
from the Southern District of Illinois

* Federal Defenders terminated pre-trial, When
counsel Sarah O'Rourke Schrup was interfered
with, she withdrew, over objection, U.S.C.A.
7TH inexplicably re-appointed Federal Defenders,
Federal Defenders allowed to withdraw

FN2 These cases involve homicides

QUESTIONS PRESENTED

- 1 In an 18 usc 876 (c) prosecution, Does ELONIS apply to 404(b) evidence? if so, Can the Circuit infer a 404(b) purpose (SPECIFIC INTENT) that the proponent argued against at time of 404 evidentiary hearing, and defense was prevented from obtaining evidence / witnesses to prove intent? Can Circuit still infer intent from known to be perjured testimony? Can Third party "404 (b)" be used to infer intent?
- 2 Is there a timeliness aspect to rule 44, 18 usc 1654, or Sixth amendment "FARFAR" right to self-representation? If so, is the District required to warn against irrevocable relinquishment?
- 3 Does rule 43 require defendant be held in close proximity to despised Forced Counsel? If not, must the right to be present be forfeited, by demonstration, to gain physical distance?
- 4 Is politically incorrect complaint a valid justification for a 230% of guideline sentence?
- 5 Can District Court use hearsay to suppress Courts own property (VIDEO SURVEILLANCE) when the material is exculpatory (Brady?)?

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Opinion of the United States Court of Appeals for the Seventh Circuit - as appendix A, This is a "Consolidated Appeal" of two cases/two trials.	

Other appendixes, aulings below were kept from petitioner by the Bureau of Prisons.

Petitioner attempted to contact Courts - SD IL & ED, MD and attorneys - Patton for 30076 MTR / Stobbs for 30138 RMM, and was unsuccessful. Petitioner has reason to believe, that Bureau of Prisons is seizing his legal correspondence, including correspondence with this Court.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

U.S. v. MABIE 663 F3d, S.Ct 11-9770, S.Ct	X
U.S. v. BAGDASARIAN	X
U.S. v. HEINEMAN	X
U.S. v. ELONIS	X
U.S. v. BYRD	X
U.S. v. BENABE 653 F.3d 753 (7th 2011)	
SNYDER v COMMONWEALTH OF MASSACHUSETTS	
U.S. v. DIAZ 54 S. Ct. at 332	X
BRADY v MARYLAND	X
VIRGINIA v BLACK	X

X B.O.P prevents further use by denying access to legal reference material

STATUTES AND RULES

18 USC 876 (c)	FED. RULES CRIMINAL
18 USC 111	PROCEDURE 43, 44,
18 USC 1621	
18 USC 1622	FEDERAL RULE OF EVIDENCE
18 USC 1512	404 (b)

In the United States Supreme Court
Petition For Writ of Certiorari

Petitioner respectfully prays that a Writ of Certiorari
issue to review the judgement below.

OPINIONS BELOW

For Two Cases From Federal Courts

The opinion is of the United States Court of
Appeals appears at index A.

Cases 15-1899 and 16-2432
has been designated for publication but is not
yet reported

JURISDICTION STATEMENT

The United States Supreme Court has jurisdiction to decide this petition for Writ of Certiorari under 18 USC 1294 All Writs Act.

The United States Court of Appeals for the Seventh Circuit denied petitioner "Direct" appeal of his criminal convictions in cases 15-1899 and 16-2432, which USCA 7TH had consolidated over objection.

This decision was made July 7, 2017, This Court extended time for filing to November 20, 2017*

Petition placed for mailing on November 19, 2017,
(petitioner has no control over actual posting)

* Petitioner asked for another extension because District Clerks and Counsels had failed to ~~request~~ respond to requests for documents, and has received no response from this Court.

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED

SEE APPENDIX B

18 USC 876 (c)

18 USC 111

FEDERAL RULE OF CRIMINAL PROCEDURE

RULE 43

RULE 44

FEDERAL RULE OF EVIDENCE

404 (b)

Sixth Amendment to United States Constitution

Statement of the Case

CASE 1
30076 MJR

Petitioner indicted April 23, 2014, for mailing threatening communications in violation of 18 USC 876(c). Govt sought to introduce One Hundred One (101) items of 404(b) evidence, which USCA 7TH inferred as for purpose of proving "intent". At time of 404(b) motion, Govt position was that "intent" was not an element of offense, and blocked defense from presenting intent / First Amendment evidence. Upon conviction District imposed statutory maximum (102 MONTHS OVER GUIDELINE) sentence of 180 months, Petitioner appeals

CASE 2
30158 RHM

Combined, over objection, this is an 18 USC 111 Assaulting Federal Officer prosecution, which came about by Petitioner TAKING A BEATING, from Deputy Marshal, at Courthouse, then Petitioner making complaint to F.B.I.

