

ORIGINAL

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SUPREME COURT, U.S.

In the
Supreme Court of the United States

PATRICIA ASHTON DERGES,

Petitioner, Pro Se

v.

UNITED STATES OF AMERICA,

Respondent

**On Petition for a Writ of Certiorari to the United States Court
of Appeals for the Eighth Circuit**

PETITION FOR WRIT OF CERTIORARI

Patricia Ashton Derges

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QUESTIONS PRESENTED

Whether seven constitutional violations — including violations of the Fourth, Sixth, and Fourteenth Amendments — over 120 *Brady* violations, and more than 200 acts of prosecutorial and judicial misconduct, including the trampling of the Petitioner's rights, blatant injustice, and a mockery of due process, are supported by the Supreme Court.

All questions pertain to the wrongful charging, prosecution, and conviction of an innocent person — the Petitioner — by a prosecutor and judge. The exposure of these wrongful and deliberate actions was obstructed by the appellate court for the Eighth Circuit, Western District of Missouri, in St. Louis, for the apparent purpose of shielding those involved. The questions here are:

Q:1 Whether a judgement of acquittal of my case should have been granted due to 7 Constitutional Violations, over 100 *Brady* Violations and over 150 Prosecutorial and Judicial acts of Misconduct?

Q:2 Whether the restitutions were wrongly and nefariously imposed utilizing false charges?

Q:3 Whether the Appellate Court collaborated in their sudden 11th hour denial of my Appeal, violating my rights to protect the prosecutor from exposure of his lawless acts?

PARTIES TO THE PROCEEDINGS BELOW

Petitioner is Patricia Ashton Derges, who was the defendant in the United States District Court for the Western District of Missouri and the appellant in the United States Court of Appeals for the Eighth Circuit.

Respondent is the United States of America, which was the plaintiff in the district court and the appellee in the court of appeals.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner seeks a writ of certiorari to review a US Court of Appeals judgement in the Eighth Circuit.

OPINION BELOW

The opinion of the United States Court of Appeals for the Eighth Circuit was entered on May 2, 2025. The decision is unpublished and is not reported in the Federal Reporter.

JURISDICTION

In July 2023, Dr. Derges filed an appeal to acquit her wrongful case. Dr. Derges' appeal contained extensive incriminating evidence of countless government violations, clearly proving the targeting in her case. Over the next one and a half years, the Appellate Court of the Eighth Circuit, Western District of Missouri, St. Louis, delayed her appeal by granting eight unprecedented extensions. The government's brief was finally submitted in October 2024.

In November 2024, Dr. Derges was relocated from Lexington-Atwood Camp to FPC Greenville. Her personal property, including her legal paperwork, did not arrive for 30 days. Shortly after the transfer, Dr. Derges was admitted to the hospital with a minor stroke in December 2024. She was finally able to begin writing her brief in response to the long-awaited government brief during the first week of January 2025. Dr. Derges spent several hundred hours preparing her brief. On January 28, 2025, Dr. Derges notified the court that her brief would arrive by mid-February

(noted in the docket). The court advised the prosecutor of this notice. The prosecutor urgently reached out to the judge in Dr. Derges' case and asked him to intervene. This judge had never been involved in Dr. Derges' appeal.

The judge immediately submitted a motion to deny Dr. Derges' entire appeal to prevent her brief from being submitted. Both the prosecutor and the judge were aware of the incriminating evidence involving their wrongful acts contained in Dr. Derges' incoming brief. The judge's motion to deny the appeal was granted in just four days, on February 10, 2025, despite the court knowing that Dr. Derges' brief was arriving in mere days. Justice requires hearing both sides before a decision is rendered. Dr. Derges' rights were taken. The unusual speed and timing of this ruling raise serious concerns regarding what transpired between the prosecutor, judge, and court.

Dr. Derges immediately filed two en banc motions on February 12, 2025, and February 15, 2025, to reopen her appeal, asking the court to uphold her constitutional rights and allow her to proceed with the appeal she had waited one and a half years to present. (See App. B and C).

