

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Paul Naseman — PETITIONER
(Your Name)

vs.

8th circuit court of montcalm — RESPONDENT(S)
County

ON PETITION FOR A WRIT OF CERTIORARI TO

Michigan Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Paul Naseman
(Your Name)

1727 west blue water hwy
(Address)

Ionia mi 48846
(City, State, Zip Code)

NA
(Phone Number)

Question one,

QUESTION(S) PRESENTED

The first, fifth and fourteenth Amendment Protects a Persons Right to free Speech and Assembly; nor be deprived of Life, Liberty, or Property, without due Process of Law, michigan SORA Requirement for sex offenders to register Email Addresses "used" in internet communication or Postings is unconstitutional and cannot be enforced, As ordered by The Eastern District court in Doe v. Snyder, 101 F. Supp. 3d 672 and in The 6th Circuit court Doe v Snyder, 834 F. 3d 696, This U.S Supreme Court Agreed with the ruling of the Two Lower federal courts, Rendering Defendants Plea conviction constitutionally invalid.

Defendants Answer "yes".

Question Two,

Did Montcalm County, Charge Defendant, for MCL 750.145c2, outside Their Jurisdictional County Line, As the Charge, is claimed to have Taken Place at 162, 190th Ave, Morley MI 49336, IN Mecosta County Jurisdiction, The constitution is clear, A criminal action for violations of State Law, city, village, or township ordinances shall be tried in the county, where the violation took Place. Therefore montcalm county, did operate outside their Jurisdictional Authority, on The charge MCL 750.145c2, Rendering the Plea conviction constitutionally invalid.

Defendants Answer "yes"

Question Three,

was John Raven, Defence trial Counsel, constitutionally Ineffective, for failing to object to the Above constitutional Errors, in violation of

Defendants Right to effective Assistance of counsel.

Defendants Answer "yes".

Question four,

was Jason Eggleston, Defence trial counsel, constitutionally ineffective, for failing to object to the Above constitutional errors, in violation of Defendants Right to effective Assistance of counsel, and for entering his client into an unconstitutional Plea Agreement to charges of mcl 750.145c2, and mcl 28.709.

Defendants Answer "yes".

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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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

☒ For cases from **federal courts**:

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

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

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

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

☒ For cases from **state courts**:

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

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

The opinion of the michigan court of Appeals court appears at Appendix C to the petition and is

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

JURISDICTION

☐ For cases from **federal courts**:

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

☐ No petition for rehearing was timely filed in my case.

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

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

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was October 24 2017.
A copy of that decision appears at Appendix A.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

As was found by Two federal courts, in Doe v. Snyder, They found elements of Michigan's sex offender registry Law is unconstitutional, here Defendant find him self in the same Position as The Plaintiffs in Doe v. Snyder, MCL 28.729 comes from MCL 28.725(1)(f). Now Ruled unconstitutional. IN Doe, it was ordered unconstitutional to retroactively APPLY the Amended, SORA Law, to this Defendant, and Montcalm county operated outside their respective Jurisdictional County Line's. All of the following constitutions and statutory Provisions, The Defendant feels were violated and this court is The Proper court to rule on the matter.

const, Art I § 5, Every Person may freely speech, write, express and Publish his views on all subjects, being responsible for the abuse of such right, and no Law shall be enacted to restrain or abridge The Liberty of speech.

const, Art I § 9, cl 3, Bill of attainder, Ex Post facto Laws, No bill of attainder or Ex Post facto Law shall be Passed.

const, Art I § 10, cl 1, No state shall Pass any bill of attainder or Ex Post facto law, or impairing the obligation of contract.

const, Art I § 11, search and seizures, every Person shall be secure from unreasonable searches and seizures, No warrant to search any Place or to seize any Person or thing shall issue without describing them, nor without Probable cause, supported by oath or Affirmation.

const, Art I § 20, Right of accused in criminal Prosecution, to have effective assistance of counsel for his defence, on Appeal

reasonable assistance as may be necessary to Perfect and Prosecute an appeal.