Court itself suppressed video, Court refused to allow PRO SE, and forced Petitioner to sit in close proximity to Forced Counsel, Court INSTRUCTED Petitioner to create disturbance after jury return, to get away from Forced Counsel. Again Court sentenced above guideline. This chain of events is most likely Death Penalty, for numerous persons.

COUNSEL STATEMENT

May of 2014 petitioner proceeded PRO SE, with Federal Defenders as "stand-by". Fed Defender proved incapable of even obtaining mailing supplies with which to access Courts. Fed Defender withdrew, and slandered petitioner in the process.

Petitioner proceeded to trial PRO SE. At trial Bench, SUA SPONTE, had an EX PARTE conference with petitioner, claiming petitioner was "Blowing it". (True, in hindsight this was improper/coercive.) Petitioner acceded to bench request to accept counsel - Mid-trial. Counsel was thoroughly unprepared. Counsel failed to even consult post-trial of obvious RULE 33 motion.

Petitioner allowed to reclaim PRO SE 3/12/15. (DAY DUSM PUMMELED HIM) Upon new indictment October 2015, petitioner proceeded PRO SE, until clearly BNSANE Judge Mills would not allow robust PRO SE defense.

When clear counsel (STOBBS) was going to deliberately lose case, petitioner was rebuffed from reclaiming PRO SE status.

For appeal, initially, USCA 7TH appointed Schrup of NW University. In criminal act, B.O.S. prevented (destroyed) correspondence, Schrup withdrew over objection. USCA 7TH, then RE APPOINTED Federal Defenders ??? (RETARDED!) Fed Defenders file garbage appeal, then withdrew. Petitioner again PRO SE for direct.

REASONS FOR GRANTING CERTIORARI

BACKGROUND

In September of 2007 petitioner ended business agreement with Stephen Reisch (REISCH), petitioner (MABIE) had rented a building from Reisch. Mabie was unaware that Reisch was a Gov't sanctioned career criminal, because he was a "Snitch"; S.L.M.P.D. lookalike. October 1st, 2007 Reisch was caught disposing of Mabie's car, Reisch responded by obtaining .45 pistol, and issuing threat to Mabie, through Carl Lambert. Reisch avoided prosecution by lies to Police, claiming no contact since March, and Mabie being a fired employee. (THOUGH GOV'T KNEW OTHERWISE, GOV'T USED THIS LIE AS NEEDED). On 10/27/07 Reisch, emboldened, claimed a "burglary" had occurred and some 25,000.00 of Mabie's equipment stolen. GOV'T TESTIMONY ONCE CLAIMED MABIE NAME GIVEN TO POLICE, THEN, ON INSTANT CASE, CLAIMED NAME NEVER GIVEN, AND GOV'T ALLOWED TO SUPPRESS CALL TO POLICE. Mabie was incensed, and immediately began pounding on govt to do something (In hindsight Mabie would have been ahead to murder Reisch). GOV'T SUPPRESSED ALL CALLS, EMAILS, AND COURT REFUSED TO ALLOW ANY EYEWITNESSES, COURT DID NOT EVEN ACKNOWLEDGE 11/21/07 U.S.P.I. Document - WHICH CONFIRMED MABIE PROTEST. Concealment allowed govt to use bogus story, that Mabie "said nothing" until May 2008. THIS SUPPRESSION, BY UNITED STATES

