Case No. 2017-8816

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE: Inhabitants of the City of Dayton, Ohio / Citizens of Montgomery County, Ohio / all Citizens of the State of Ohio collectively under the Tenth Amendment / and to "We the People of the United States" under the Constitution of the United States.

Ex rel.
GREGORY T. ACKERMAN, ET AL.
556 Shadowlawn Avenue
Dayton, OH 45419
Phone: (937) 293-4267
Petitioner / Relator,

Supreme Court, U.S.
FILED
OCT 26 2018
OFFICE OF THE CLERK

v.

THE BANK OF NEW YORK MELLON, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee for Bear Stearns Asset- Backed Securities Trust 2005-SD1, Asset-Backed Certificates Series 2005-SD1 c/o Wells Fargo Bank, N.A. (SC)
3476 Stateview Boulevard Fort Mill, SC 29715 MAC # 7801-013
CASE NO. 2017-8816 *Respondent,*

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PETITION FOR REHEARING

****

**Notice of pending priority of civil actions with
Writ of Certiorari expressing the overt acts of High Treason against
The Constitution of the United States of America**

****

Gregory T. Ackerman and Joyce L. Ackerman
556 Shadowlawn Ave. Dayton, OH 45419 Phone: (937) 293-4267
Operation Constitution Rescue ~ www.ConstitutionRescue.org

DEPRIVATION OF CIVIL RIGHTS / "TERMINATION" OF JURY DEMAND ACTION

Petitioners are Pro se litigators / Appearance personally pursuant to 28 U.S.C § 1654 herein, Petitioners are forced to taking the law into their own hands as "civic duty" to their country, Petitioners are "Two Witnesses" to overt acts of "treason" against the United States of America as dictated under Article III; Section 3 of The Constitution of the United States (Treason)

**UNITED STATES OF AMERICA UNDER ATTACK
NO DIFFERENCE BETWEEN TRAITORS AND THOSE THAT HARBOR THEM**

Constitutional Question and Claim of "Unconstitutionality"; Petitioner Invokes:
28 U.S.C. § 2403(a) ~ UNITED STATES ATTORNEY GENERAL
28 U.S.C. § 2403(b) ~ OHIO ATTORNEY GENERAL

PARAMOUNT JUDICIAL NOTICE OF JURY DEMAND ENDORSED HEREON

"CAPITAL CRIMES"

The printed material facts before this Supreme Court of the United States upon review de novo, show cause to Case No. 2017-8816 is precluded by pending "priority of civil actions" and "Capital Crimes"; carrying a deprivation of civil rights under the Constitution and laws of the United States at Case No.(s); 2008-10231, 2007-5446, 2005-10337, which "must" remain open for "Jury Demand" actions, as justice so requires, with a trial by jury for determining all genuine issues of disputed material facts of "insurance company fraud" for a jury to decide, not a judge.

These alleged "insurance company fraud" case matter have a direct effect on the Petitioners errant foreclosure case matters herein, other horrific financial circumstances, and furthermore associated with large economic and non-economic damages, losses and hardships for 22 years.

See Appendix A: Other pending case matters of the Petitioners

See Appendix B: Genuine issues of disputed material facts in the "business of insurance" for a jury to decide, which directly predicates this foreclosure proceedings, and their other cases.

Ralph Waldo Emerson wrote, "**Adapt the pace of nature: her secret is patience**." The Petitioners have clearly demonstrated extraordinary patience with the Courts of the United States over the past 18 years of perpetual litigation and miscarriages of justice; to their "equal justice under the law" for access, privilege, and legal right in action to "due process of law" upon their timely made, meaningful, and substantial "Jury Demand" action for a "trial by jury" under the clear and substantive Constitution and laws of the United States, as justice so requires.