"Here by Defendant request Appointment of counsel in this Appeal".

const, Art VI § 11, Circuit Courts, the state shall be divided into Judicial Circuits along county lines, each circuit judge shall hold court in the circuits ~~along county lines, each~~ within the circuit in which he was elected.

const, Art VI § 13, circuit court, jurisdiction, The circuit court shall have original jurisdiction in a matter within their respective jurisdiction in accordance with rules of the supreme court.

const, Art § 29, conservators of the Peace, Judges as provided by Law shall be conservators of the Peace, within their respective jurisdiction

const, Art VII § 34, construction of constitution and Law concerning, counties, townships, cities, villages, The provisions of this constitution and Law concerning, counties, and villages shall be liberally construed in their favor, powers, granted to implied and not prohibited by this constitution.

montcalm county is limited to jurisdiction within their county lines They have no Authority to Prosecute crimes that may have been committed in merceus county's jurisdiction.

USCS, const, AM 1, Congress shall make no Law abridging the freedom of speech or to assemble.

USCS, const, AM 4, No warrant shall be issued, but upon Probable Cause.

USCS, const AM 5, be deprived of Life, Liberty, or Property, without

Process of Law.

USCS, Const, Am 6, In all criminal Prosecutions, the Accused shall enjoy the right to a speedy and Public trial, by an impartial Jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by Law.

USCS, Const Am 14, No state shall 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.

Defendant was entered into an illegal Plea agreement to an unconstitutional charge, of SORA mcl 28.705(1)(f), contrary to mcl 28.709(1)(a) [28.709]. under The equal Protection, this court must rule Defendants intire Plea to be, unconstitutional, the trial court erred in accordance with MCR 6.302(A) and mcr 6.302(c), As Defendant never agreed to be sentenced to an unconstitutional charge of SORA. mcl 28.709, or to Montcalm County, Lack of Jurisdiction over mcl 750.145c2.

USCS, Const Art III § 2, cl3, The trial of all crimes shall be held in the state where the said crimes, shall have been committed, The Trial shall be at such Place as the congress may by Law have directed.

USCS, Fed Rule crime Proc R 18, Place of Prosecution and trial, by statute or these rules Permit other wise the government must Prosecute an offence in the district where the offence was committed.

mcl 600.8312, In a District of the first, second, Third class, venue, in criminal actions for violations of state law and all city,

village, or township or distances shall be in the county where the violation took place.

Because of All the Above violations of the constitution, this court should allow this Defendant to withdraw his Plea, or dismiss all charges as they violate the constitution, Defendant Plea is completely invalid and should be dismissed with Prejudice.

This sentence must be vacated.

STATEMENT OF THE CASE

Material fact of case,

Defendant was Accused of, inappropriate facebook messages with a minor, on February 18, 2014, on March 12, 2014, officer clute seeked a warrant from montcalm county 64B District Court. The officer claimed The crime of mcl 750.145c2, had taken Place at the victims Residence, at 19234 Yankee Rd, Howard city MI 49329, in montcalm County. Defendant Mr. Naseman was arrested in Kent county on June 12, 2014. Arrained by montcalm county on June 13, 2014, by 64B District Court, on 3 counts.

#18953, count 1), sex offender - failure to comply with Registration Act; failing to register his facebook user Name; as required by mcl 28.725(1)(f); contrary to mcl 28.729(1)(a). Ho 4, Notice,

#18952, count 2), sex offender - failure to comply with Registration Act; failing to report employment ended mcl 28.727(6); contrary to mcl 28.729(1)(a)

#18954, count 3) child sexually Abusive Activity, mcl 750.145c2.

The court Appointed Defence Attorney John Raven, who, Turned out to be constitutionally Ineffective, After failing to investigate his clients case, Police Reports, warrants, case Law, statutes and The U.S. constitution, counsel Advised his client to trust him and waive his Prelim and be bound over to circuit court. This caused Defendant To unknowingly to waive Jurisdiction to montcalm county, "Illegally." Because montcalm county Lacked Authority over crime's committed outside Their county Lines, which was in Mecosta county Jurisdiction, counsel failed to object to the Lack of Jurisdiction of montcalm county over

incl 750.145c2, and the unconstitutional charges, of SCRA violations incl 28.725(c)(1); 28.729. Defendant filed motion to terminate court appointed counsel, John Raven, on October 21, 2014, counsel was withholding discovery information from me.