ATTORNEYS OFFICE. THEMSELVES, as recipient of numerous E-mails from Mabie beginning 1/02/08 is clearly a criminal act, known as a "Governmental Grievance". SLM.P.D. Internal Affairs (I.A.) Did Nothing - Never spoke to a soul. Saint Louis prosecutors, for city, Joyce, did task two investigators - Fox and Indelicato, but, Govt allowed by Court to suppress Fox and Indelicato investigation. Joyce referred Mabie to F.B.I. Mabie went in person to F.B.I. with Lambert, (AGAIN E-MAILS SUPPRESSED) F.B.I. pushed Mabie to United States Attorneys Office (U.S.A.O.) U.S.A.O. appointed Christian Stevens to look into the corruption aspect of the non-investigation and Deebs death threat toward Mabie. Stevens sat on his hands through July 2008. As Mabie pushed, Reisch and Deebs pushed back. Reisch punky Martin told Mabie he would "Blow his head off his shoulders", Deebs told people Mabie would end up in a ditch. Mabie contacted above govt and more, but deadly situation continued. Mabie pursued civil path - ST. LOUIS COUNTY COUNCIL, STLCC MOVED TO HAVE REISCH BUSINESS CLOSED VIA INJUNCTION, Lou Chiodini pushed this issue. Courts did not allow Chiodini subpoena. Election saw Chiodini displaced by Steve Stenger. Stenger killed injunction of Reisch. (BIZARRE!), STENGER WAS FORCED ON MABIE AS "COUNSEL" IN 351 ERV.) 7/30/08 SLM.P.D. Det. Anderson called Mabie to say he was "coming to see" Mabie. Mabie called USAO, USAO advised "get out of there now" "RUN", Govt allowed to suppress this call

Having enough of fearing for his life, and wanting his
livelihood back (WHICH OBVIOUSLY REISCH STOLE)
Mabie called Deeba hometown Police - Greenville
Illinois, and let them know that Deeba had challenged
Mabie to a gunfight, Mabie accepted. (of course
this was an effort for govt to finally become involved)
Mabie had learned Deeba was "dirty" as in
would plant a gun on someone etc., from STLMPD
officer - through Mike McCafferty - again not
allowed to subpoena McCafferty, Mabie arrested
for "Harassing" Deeba on 8/4/08. Deeba and
Anderson kept at their intimidation - 70 year old
Carl Lambert, and McCafferty were directly threatened
By Det. Anderson. LAMBERT DIED BEFORE INSTANT
CASE TRIAL (PREJUDICIAL DELAY?) MABIE'S
Sister, also tired of physical intimidation, and
filed for "NO CONTACT" order to be attached
to MABIE STATE CASE - 0822CR04866-01 - (Which
Was Granted?) There is no coincidence. This
was same instant that Anderson began MANUFACTURE
of Federal case - 4:09CR00351 ERW, Govt was
allowed to suppress the "no contact motion", then
GOVT, IN LIMINE, ELIMINATED EVEN BRINGING THIS
CENTRAL ISSUE TO JURY, WHICH GAVE DEEBA
THE OPPORTUNITY TO LIE OF IT EVER
HAPPENING - SEE¹⁸ USC 1622! 351 ERW -
(Which Court in instant case refers to as the "Missouri Case")
after 2 years of incarceration - proceeded to
trial! 8/16/10

April, 2010 Mabie gained PRO SE status, and promptly pushed govt to announce it "planned" to drop three of seven counts. As it turns out, Anderson had never even spoke to recipients of the letters of 351 ERW, which means Anderson falsified reports, Also, PAY ATTENTION, Anderson could not have had "probable cause" to seize Mabie's computer, (and threaten to KILL Mabie's dogs in the process) Without even a complaint/interview Why would any Court order a FORCED DNA collection? THIS IS A GOVERNMENTAL GRIEVANCE — MORESO, BECAUSE THIS COURT IGNORED THE ISSUE! When govt began losing 351 ERW, USAO panicked and filed "Motion to revoke PRO SE status, and quash subpoenas" DOC 241. Judge "Lefty" Webber granted this garbage based on "A NUMBER OF INTERVIEWS OF DEFENSE WITNESSES, SHOWED NO RELEVANT TESTIMONY" & Mabie uncooperative "attitude" of a Court forced meeting with AUSA Ware (WARE) — KNOWN AS A RULE 410 VIOLATION, SEE MIRANDA ETC. ★ Try this ★

Put a gun to Lefty Webbers head, see if he can name even one defense witness that was interviewed — much less a transcript that might help determine relevance. — Now, was Mabie required to cooperate with an AUSA which allowed corrupt cop/snitch to steal and threaten him? Lefty also claimed Mabie would "drop subpoenas in exchange for cash" — READY?

WELL... If Lefty can't produce some tangible evidence of this, that means that Lefty violated Mabie's FARETTA right, on absolute lying horseshit - AKA, a governmental grievance - Which this Court overlooked, And, Feel free to pull the trigger!!!