""**EQUAL JUSTICE UNDER LAW**" - These words, written above the main entrance to the Supreme Court Building, **express the ultimate responsibility of the Supreme Court of the United States.** The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. **As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution."**

See: https://www.supremecourt.gov/about/about.aspx

The truth shall set us all free; Justices face: "Powers of Evil—Corruption, Deceit—offset by Powers of Good—Security, Charity, Peace, with Justice flanked by Wisdom and Truth." See: http://supremecourthistory.org/htcw_dignity.html

PETITION FOR REHEARING

1) Pursuant to Supreme Court Rule 44 (Rehearing) with great patience with the judiciary of the Courts of the United States (18 plus years) now comes the longstanding and obstinate Petitioners; Greg T. Ackerman and Joyce L. Ackerman (spouse), as an instrumentality that serves as an intermediary to an occurrence or an end of a larger entities (United States Government and State of Ohio Government) operations are carried out, and now motion, and respectfully move, this Honorable Supreme Court of the United States for a "Rehearing" of an order denying their petition for a writ of certiorari, filed October 1, 2018, and subsequent letters regarding new deadlines for their petition for rehearing.

Respectfully See: ***Supreme Court Rule 44.6 (Rehearing) 1. Any petition for the rehearing of any judgment or decision of the Court on the merits shall be filed within 25 days after entry of the judgment or decision, unless the Court or a Justice shortens or extends the time.***

2) The reason for rehearing is to show cause to this errant foreclosure proceeding that clearly demonstrates a performance of "bad faith" actions and corrupt filings against the Petitioner hereon upon knowing and willful "bad faith affidavits" filings (9 years) while the Petitioners were engaged in a valid and binding Loan Modification "Agreement", with payments, (See: Defendant's Objection to Magistrate Decision, filed February 03, 2014 for facts), also with knowledge their constitutional law duress and substantial "Claim of Unconstitutionality". See: Appendix C ~ Defendant's Answer, filed May 20, 2009), which clearly "show cause" to the power of evil in the Trial Court, Appellate Court and Supreme Court of Ohio upon the Defendant's sufficient defense and priority in civil action to substantive and substantial "Claims of Unconstitutionality". Emphasis added.

3) The Petitioner's respectfully move this Honorable Court for a standard review de novo of all case matters, constitutional statements and questions of the Petitioners here, as justice so requires in case matters of abuse of discretion and grossly prejudice acts in a court of law.

4) Pursuant to 28 U. S. C. § 2101(f), the Petitioners Greg T. Ackerman and Joyce L. Ackerman (spouse) motion and respectfully move this Highest Court of the United States for stay of the Respondent's foreclosure proceedings, and next to properly return their Supersedeas Bond in the amount of $4051.37 upon this wholly errant and bad faith foreclosure proceedings herein, indigent status and Petitioners "priority of civil actions" case matters.

5) In consequence, and finding resolution to the reasonable person, these errant foreclosure proceedings against the Petitioners are clearly "moot" to the Court(s) and the named parties, and currently carry no value or merit to nine (9) years of foreclosure proceedings.

See: Appendix D ~ Prejudice errors as moot entries and gross waste of judicial resources.

6) The "indigent" Petitioners have other directly related and relevant "priority of civil actions", along with additional possible criminal case matters in the "business of insurance" which are currently incomplete and pending in the same Common Pleas Court of Montgomery County, Ohio, upon the trial court's gross failure to enforcement their State law claims with a "Jury Demand" action, as "preserved" and remains "inviolate" to everyone with American citizenship, as a basic civil right to a meaningful "trial by jury" to determine the disputed material facts of case matters within our American courts venues under both State and Federal law.

Respectfully see: **28 U. S. C. § 2101(f);** ***"In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari from the Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court,*** *and may be conditioned on the giving of security, approved by such judge or* *justice, that if the aggrieved party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay."*

a) Respectfully see Appendix E; **Affidavit** of Greg T. Ackerman and Joyce L. Ackerman as indigent and carry a priority of civil actions in the "business of insurance" to their "Jury Demand(s)" for a trial by jury in the both the State of Ohio and Federal Court venues.

b) Respectfully see: **Ohio Rules of Civil Procedure;** ***RULE 38. Jury Trial of Right (A) Right preserved. The right to trial by jury shall be preserved to the parties inviolate.***

c) Respectfully see: **Federal Rules of Civil Procedure Rule 38.** ***(a) RIGHT PRESERVED. The right of trial by jury as declared by the Seventh Amendment to the Constitution—or as provided by a federal statute—is preserved to the parties inviolate.(b) DEMAND. On any issue triable of right by a jury, a party may demand a jury trial by:***
(1) serving the other parties with a written demand—which may be included in a pleading—no later than 14 days after the last pleading directed to the issue is served; and (2) filing the demand in accordance with Rule 5(d).