As of May 1, 2025, the court had not responded to either en banc motion, yet it was able to accommodate the judge's eleventh-hour motion to drop Dr. Derges' entire appeal in just four days. The Clerk of Court instructed Dr. Derges to submit her brief and accompanying supporting documents and exhibits so they could be entered into the record while awaiting the response to her en banc motions. Dr. Derges submitted

these documents on April 23, 2025. Just one week later, on May 2, 2025, the court denied their entry into the record and, ironically, denied both en banc motions on the same day.

To ensure the most incriminating violations by the prosecutor and judge were entered into public record, Dr. Derges submitted a Motion to Acquit on April 23, 2025. (See App. A). The Motion to Acquit was immediately denied but remains public record.

The court exhibited heavy prejudice throughout Dr. Derges' appeal since July 2023, as noted by the numerous objections to the excessive extensions in the docket. This continual prejudice, combined with the deliberate last-minute closure of Dr. Derges' appeal in order to protect the prosecutor and judge, the denial of Dr. Derges' en banc motions, brief documents, and Motion to Acquit, raises valid concerns of collusion. This concern is addressed in the Motion of Collusion filed May 15, 2025. (See App. D).

This Court has jurisdiction under 28 U.S.C. § 1254(1). This petition for a writ of certiorari is timely filed within ninety (90) days of the Eighth Circuit Court's judgment denying Dr. Derges' en banc motions to reopen her case on May 2, 2025.

CONSTITUTIONAL/STATUTORY PROVISIONS

The Fourth Amendment to the United States Constitution provides, in relevant part, that the people shall be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

The Sixth Amendment guarantees the right to a speedy and public trial by an impartial jury of the State and district where the crime was committed, to be informed of the nature and cause of the accusation, to confront witnesses, to obtain witnesses in one's favor, and to have the assistance of counsel.

The Fourteenth Amendment, § 1, provides that no State shall deprive any person of life, liberty, or property without due process of law, or deny any person within its jurisdiction the equal protection of the laws.

Title 28 U.S.C. § 1254(1) provides that cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari granted upon the petition of any party to a civil or criminal case, before or after rendition of judgment or decree.

STATEMENT

Dr. Patricia Derges was subjected to at least seven distinct constitutional violations throughout the course of her investigation, prosecution, and trial. These included violations of the Fourth, Sixth, and Fourteenth Amendments to the United States Constitution. In multiple instances, the prosecution and the court explicitly prohibited Dr. Derges' legal team from raising these violations before the jury—effectively concealing critical exculpatory evidence and denying her the opportunity to mount a full and fair defense. These constitutional failures go beyond mere procedural errors; they represent egregious misconduct that would have assured a not-guilty verdict had the jury been allowed to hear the truth.

I. FOURTH AMENDMENT: ILLEGAL SEARCH AND SEIZURE

The government initiated its case against Dr. Derges based on two false complaints, both originating from within the prosecutor's office—one of which was directly led by the prosecutor himself. Despite being disproven, the prosecutor refused to close the case and instead proceeded with a manufactured investigation.

Before any subpoena had been issued, agents under the prosecutor's direction illegally listened to and recorded a private doctor–patient conversation, violating the patient's HIPAA rights and Dr. Derges' Fourth Amendment protections. When confronted by the patient, the agents responded, "We have our ways, we have our tools." The prosecutor refused to provide discovery, warrants, or documentation relating to this illegal search.