After conviction of Mabie - WITH GOVT LAWYER, - COUNCILMAN STENGER "DEFENDING" Mabie appealed citing same issue as ELONIS - lack of MENS REA, and bogus PRO SE revocation, this Court ducked!

On 2255, Lefty outdid himself, claiming, "no request for transcript was made on criminal case" so Mabie would get no transcript for his 2255 MAGGOT! Pull the trigger you gutless fruit. Mabie finally received the phone records and receipts he had sought in July 2013. These prone govt story impossible. Lefty Webber instructed Clerk to refuse to even file this RULE 33 motion.

In April 2014 Govt filed instant case, 3 counts of 18 USC 876(c), During the course of which Mabie finally received partial transcript, and promptly proved 351 ERW conviction came about with known use of perjured testimony - SEE 14-3449 USCA 8TH.

AUSA WARE deflected that perjury with other perjury & USCA 8TH claimed this known perjury is OK! - Then USCA 8TH should sit in USP for awhile behind perjury - DESPICABLE ON ALL SIDES!

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April 2015 saw ELONIS arriving on Justice Roberts desk, and same time, Mabie v US was there, same issue, Roberts picked Elonis - Mabie denied.

Mabie filed 2ND 2255, USAO & USCA 8TH ignored 2244 (b) (3) (D) requirements, for months.

Case went back to Lefty Webber - Who claimed that misinstructed jury was no problem, Lefty inferred his own MENS REA - PULL THE TRIGGER !!

INSTANT CASE

3 Counts of 18 USC 876(c) (PRE ELONIS)

Clearly the "Missouri case" presented myriad governmental grievance. Mabie had been petitioning government. At sentencing of 351 ERW AVSA sought 6 level increase for government disruption. Bulk of this based on Bond County Illinois Sheriff - Jeff Brown (DEEBA ASSOCIATE) claim of 220 hours expended. How much Lefty weighed on this is unknown, But Mabie knew it was a lie - AND DON'T FORGET - COURT WOULD NOT ALLOW MABIE TO DEFEND!

Mabie knew, first contact was at 3 p.m. 8/4/08, arrested 6 p.m. 8/4/08, Brown knew by 10 p.m., and Greenerville is patrolled by Greenerville P.D. - Bond County participation dubious, and even with entire 10 man dept involved, 220 hours impossible - 18 USC 1621 is a crime, (EVEN THOUGH USSC ALLOWS IT) so Mabie felt he should let Brown know, and did, in Jan 2012. Mabie conveyed the same words, closely, if not verbatim, as he had sent to USAO,

Post trial of 30076 MJR, on 3/12/15 Mabie sought and was granted PRO SE status. After hearing Deputy Marshal Berry, acting on influence of Alton City Jail transport officer, (COUNT 1 BROWN'S FRIEND) taunted Mabie. Berry had left Mabie in the interview room (CLOSET) for hours, without access to water or toilet.

Hours later Berry removed Mabie putting him in holding cell. Mabie told Berry what he thought of lowlife cops - like Berry.

Berry had already done an "investigation" of Mabie. (WHY?) Berry relayed known to be false information to 2 other deputies. Berry came back to holding cell, with intent to beat Mabie.

Though Berry did not ask other prisoner to step forward, or Mabie to step back - PER PROTOCOL - Berry opened gate and immediately punched Mabie in face. Mabie was already shackled at this time of opening. Mabie was then handcuffed, cellmate was then taken out of holding cell. After other persons were out of cell, Berry then beat Mabie - 20 plus punches.

Mabie relayed this incident to FBI Agent Cronin, who had handled the 30076 MJR investigation. Cronin passed case off. Mabie screamed for FBI to view the in courthouse video showing the beating.

Gov't used Mabie complaint to enhance sentence from 63-78 month guideline to 180 months. At sentencing Mabie sought video, and call Berry made to Alton City Jail, to cover his tracks. At hearing Court would not allow subpoena of call (which USMS had not even attempted to recover) USMS dodged video subpoena by claiming - SOME GUY AT THE COMPANY THAT INSTALLED CAMERAS SAYS THE VIDEO CAN NOT BE RECOVERED. This is lying horseshit. Bosch digital cameras guarantee reliable operation upon installation. If USMS has such a security breach, reports must be made of causation and cure - none were! -

Don't forget right to confront.