7) Furthermore the Petitioners respectfully move this court for stay of all other case matters of the Petitioners that are before the Courts of the United States until their "priority of civil cases" are completed. See Appendix A again; List of Petitioner's case matters.

PRIORITY OF CIVIL ACTIONS

8) Petitioner respectfully invokes herein: 28 U.S. Code § 1657 - Priority of civil actions against these bad faith foreclosure case matters herein, whereas Petitioner's priority case matters are valid, credible, longstanding and timely made to a "Jury Demand" action(s) (issues of fact now before this honorable Court) within their "original instant action" to their preserved and inviolate "trial by jury" action, for fair and proper verdict(s) and remedies of relief on the case docket(s) at; Common Pleas Court of Montgomery County, Ohio; Case # 2000CV1472 (Judge Mary Katherine Huffman), and later removed to federal U.S. District Court Southern District of Ohio in Dayton, Ohio; Case # 3:00CV 00277 (Judge Walter H. Rice and Magistrate Judge Micheal Merz), <u>and</u> independent Common Pleas Court of Montgomery

County Ohio, Case # 2003CV-9499 (Michael Krumholtz) , and later removed to federal U.S. District Court Southern District of Ohio in Dayton, Ohio Case # 3:04-0033 (Judge Thomas M. Rose).

Respectfully see: ***28 U.S. Code § 1657 - Priority of civil actions 28 U.S. Code § 1657 - Priority of civil actions (a)Notwithstanding any other provision of law, each court of the United States shall determine the order in which civil actions are heard and determined, except that the court shall expedite the consideration of any action brought under chapter 153 or section 1826 of this title, any action for temporary or preliminary injunctive relief, or any other action if good cause therefor is shown. For purposes of this subsection, "good cause" is shown if a right under the Constitution of the United States or a Federal Statute (including rights under section 552 of title 5) would be maintained in a factual context that indicates that a request for expedited consideration has merit.*** *(b)The Judicial Conference of the United States may modify the rules adopted by the courts to determine the order in which civil actions are heard and determined, in order to establish consistency among the judicial circuits.*

9) The Petitioners other pending priority civil case matters, directly related and relevant to the "business of insurance" and this bad faith and corrupt foreclosure case matter herein, In addition these case matters are regulated by U.S. Code § 1012 - Regulation by State law; Federal law relating specifically to insurance; applicability of certain Federal laws after June 30, 1948.

Respectfully see: **U.S. Code § 1012;** ***(a)STATE REGULATION ~ The business of insurance, and every person engaged therein, shall be subject to the laws of the several States which relate to the regulation or taxation of such business.***

(b)FEDERAL REGULATION *~ No Act of Congress shall be construed to invalidate, impair, or supersede any law enacted by any State for the purpose of regulating the business of insurance, or which imposes a fee or tax upon such business, unless such Act specifically relates to the business of insurance: Provided, That after June 30, 1948, the Act of July 2, 1890, as amended, known as the Sherman Act, and the Act of October 15, 1914, as amended, known as the Clayton Act, and the Act of September 26, 1914, known as the Federal Trade Commission Act, as amended [15 U.S.C. 41 et seq.], shall be applicable to the business of insurance to the extent that such business is not regulated by State Law.*

10) This priority of civil action in the "business of insurance" with "Jury Demand" action is a meaningful "trial by jury" action and is relevant to determining the disputed material facts for a jury to decide, not by "potentially" corrupted bench judge(s) and magistrate judge, within their "original instant action" of their "Complaint" filed on March 24, 2000 (Case No. 2000cv01472 / removed to federal court as 3:00-cv-00277), and furthermore their other "independent complaint" case matter for their "Jury Demand" action within their "original instant action" filed on December 31, 2003 (Case No. 2003cv09499 / removed to federal court as 3:04-cv-00033), as a matter of civil rights and equal justice under the Constitution and laws of the United States of America.

11) Petitioners invoke FRCP 81; b,c, and d ~ Applicability of the Rules in General; Removed Actions, in their "business of insurance" cases as a matter of legal protection against judicial prejudice, along with arbitrary and capricious actions.