The 8th circuit court, in a conflict of interest, appointed defense Attorney, Jason Eggleston, to this client's case, however Mr. Raven and Mr. Eggleston share an office together and are in business together, Eggleston committed malpractice, when he covered up Mr. Raven's malpractice, being that Mr. Eggleston did not object to the above violations of the law or constitution, Proves he covered it all up. On January 29, 2014, Defendant was sentenced Per Cobbs Agreement, to Plead guilty, to #18953, count 1) failure to register facebook / Email address incl 28.729(c)(2), #18954, count 3) child sexually abusive activity incl 750.145c2(A) (Attempted), #18952, count 2) Dismissed. Defendant appealed within 42 days, after discovering The Doe v. Snyder case.

The state Appellate defender office was appointed on March 11, 2015, Appeal was filed on July 29, 2015, in the court of Appeals, and denied on September 21, 2016, see Appendix C. Defendant sought Appeal in the Michigan Supreme Court on February 10, 2017. excepted on March 2, 2017. see Appendix B. On October 24, 2017, The Michigan Supreme Court ordered, they were not persuaded the questions presented should be reviewed by their court. see Appendix A.

I Now seek a Rule 13, Petition for writ of certiorari on constitutional issues only!

on Appeal, Defendant discovered both Defence trial counsels were constitutionally ineffective, const, Art I § 20; to have effective assistance of counsel for his defence, Defendants defence Attorney John Raven committed neglect and malpractice and violated his client constitutional rights, when he did not object to the unconstitutional charges of SoRA, mcl 28.709, or the Lack of Jurisdiction of the 64 B District Court of Montcalm County, to Issue warrants, charges of Affairment on charges of mcl 750.

145 C2, which was and is Alleged to have been committed in Mecosta County's Jurisdiction, At 162, 190th Ave, Morley mi 49336. see Appendix D. The charges of mcl 28.709, come from mcl 28.705(1)(f), A case Doe v snyder started in 2012 U.S. Dist Lexis 54492 (E.D. mich Apr 12, 2012). This case is on Point.

It was Latter Ruled in the Eastern District court of michigan see Appendix F, Doe v snyder 101 F. supP 3d 672; 2015 U. S. Dist Lexis 41681, opinion and order by Judge Robert H. Cleland, michigan SoRA Law's Are unconstitutional, mcl 28.705(1)(f), is declared unconstitutional and its enforcement is enjoined.

The Federal 6th circuit court Ruled in Doe v, snyder 834 F. 3d 696, see Appendix G, opinion by Alice m, Batchelder, It did conclude, However, that... SoRA Provisions were unconstitutionally vague, that those who are required to register under that Law cannot be held strictly liable for violating its requirements and

That its retroactive requirements that a sex offender register on-line aliases for life violated the First Amendment.

This court Agreed with the findings of the two federal courts and found elements of Michigan sex offender registry law unconstitutional. Regarding issue one, SCRA is Ruled unconstitutional, Therefore my Plea is also unconstitutional, but vacating this charge alone mcl 28.729, will not correct, the Hole issue, Because I only Plead because of the mcl 28.729 charge, If I was only facing the mcl 750.145c2 charge, I would had went to trial, because I did not commit mcl 750.145c2. and of This crime is claimed To have taken Place in macata county's Jurisdiction.