In October 2015 USAO indicted Mabie for assaulting Berry. It was never clear if this was for allegedly spitting on Berry - A MISDEMEANOR - per US v BYRD - or for crossing the threshold of gate.

In pre-trial proceedings USAO made it impossible for the PRO SE Mabie to view his own discovery. Mabie accepted counsel to view discovery - and still never saw it, and still has not !! At this time Court did not say Mabie would never be allowed to reclaim PRO SE status.

At trial Mabie learned his counsel (Stobbs) had done no investigation, refused to call witnesses, and Stobbs refused to allow Mabie to participate in VOIR DIRE. So at first instance Mabie sought to be PRO SE. Mabie was ready with questions. (USAO knows this because FORCED COUNSEL Stobbs allowed USMS [= WITNESSES] to take the questions - PRIOR to testifying - same questions Stobbs used)

Insane Judge Mills refused to even discuss PRO SE with Mabie, even though Dont had called no witnesses. At this point Mabie refused to sit at same table as FORCED COUNSEL. Judge forced close proximity, and informed Mabie he must remain until jury came back, then create a disturbance, and only then could Mabie leave close proximity because trial had NOT BEGUN. So Court claimed no "FARETTA" right because trial had begun, and had no right to leave UNTIL TRIAL DID BEGIN. Insane Judge also sentenced above guideline, only justice is new trial, or Murder Deputy United States Marshal Berry

Q] In an 18 usc 876(c) prosecution, Does ELONIS apply to 404(6) evidence? If so
Can the Circuit infer a purpose (SPECIFIC INTENT) that the proponent argued against
at the time of 404(6) evidentiary hearing? and defense was prevented from
obtaining evidence & witnesses to prove intent? Can Circuit still infer an intent
purpose from known to be perjured testimony? Can Third party 404(6)
be used to infer intent purpose?

- Don't sought to introduce a whopping 101 (ONE HUNDRED ONE) 404(6)
exhibits, District allowed all, and claimed defense at trial would be
allowed to make specific objections to proffered exhibits.

District then prohibited sidebar, and thereby specific objection
to proffered exhibits. Circuit then on appeal claimed no specific
objection was made, failing to note that such objection was a
physical impossibility.

At time of 404(6) hearing govt position was that 18 usc 876(6)
did not include a specific intent to threaten. Based on govt
position District refused defense subpoenas as "merely background"

On appeal Circuit upheld govt / District use of 404(6) as
"necessary background" to prove specific intent !!??

Specific intent was inferred by Circuit, based on jury
instruction, (11/21/14) but Counter to govt argument of 9/16/14.

As 404(6) requires proof that defendant did commit
the "Bad Act", Elonis need apply and defense must be allowed
to defend - it was not.

Circuit inferred such intent based on testimony of
Det. Wenstrom - Wenstrom testimony was polar opposite of
Steven Reisch - (whose testimony was the subject matter of
complaint in letters), So Whose background was this?

Either the Reisch testimony was perjury, WHICH CREATES A TREMENDOUS 1ST AMENDMENT ISSUE, or Wenstrom testimony was perjury - WHICH NECESSARILY VACATES TRIAL.

In any instance Wenstrom testimony can not fit Circuit inference as "BACKGROUND", as his story was not known to any principle - SENDER (MABIE) or RECIPIENTS (DEEBA & BROWN).

In last instance #6 was from Kim Reisch, a third party. Don't purported purpose was "to prove defendant actually sent the (#6) letter". Great, but that is not a legitimate 404(b) purpose, nor was jury instructed as such.

Here we have the elements of offense change mid-case, and both ways to suit govt needs. No MENS REA to quash defense efforts to show context, then inferred purpose to support MENS REA that defense was not allowed to argue.

ELONIS demands remond as case was not argued to its standard. ELONIS vs. 404(b) has never been applied, because this 404(b) and hearing were pre-ELONIS. Even at that these were 9TH and 10TH Circuit letters, so at the time of argument, 9/16/14, the proper standard was in favor of intent. Don't "FORUM SHOPPED" issue to the 7TH Circuit to allow lower MENS REA (NEGLECT) and allowed this ruling.

Per ELONIS there was a "Circuit Split", in the instant case the split was mid-case and prejudicial in evidentiary rulings. This Court must now decide What is the standard for 404(b) MENS REA?