> Respectfully see: FRCP 81; b,c,d ~ Applicability of the Rules in General; Removed Actions; *a)...*
> ***(b) Scire Facias and Mandamus. The writs of scire facias and mandamus are abolished. Relief previously available through them may be obtained by appropriate action or motion under these rules.***
> ***(c) Removed Actions.***
> ***(1) Applicability. These rules apply to a civil action after it is removed from a state court.***
> ***(2) Further Pleading. After removal, repleading is unnecessary unless the court orders it. A defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of these periods:***
> ***(A) 21 days after receiving—through service or otherwise—a copy of the initial pleading stating the claim for relief;***
> ***(B) 21 days after being served with the summons for an initial pleading on file at the time of service; or***
> ***(C) 7 days after the notice of removal is filed.***
> ***(3) Demand for a Jury Trial.***
> ***(A) As Affected by State Law. A party who, before removal, expressly demanded a jury trial in accordance with state law need not renew the demand after removal. If the state law did not require an express demand for a jury trial, a party need not make one after removal unless the court orders the parties to do so within a specified time. The court must so order at a party's request and may so order on its own. A party who fails to make a demand when so ordered waives a jury trial.***

12)) On March 19, 2001, the federal district court (Judge Walter H. Rice) held that the case matter briefs presented "disputes of material fact". Therefore, the state law claims must prevail under the Plaintiff's "Jury Demand" action as dictated and required by the Constitution and laws of the United States of America; Bill of Rights; Fifth, Seventh and Fourteenth Amendments, along with federal statue Rule 38. ~ Right to a Jury Trial; Demand; (a) RIGHT PRESERVED. The right of trial by jury as declared by the Seventh Amendment to the Constitution—or as provided by a federal statute—is preserved to the parties inviolate, and furthermore by the power of the Constitution and laws of the State of Ohio; Bill of Rights; Sections 1, 5, 16, 20, along with State of Ohio statue Ohio Rule 38 (Jury Trial of Right). See: "Code of Conduct for United States Judges"; Cannon 1 &,3.

13) Greg T. Ackerman and Joyce L. Ackerman states and certifies herein that the federal district court in Southern Ohio (Judge Walter H. Rice, presiding and Magistrate Judge Michael R. Merz) "terminated" the breath of life" of these paramount case matters against the Plaintiff's State of Ohio and federal "Jury Demand" action, on January 29, 2008, upon its knowing and willful consideration and actions of conscious acts of prejudice.

14) The Plaintiffs in these "business of insurance" cases matters challenged the Court on the "termination" of their legal matters carrying their "preserved" and "inviolate" basic civil right to a trial by jury action to discover the disputed material facts of the case matter(s).

15) Judge Walter H. Rice, presiding and Magistrate Judge Michael R. Merz, conspired together to "terminate" Plaintiff's case matters carrying their valuable "Jury Demand" action and ordered the Plaintiffs to pay sanctions of $1000.00 on or before February 29, 2008, and furthermore threatened the Plaintiff's by utilizing its contempt powers to jail the Plaintiffs for contempt should they persist in making additional filings for Constitutional protection. Respectfully see: Appendix F~ Alleged acts of High Treason

16) The Petitioners herein acting in "civil duty", Greg T. Ackerman and Joyce L. Ackerman as two Witnesses, alleged and state under oath herein, these egregious actions are a violation of law and to be recognized as a serious "capital crimes" to perform "High Treason" against the Constitution of the United States, and Constitution of the State of Ohio in their court(s) while illegally disposing of their paramount case matters before them, pursuant to profound case matters in the "business of insurance" that are of public and great general interest.

17) Upon "**INFORMATION**" declared herein, DISHONORABLE Federal District Court Judge Walter H. Rice, Judge Thomas M. Rose, and Magistrate Judge Michael R. Merz, along with State of Ohio Judge Mary Katherine Huffman and Judge Michael Krumholtz, and many other judges and justices in the "Record(s)" have utilized their powers to ILLEGALLY "terminate" the valuable and meaningful Constitution of the United States, and Constitution of the State of Ohio in their court(s) of law under the Judicial Branch of United States, against "We the People of the United States". In addition, many State of Ohio and Federal government representatives, agencies, personal and case attorneys, are alleged "principal" characters in this evil crime and have also "bridged the causation" to "terminate" the "Jury Demand" action under The Constitution and laws of the United States, and The Constitution and laws of the State of Ohio within the American court(s) of law.