Issue Two, see Appendix D, montcalm county Lacked Jurisdiction over The charge mcl 750.145c2, montcalm county see Appendix E, issued warrants Illegally, They charged Defendant for crimes outside of their county's Jurisdictional county Lines. for mcl 750.145c2. Based on a officer incorrectly Listing of an incorrect Address of where he believed the crime happend, officer sysko Listed a montcalm county Address, So when officer clute seeked a warrant from montcalm county, he used the wrong Address, and information committing Perjury mcl 750.422, This happend because clute was not The officer who took the complaint, and NO officer had ever spoken To the Alleged victim, so the officer never found out where the Alleged crime was claimed to have taken Place, The victim was not spoken to untill After my Arrest on June 12 2014, Arrained on June 13, 2014. see victim and complainants statements taken on June,

2011, see Appendix D The warrants, see Appendix E, claim 4 Perjury. Statements and an incorrect Address of the crime Location, To establish Probable cause, #s 2, 3, 5, 6. Are All incorrect. Kim The complainant, Never reported, seeing or finding Nude Photos #2, 3, 5. and the address listed was complainants old address EX Husbands House where she and daughter no longer lived. Complainant reported Living with daughter (victim) At Nikia Roelofs (Nic) House when she found the messages and made the complaint.

mcl 600.8312, District Courts, Venue in criminal actions for violations of State Law, city, village, or township ordinances shall be in the county where the violation took place. Jurisdiction refers to the Authority that a court has over the Parties, over the subject matter, established by the constitution, USCS, Const Art 3 § 2, cl 3; USCS Fed Rule, crim Proc R18, According to statute mcl 750.145c2, is to be Prosecuted in the district where the offence was committed, Const Art, 6 § 13, Jurisdiction in all matters are to be within their respected jurisdiction in accordance with the rules of the Supreme court, US Const, Am 6, The Accused has a right to Public trial... In the District where in the crime shall have been committed.

The court has a clear distinction between Jurisdiction and Venue, Venue may be conferred, However Jurisdiction cannot be.

Therefore, because this crime is Accused of taken place in Mecosta county Jurisdiction, at 162, 190th Ave Morley mi. Montcalm county is deprived. Authority to Prosecute, Issue

warrants, Arrainment, bindover, or to make any decisions or to enter into any plea contract on the charge of MCL 750.145c2 or MCL 28.729.

Issue Two, IS Montcalm County, violating the defendants Constitutional Rights, AS Montcalm County operated outside their, Jurisdictional and Constitutional Authority.

By entering into a plea contract on charges of MCL 750.145c2 which by the review of the Police report on June 19 2014, is reported to have taken place in [Nics] Living Room, At 162 190th Ave, Marley MI, in Mecosta County. If At All. This is clearly outside of Montcalms Countys Jurisdictional Lines and MCL 28.729, has been Ruled unconstitutional, Therefore my conviction is invalid.

Issue Three, John Raven, Defence Trial Counsel was constitutionally ineffective as he failed to object to these unconstitutional charges of MCL 28.729 (SCRA Law) and failed to investigate and object to Lack of Jurisdiction of Montcalm County over charge of MCL 750.145c2, and Illegally Issued warrants, AS the crime was Alleged to have taken place in Mecosta County, If At All.

Therefore Montcalm County 84B District Court improperly and Illegally issued warrants, charges, Arrainment and bindover, for crimes outside their Jurisdictional Lines, Defendant is suing John Raven for malpractice and neglect.

Issue Four, Replacement Counsel, Appointed by Montcalm County Courts, caused a conflict of interest, when they Appointed Jason Eggleston, on Defendants case before them. on Appeal Defendant

discovered That Jason Eggleston, and John Raven, shared an office together, at 315 S. clay street, Greenville mi 48838. They are in Business together, This is a conflict of intress, Jason Eggleston did not tell me, he was in business with mr. Raven, mr. Eggleston Then covered up mr. Ravens bad Acts of neglect and malpractice.

By covering up for mr. Raven, Eggleston neglected to object, or investigate Defendant's case, Eggleston Lied to his client, He committed malpractice himself for covering up the above and convinced The defendant to be Plea convicted to mcl 28.729, Now Ruled unconstitutional and mcl 750.145c2 (Attempted) when This crime was Accused to have been committed, If At All, out side of montcalm county's Jurisdiction.

Defence counsel mr. Eggleston did neglect to object to eather charge, violating the constitution, and his client's Rights.