Q.2. Is there a timeliness aspect to rule 44, 18 USC 1654 or Sixth Amendment "FARRETTA" right to self representation? If so is the District required to warn against irrevocable relinquishment of right to self-representation?

There is no question of a Constitutional guarantee to right to defend.

Individual judges claim that they alone determine whether this right is "honored" after jury has been empaneled. There is no Constitutional basis for this stance. Circuits have manufactured this holding - The Supreme Court has never held for a timeliness element.

In the instant case the right was asserted as soon as it became apparent to defendant that Courts appointed Counsel was going to deliberately lose case. Trial Court was nothing short of insane - making statement of previously "firing attorney" (which had never happened). By rule, By statute, By Constitution there is the basic right. Nowhere is there a U.S.S.C. holding that Bench can determine *SUA SPONTE*, nor is there a "Bright line" rule that right to defend evaporates.

Defendant did not ask for any delay, he was ready to proceed at time of assertion (BEFORE ANY WITNESS).

Forced Counsel actually argued against defendant at the time of assertion, and throughout case.

There is no Constitutional basis for Bench to set a time, but even if there were, it would by necessity be revealed to defendant PRIOR to allowing him to relinquish right to defend.

There was no warning, and must be to give up right.

Q.3. Does rule 43 require defendant to be held in close proximity to despised "FORCED COUNSEL"? If not must the right to be present be forfeited by demonstration to achieve physical separation?

Rule 43 makes no such inference, nor should it. This Court has never made a specific "in area of defense table" holding. The suggestion that defendant forced to be held at arms length from "counsel", who is at the time in the most despicable loathesome creature on Earth is despicable. There is no known reason why "Counsel" or Court "convenience" trumps defendants to presence - presence free from unwanted ambient influence, as occurred in 30158 RHM.

Bench advised that the only way to get away from Counsel was through demonstration. Then when defendant "complied" with bench requirement to demonstrate, Bench compounded prejudice by having defendant carried out by THE SHACKLES!, rather than excusing jury, and allowing him to walk out.

There is no inference to a certain number of inches defendant need be from Counsel, or even at same table, merely "Present". Defendant clearly desired to be present, lawyer presence does not take precedence over right to presence.

Here the bench made ambiguous statement implying could not leave. Rule does NOT say defendant must remain, and is free to leave. ONLY if on bond. This is the 7th Circuit refining a rule, where no holding of this Court was ever made.

* Or leave after demonstration.

Q4. Is politically incorrect speech in complaint a valid justification for 230% of Guideline sentence?

- Of course not.

When a Deputy Marshall beat defendant, in Courthouse, he quite correctly, made complaint. As Govt takes little notice of complaint of crimes BY government officers - E.G. - D.U.S.M., complaint need be forcefully worded, and was. In context - as defendant has clearly been the victim of government crimes, he should not hold back on complaint.

Bench however took no notice of the beating, refused to even force govt to conduct a proper search for surveillance video, and used the complaint to add 102 months to sentence of case 30076 MJR, 102 months for taking a beating, and making complaint.

Bench took affront by statement that defendant may drag offending DUSM around, I.E. "tie his nigger ass to a bumper".

Given Benchs anti-semitic* comments this is hardly offensive, much less requiring added years.

* Bench told "joke" about a HASIDIC JEW, INDIAN SIKH, AND DEFENDANT, wherein farm animals were offended by defendant's presence.

Coming from an Ex-Cop / Alcoholic - like Judge Reagan (TYPICAL MICK) why would defendant get an extra day? When DUSM break law, 2 ways to deal with them - either complain, or kill the lowlife. Defendant choose the wrong one - not worth 102 months

Q5. Can District Court use hearsay to suppress Courts own property (VIDEO SURVEILLANCE) when the material is exculpatory? (BRADY)

BRADY v. MARYLAND tells us that the adversary - government - must turn over exculpatory evidence. There appear to be no USSC holdings of when the Court is in possession of exculpatory evidence.

As DUSM Berry's beating of defendant was in the Courthouse, YOU, the U.S.S.C. is certainly the owner of video. When govt asserted it intended to use ~~intended~~ defendant's complaint to raise sentence, defendant sought video.

US Marshall made claim that some guy at the company that installed surveillance system claimed system did not function and no video was retrievable.

This was a certain lie, and hearsay.