See; **Constitution of the United States; Article III Section 3 - Treason**
"Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."
In addition, **18 U.S. Code § 2381 - Treason against the Constitution of the United States, and provides that;** ***"Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States."***

See: www.ConstitutionRescue.org ~ "INFORMATION" and names of alleged betrayers

INTERVENTION

18) Petitioner respectfully invokes herein: 28 U.S.C. § 2403(a) ~ United States Attorney General pursuant to this court's Constitutional question of law and civil protection of Petitioners other "business of insurance" case matters that are directly related and relevant herein.

Respectfully see: **28 U.S. Code § 2403 - Intervention by United States or a State; constitutional question;** ***(a) "In any action, suit or proceeding in a court of the United States to which the United States or any agency, officer or employee thereof is not a party, wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality."***

19) Petitioner Respectfully invokes herein: 28 U.S.C. § 2403(b) ~ Ohio Attorney General pursuant to this court's Constitutional question of law and civil protection of Petitioners other "business of insurance" case matters that are directly related and relevant herein.

Respectfully see: **28 U.S.C. § 2403 (b)** ***"In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality."***

20) The Supremacy Clause of the United States Constitution (Article VI, Clause 2 and 3) establishes that the Constitution and federal laws made pursuant to it, constitute the supreme law of the land. The Supremacy Clause is the cornerstone of the whole American political structure and is the grounds of deterring alleged acts of "High Treason" against the valuable Constitution and laws of the United States, as set out in the claim or defense in paragraphs above 1-20, for which intervention is sought.

See: ***The Supremacy Clause of the United States Constitution (Article VI, Clause 2 and 3) "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or 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."***

"The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

21) Petitioner invokes FRCP Rule 24 (Intervention) per intervention to their "Jury Demand" actions as expressed in both State of Ohio and Federal court venues, as justice so requires;

(a) **INTERVENTION OF RIGHT. On timely motion, the court must permit anyone to intervene who: (1) is given an unconditional right to intervene by a federal statute; or (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.**
(b) PERMISSIVE INTERVENTION.
(1) *In General.* On timely motion, the court may permit anyone to intervene who:
(A) is given a conditional right to intervene by a federal statute; or
(B) has a claim or defense that shares with the main action a common question of law or fact.
(2) *By a Government Officer or Agency.* On timely motion, the court may permit a federal or state governmental officer or agency to intervene if a party's claim or defense is based on:
(A) a statute or executive order administered by the officer or agency; or
(B) any regulation, order, requirement, or agreement issued or made under the statute or executive order.
(3) *Delay or Prejudice.* In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights.
(c) NOTICE AND PLEADING REQUIRED. A motion to intervene must be served on the parties as provided in Rule 5. The motion must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.

22) The Petitioners invokes the general conspiracy statute 18 U.S.C. § 371 herein.
18 U.S.C. § 371. "creates an offense "[i]f two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose. (Emphasis added). *See* Project, *Tenth Annual Survey of White Collar Crime*, 32 Am. Crim. L. Rev. 137, 379-406 (1995)(generally discussing § 371). "

"The operative language is the so-called "defraud clause," that prohibits conspiracies to defraud the United States. This clause creates a separate offense from the "offense clause" in

Section 371. Both offenses require the traditional elements of Section 371 conspiracy, including an illegal agreement, criminal intent, and proof of an overt act.

Although this language is very broad, cases rely heavily on the definition of "defraud" provided by the Supreme Court in two early cases, *Hass v. Henkel*, 216 U.S. 462 (1910), and *Hammerschmidt v. United States*, 265 U.S. 182 (1924). In *Hass* the Court stated:

The statute is broad enough in its terms to include any conspiracy for the purpose of impairing, obstructing or defeating the lawful function of any department of government . . . (A)ny conspiracy which is calculated to obstruct or impair its efficiency and destroy the value of its operation and reports as fair, impartial and reasonably accurate, would be to defraud the United States by depriving it of its lawful right and duty of promulgating or diffusing the information so officially acquired in the way and at the time required by law or departmental regulation.

Hass, 216 U.S. at 479-480. In *Hammerschmidt*, Chief Justice Taft, defined "defraud" as follows. To conspire to defraud the United States means primarily to cheat the Government out of property or money, but it also means to interfere with or obstruct one of its lawful governmental functions by deceit, craft or trickery, or at least by means that are dishonest. It is not necessary that the Government shall be subjected to property or pecuniary loss by the fraud, but only that its legitimate official action and purpose shall be defeated by misrepresentation, chicane or the overreaching of those charged with carrying out the governmental intention.