This Defendant is ALSO suing mr. Eggleston for neglect and malpractice.

for These Reason stated Above, This court is the correct court to hear these constitutional right violations, as the federal courts have Allready Ruled michigan sex offender Law's are unconstitutional, As the Amendments in 2006 and 2011, can not be APPLIED retroactively to my 2003 conviction for CSC 3rd (Attempt). The legislature clearly stated mcl 750.145c2, is to be tried in the county, village, TownshIP, where it was committed.

Told by the fact That the defendants Rights were violated, when the court Appointed business Partners, knowingly

or Not, There is undeniable evidence Proving that both Attorneys
were constitutionally ineffective for failing to object Alone, for
These reasons defendant sentence must be fully vacated or
Defendant be Allowed to withdraw his Plea or All charges Ruled
unconstitutional and be dismissed with Prejudice.

REASONS FOR GRANTING THE PETITION

for the following compelling reasons, This court should consider The following facts, The court of Appeals denied to hear these constitutional issues, As did the michigan supreme court, who stated. "We are not Persuaded that the Questions Presented should be reviewed by this court.

The controlling case cited is Doe v. Snyder 101 F. SUPP. 3d 672, 2015 U.S. Dist Lexis 41681, Among many constitutional Provisions, Statutes, ordinances and regulations,

The federal Eastern District court and the federal 6th circuit court, has decided an important Federal Question, in a way That conflicts with a decision by the state court, who unconstitutionally did convict this Defendant by Plea to mcl 28.725(c)(f) contrary to mcl 28.729(c)(e). [28.729].

for This reason, This court, who Agreed with the findings of The other Two federal courts ruling's in Doe v snyder. This court should exercise it's supervisory Power, AS All 3 of These federal courts have decided an important federal question, IS The michigan sex offender registry Law unconstitutional. "yes".

This court's finding conflict with the decision of the state courts, who convicted me for this crime mcl 28.729. unconstitutionally and the Appeals courts and michigan supreme court are Refusing to follow the Constitution and decisions made by the federal courts. see Appendix F Doe v. snyder 101 F. SUPP. 672, 2015 U.S. Dist Lexis 41681. see Appendix G Doe v snyder. 834

F.3d 696. These findings by these federal courts support's the claim's This Defendant is unconstitutionally convicted to an unconstitutional charge of MCL 28.729, As these courts found MCL 28.729(1)(f), under the 8th Amendment is unconstitutional.

Per Defendants old Plea in 2003, Defendant is not required to register his email Address, facebook or Job. The Plea agreement entered into was / is unconstitutional.

Because Defendants Attorney gave Defendant no defence to MCL 28.729. Defendant was forced to Plea to both charges of MCL 28.729 and MCL 750.145c2 [Attempt].

Defendant would have seeked a trial on MCL 750.145c2, As Defendant did not commit this crime, ALSO This charge is claimed to have been committed in Mecosta county's Jurisdiction, if committed At All.

Therefore montcalm county, illegally and unconstitutionally entered this Defendant into an unconstitutional Plea agreement. which should render the intire Plea invalid and dismissed with Prejudice, Defendant request Appointment of an Attorney to Assist with this Appeal, As Defendant is of Limited education and is indigent.

Defendants conviction for 502a mcl 28.729, can not stand, It is based on statutory Provisions, mcl 28.725(1)(f) and mcl 28.729(1)(a). That was Ruled by The Federal Eastern District court, and the 6th circuit court to be unconstitutionally Vague, those who are required to register under that Law cannot be held strictly Liable for violating it's requirements. The first, fifth and fourteenth Amendments among others were violated. The charges of mcl 750.145(2)(A), IS not committed, if At All, within the Jurisdiction of Montcalm county, and therefore Montcalm county Lacked Jurisdiction to enter into a Plea agreement with Defendant, Requiring this conviction and sentence to be vacated, Defendant request to withdraw his Plea and request All charges tried and Dismissed be Dismissed with Prejudice, As I am wrongfully incarcerated by an unconstitutional Plea.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Paul Maseman

Date: January 8 2018