Who was ~~the~~ guy? Name of Company? = WITHHELD!

FACT: When a catastrophic security breach occurs in a Federal Courthouse, the U.S. Marshal Service is required to document the cause and the cure!!

Here the rumor put forth by the very persons that committed the unlawful beating were allowed to suppress the evidence - TWICE, for an added 14 1/2 years - BOTH CASES USED THIS EVENT!!

A thorough investigation is required, if not, then 2036 sees DUSM hunted down and killed, like the dog that he is. ENOUGH CRIME BY GOVT AGAINST WILLIAM MABTE

Conclusion

For the 7th Circuit to conclude that "background" is an appropriate use for 404(b) in this particular case is hubris.

Why?

Because at the 10/16/14 "404(b) hearing" the matter of subpoenas was addressed. The government argued against the bulk of these persons and evidence as being merely "background".

The "background" the govt purports is bizarre. Take Det. Wenstrom of the 07-018733 Burglary. Neither recipient nor sender (MABIE) had ever spoken with him, nor apparently had any other witness

But government gained quashal of eyewitnesses (R. Cotner, Mc Cofferty, Lambert) and then used testimony diametrically opposed to that offered in Missouri case. Government obviously knew they used perjured testimony. Was it in Missouri, creating the 1st amendment action, which this trial Court would not allow this jury to hear, or was the perjury in the instant case?

We know that Wenstrom lied about not getting a tool list, because USAO had the list, and USAO arbitrated return of tools, including money on the list that were in some storage unit. This was a fabricated "background".

The bottom line is that background is a two way street, if defense is barred from background - so is govt - especially on 404(b).

Likewise on 10/16/14 USAO prevented - argued against specific intent and prevented any witnesses to be heard. Defense cried foul, as these were 9th and 10th circuit letters, circuits which called for recipients to have intended to be threatened - THUS - GOVT "FORUM SHOPPED".

Only when the government achieved quashal did it then supersede with a quasi-intent indictment. (INTENT TO "CONVEY" THROUGH MAIL)

Government argued against background and against intent at the time of 404(b) proposal (PRE-ELONIS, PRE CRAWFORD). 404(b) could have been used for many things - INTENT is not one of them - Government took intent out of the at issue column, at hearing - put back in by 7th

The 7th Circuit claims there was no specific objection to 404(b),
That leads me to believe 7th needs drug testing.

Mabie pressed for dismissal of indictment on MENS REA grounds,
USAO apposed - (remember this was pre-ELONIS)

Mabie objected specifically to the governments lack of "chain
of logic" Which USAO never overcame - even at appellate level.

Attorney Shattnick argued on 401 and 403 grounds - no stated
reasons overcame these - NOR COULD COURT OR USAO, BECAUSE COURT
AND USAO HAD ALREADY ARGUED AGAINST INTENT AT 404(b) HEARING!

7th Circuit claims Mabie's objection were not "specific" - Did 7th forget
that bench had precluded any speaking objections - because bench
eliminated SIDEBAR!!

7th Circuit "GOMEZ" approach to 404(b), in which 7th can now
infer a purpose (INTENT) directly against proponent argument, and
against the Districts contemporaneous ruling against background,
allowed the jury to get counter reality view of what is actually
in the text of letters at issue including 404(b).

Given all presented evidence, including 404(b) - Who was
to be prosecuted? For what? How did 404(b) tie through any
logic to this end? As District explicitly forbade the evidence/
witnesses that were spoke of in text - I.E. AUSA WARE, M. CHOI,
KLEIN, ANDERSON and even recipients crimes (which would bring
1st amendment to the forefront) This Court should hear the case -
because 7th Circuit is an outlier in this view.

7th Circuit is on its own in its "Gomez" test for 404(b).

Realistic application of other Circuits 4 part test and all of
this 404(b) fails. 7th must use reality of what transpired -
at time of hearing (PRE-ELONIS) and this 404(b) would go unheard,
unless defense also allowed to argue intent - WHICH

DEFENSE WAS NOT ALLOWED TO DO!

It must be noted that 7th Circuit relies on govt need to use 404(6) as proof for specific intent on ELONIS 135 S.Ct. 2001, 2012 192 L.Ed. 2d (2015) and US v. CRAWFORD (862 F3d 632) 665 F. APPX 539, 541 (7 CIR, 2016) as the case law applicable. GREAT!