Hammerschmidt, 265 U.S. at 188. The general purpose of this part of the statute is to protect governmental functions from frustration and distortion through deceptive practices. Section 371 reaches "any conspiracy for the purpose of impairing, obstructing or defeating the lawful function of any department of Government." *Tanner v. United States*, 483 U.S. 107, 128 (1987); *see Dennis v. United States*, 384 U.S. 855 (1966). The "defraud part of section 371 criminalizes any willful impairment of a legitimate function of government, whether or not the improper acts or objective are criminal under another statute." *United States v. Tuohey*, 867 F.2d 534, 537 (9th Cir. 1989).

The word "defraud" in Section 371 not only reaches financial or property loss through use of a scheme or artifice to defraud but also is designed and intended to protect the integrity of the United States and its agencies, programs and policies. *United States v. Burgin*, 621 F.2d 1352, 1356 (5th Cir.), *cert. denied*, 449 U.S. 1015 (1980); *see United States v. Herron*, 825 F.2d 50, 57-58 (5th Cir.); *United States v. Winkle*, 587 F.2d 705, 708 (5th Cir. 1979), *cert. denied*, 444 U.S. 827 (1979). Thus, proof that the United States has been defrauded under this statute does not require any showing of monetary or proprietary loss. *United States v. Conover*, 772 F.2d 765 (11th Cir. 1985), *aff'd, sub. nom. Tanner v. United States*, 483 U.S. 107 (1987); *United States v. Del Toro*, 513 F.2d 656 (2d Cir.), *cert. denied*, 423 U.S. 826 (1975); *United States v. Jacobs*, 475 F.2d 270 (2d Cir.), *cert. denied*, 414 U.S. 821 (1973).

Thus, if the defendant and others have engaged in dishonest practices in connection with a program administered by an agency of the Government, it constitutes a fraud on the United

States under Section 371. *United States v. Gallup,* 812 F.2d 1271, 1276 (10th Cir. 1987); *Conover,* 772 F.2d at 771. In *United States v. Hopkins,* 916 F.2d 207 (5th Cir. 1990), the defendants' actions in disguising contributions were designed to evade the Federal Election Commission's reporting requirements and constituted fraud on the agency under Section 371.

The intent required for a conspiracy to defraud the government is that the defendant possessed the intent (a) to defraud, (b) to make false statements or representations to the government or its agencies in order to obtain property of the government, or that the defendant performed acts or made statements that he/she knew to be false, fraudulent or deceitful to a government agency, which disrupted the functions of the agency or of the government. It is sufficient for the government to prove that the defendant knew the statements were false or fraudulent when made. The government is not required to prove the statements ultimately resulted in any actual loss to the government of any property or funds, only that the defendant's activities impeded or interfered with legitimate governmental functions. *See United States v. Puerto,* 730 F.2d 627 (11th Cir.), *cert. denied,* 469 U.S. 847 (1984); *United States v. Tuohey,* 867 F.2d 534 (9th Cir. 1989); *United States v. Sprecher,* 783 F. Supp. 133, 156 (S.D.N.Y. 1992)(Ã¾it is sufficient that the defendant engaged in acts that interfered with or obstructed a lawful governmental function by deceit, craft, trickery or by means that were dishonest"), *modified on other grounds,* 988 F.2d 318 (2d Cir. 1993).
In *United States v. Madeoy,* 912 F.2d 1486 (D.C. Cir. 1990), *cert. denied,* 498 U.S. 1105 (1991), the defendants were convicted of conspiracy to defraud the government and other offenses in connection with a scheme to fraudulently obtain loan commitments from the Federal Housing Administration (FHA) or Veterans Administration (VA). The court held that the district court had properly instructed the jury that: the Government must prove beyond a reasonable doubt the existence of a scheme or artifice to defraud, with the objective either of defrauding the FHA or the VA of their lawful right to conduct their business and affairs free from deceit, fraud or misrepresentation, or of obtaining money and property from the FHA by means of false and fraudulent representations and promises which the defendant knew to be false. *Madeoy,* 912 F.2d at 1492. Prosecutors considering charges under the defraud prong of Section 371, and the offense prong of Section 371 should be aware of *United States v. Minarik,* 875 F.2d 1186 (6th Cir. 1989) holding limited, 985 F.2d 962 (1993), and related cases. *SeeUnited States v. Arch Trading Company,* 987 F.2d 1087 (4th Cir. 1993).
In *Minarik,* the prosecution was found to have "used the defraud clause in a way that created great confusion about the conduct claimed to be illegal," and the conviction was reversed. 875 F.2d at 1196. After *Minarik,* defendants have frequently challenged indictments charging violations of both clauses, although many United States Courts of Appeals have found it permissible to invoke both clauses of Section 371. *Arch Trading Company,* 987 F.2d at 1092 (collecting cases); *see also United States v. Licciardi,* 30 F.3d 1127, 1132-33 (9th Cir. 1994)(even though the defendant may have impaired a government agency's functions, as part of a scheme to defraud another party, the government offered no evidence that the defendant intended to defraud the United States and a conspiracy to violate an agency regulatory scheme could not lie on such facts).

"In summary, those activities which courts have held defraud the United States under 18 U.S.C. § 371 affect the government in at least one of three ways:

1. **They cheat the government out of money or property**
2. **They interfere or obstruct legitimate Government activity; or**
3. **They make wrongful use of a governmental instrumentality"**

See: https://www.justice.gov/jm/criminal-resource-manual-923-18-usc-371-conspiracy-defraud-us

23) Petitioners judicial relief herein strictly and distinctly applies to these bad faith and corrupt foreclosure case matters, and furthermore to the "business of insurance" fraud case matters that clearly demonstrate relevant "fraud on the court", with "show cause" to acts of high treason against the Constitution of the United States and Constitution of the State of Ohio. Now a just and meaningful relief from all "void Judgments" or void Orders" is proper upon their timely made "original instant actions" to their "Jury Demand(s)" in the trial court(s).

Respectfully see: "**FRCP 60; (d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a court's power to:**

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

(2) …

(3) set aside a judgment for fraud on the court." **Emphasis added for "good cause"!**

24) Pursuant to FRCP 60; (d) 1and 3, Petitioner Greg T. Ackerman and Joyce L. Ackerman respectfully move this Honorable Court for proper remedies of relief; to stay or dismiss these errant foreclosure proceedings, return Supersedes Bond to Petitioners, and speedily intervene into Petitioner's other paramount case matters in the "business of insurance" so as to properly execute their valuable "preserved" and "inviolate" "Jury Demand"(s), as justice so requires.

25) Petitioners motion and move this Honorable court to execute state and federal "Grand Jury Demand" proceedings within the American courts upon "INFORMATION" of alleged "capital crimes" of "High Treason" against the United States of America.

26) Pursuant to 28 U.S. Code § 1861 – Declaration of policy, the Petitioners move this Highest Court of the United States for the legal protection and Stay this foreclosure proceeding, and furthermore execute their expressed "Jury Demand" in their "business of insurance" case matters, and furthermore execute federal grand jury and State of Ohio grand jury hearings upon information to the alleged criminal activity of all state of Ohio and Federal government individuals involved in these case matters with failure to support and affirm The Constitution of the United States upon their "Jury Demand" action case matters.

Respectfully see: **28 U.S. Code § 1861 – Declaration of policy** ***"It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and shall have an obligation to serve as jurors when summoned for that purpose."***
Respectfully see Appendix G; Affidavit of two witnesses to overt acts of High Treason.
Appendix H: American Bar Association as scholarly writing promotion

REASONS FOR GRANTING THE PETITION

The reason for granting this Petition for Rehearing this errant foreclosure and priority of civil actions to a writ of certiorari expressing the overt acts of High Treason against The Constitution of the United States of America, is because it is the "Rule of Law" under the Constitution and laws of the United States of America as a matter of public and great general interest.

PARAMOUNT CONCLUSION

Petitioner prays this high and honorable Supreme Court of the United States to affirm their valid and meritorious petition for rehearing as a matter of fairly, impartially and diligently executing the Constitutional and laws of the United States of America.

Respectfully submitted,

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References: https://www.law.cornell. Ohio Law: http://codes.ohio.gov/orc

Additional material from this filing is available in the Clerk's Office.