Except US v. MABIE was a 2014 case, District could hardly have relied on cases yet to be heard. Reality is District relied on existing precedent - Reasonable recipient - to exclude defense background - and actual text of letters, then swapped logic to include 404(6) for unknown reasons. - Remember District never explained its reasoning and Govt never explained the chain of logic - case specific - required by "Lopez" or the prior precedent of 4 prong test.

As far as specific reasons argued - District did not allow item specific argument at hearing or trial. Govt sought leave to introduce an absurd 101 - (that's correct One Hundred One) 404(6) exhibits - District allowed Govt to proceed and same hearing quashed defense subpoenas SEE DOCS. 137-140

This presents another Circuit split - 7th Circuit is again an outlier in that when an indigent PRO SE litigant requests subpoena, he must do so in open court, and expose entire defense, and govt argues quashal on the spot. Here where witnesses were of a corrupt Police officer, who had already terrorized family members - Defense was potentially putting peoples lives in danger - Capt. Deeba had challenged Mabie to a gunfight, and Det. Anderson intimidated defense witnesses in Missouri - part of govt grievance in instant case, which Court did not allow jury to hear, which is of course the definition of prejudice

In re: Sentencing Craziness

The District relied heavily on prior "Bad" acts to justify an astounding 180 month sentence on a 63-78 month guideline, and yet refused to allow defense to put any act in context. To in essence hand out a life sentence, for what are complaints of crime committed by government goes against 1st Amendment, and all sane reason.

We know government used perjured testimony in Missouri, Complaint of which brought this case. DOC 259 of 4:09CR00351ERW the judge revoked PRO SE based on "a number of persons (defense witnesses) were interviewed and none had any relevant testimony" REALLY? HOW WOULD THE JUDGE HAVE KNOWN? This Court turned a blind eye to appeals -11-9770, 13-9452. The instant Court was aghast and added 102 months over guidelines for the proposal that the 351 ERW Judge must have buried these interviews with his wife (as he or Don't has never produced them) Don't or Court has never admitted DOC 259 was a lie. Now we have ULTIMATUM #1 - TO USSC.

- Lefty Webber, Judge of 351 ERW is under USSC supervision. So... USSC can now name at least one of these persons interviewed and had no relevant testimony. (NO ONE WAS INTERVIEWED) If USSC can not name one, then of course Mabie must be free to seek truth, dig up the old girl, and drop her off on Courthouse steps. While you gentless pricks grit your teeth, think about what actually transpired. A judge revokes the right to defend on a lie, USSC ducked, Mabie complained, and gets a BONUS 102 months.

Of Course District also used Mabie's complaint of a DVSM beating Mabie, while he was handcuffed and shackled, to justify this departure. SDVSM LIED TO CONCEAL VIDEO OF THIS BEATING.

Claiming that the guy at company that installed cameras told him video could not be retrieved, USMS refuses to name said person or company. But since a simultaneous failure of 7 cameras is impossible

X seems to me Mabie in prison FOR govt crime, as a victim

Just ask any of USSC Deputy USM - a report must be made of a catastrophic security breach e.g. camera failure. No report was made and USAO and USMS refuse to name phantom technician. SO... since video is in reality property of the Court, this means USSC is actual owner video - i.e., building and its contents. ULTIMATUM #2 - USSC, will turn over exculpatory video of 3/12/57, and name phantom installer (or admit all the non-existence of video was a lie) if not, of course USSC will admit, that to hunt down the DUSM that beat him, and added 14 1/2 years of incarceration, should receive same beating, or be shot dead on the spot. YOUR CALL

Mabie says - name the company, recover video & prosecute scumbag DUSM.

In any case, to add years to a sentence for taking a beating, then making a strongly worded report/complaint is no justification to lengthen a prison term.

District opined Mabie referring to District's bodyguard as a "Nigger". But District had no issue Berry beating Mabie in the Courthouse. If USSC believes it fine for defendants to be beat in Courthouse, then lie to conceal video and DUSM crime, and sentence person beaten to more time, then all of you can burn in Hell.

SLMPD, FBI, USAO all ignored a solution to the Zugman murder, because the solution would cost them a snitch (REISCH)

In the wake of Reische's crimes, the USAO has allowed or committed myriad crimes, and the reader knows this - even though Courts did not allow truth into Court, sit on your butts Zugman will not be the last murder.