This covert recording would have demonstrated that Dr. Derges had properly explained amniotic fluid to her patients—contrary to what the prosecution portrayed in court. Instead, the prosecutor selectively removed and distorted this information to mislead the jury. (See App. A, ¶14)

II. SIXTH AMENDMENT: RIGHT TO CONFRONT ONE'S ACCUSERS

Dr. Derges was repeatedly denied her constitutional right to confront critical accusers:

1. Eric Gholz: a financial clerk in the prosecutor's office, filed the original false complaint. His testimony would have exposed political motivations behind the

case, including opposition to Dr. Derges' legislative efforts supporting Assistant Physicians. Although Gholz was subpoenaed, the prosecutor convinced the judge that his testimony was "irrelevant," and Dr. Derges was barred from even mentioning his name to the jury. (See App. A, ¶12, 19)

2. Shannon Kempf: Director of the Missouri Medicaid Fraud Department, was directed by the prosecutor to investigate Dr. Derges. Kempf found no fraud, as Dr. Derges did not accept insurance. Despite this, Kempf was later reassigned as a prosecutor on her case—a grave conflict of interest, as he served both as a state witness and federal prosecutor. This conflict was hidden from the jury. (See App. A, ¶13, 19)

3. Kory Klein: a patient whose prescriptions comprised one-third of Dr. Derges' total indictment. He told prosecutors that he had been coerced and confirmed that Dr. Derges legally prescribed his medications. He was willing to testify truthfully. However, the prosecution falsely claimed they could not locate him, and then permitted Dr. Luke Van Kirk to commit perjury, denying he had ever treated Klein—despite holding a PDMP report proving otherwise. (See App. A, ¶21)

4. Roy Harris: a distributor for the University of Utah's amniotic fluid, was imprisoned for serious crimes including child pornography and murder for hire. The same judge presided over both Harris and Derges' cases. The prosecutor withheld exculpatory recordings of Harris from trial. These recordings would have fully

exonerated Dr. Derges and revealed the University's fraud. The jury was never informed of Harris' existence. (See App. A, ¶15, 17–20, 32)

III. SIXTH AMENDMENT: RIGHT TO A SPEEDY TRIAL

Dr. Derges exercised her right to a speedy trial. In the final weeks before trial, the prosecutor fabricated a medical emergency, falsely claiming that key witness Jan Pierce had suffered a stroke and was unresponsive in ICU. This misrepresentation caused the trial to be delayed by nearly a year.

Private investigators later documented Pierce shopping at Home Depot, loading garden soil into his truck—he had not suffered a stroke. The false delay was designed to prevent exposure of prosecutorial misconduct and to shield the University of Utah from federal scrutiny regarding the National Organ Transplant Act (NOTA) violations.

When the defense attempted to address this deception, the court barred any mention of the incident. A motion to dismiss the case—based on the faked stroke, false complaints, and conflict of interest—was summarily denied by a magistrate judge who had also presided over Roy Harris' case. (See App. A, ¶17–20)

IV. SIXTH AMENDMENT: RIGHT TO COUNSEL

Dr. Derges was denied effective legal representation. After spending nearly \$1 million defending herself, she was left without resources. While incarcerated, she earned \$4.75 over a nine-month period. Despite multiple requests and her indigency, she was

not provided with legal counsel and was forced to proceed pro se. The court's refusal to appoint counsel meant that Dr. Derges had to manage every stage of her complex appeal alone. Had she been granted counsel, the court would have been compelled to confront the misconduct and constitutional violations that undermined her entire trial.

V. FOURTEENTH AMENDMENT: DUE PROCESS AND EQUAL PROTECTION

The government's conduct in this case constituted a flagrant violation of the Fourteenth Amendment's guarantees of due process and equal protection under the law.

Dr. Derges was denied a fair trial through judicial bias, prosecutorial misconduct, and the suppression of over 120 *Brady* violations. She was selectively targeted for investigation and prosecution due to her political platform and innovative medical work using amniotic fluid—despite the fact that no other physicians using the same University of Utah product were prosecuted for the same practices.

This disparate treatment, combined with political retaliation and the protection of powerful medical and governmental interests, stripped Dr. Derges of the liberty and reputation guaranteed under the Constitution. (See App. A, ¶9–11)

CASE BACKGROUND AND PROCEEDINGS

In June 2022, Dr. Derges did not receive a fair trial. The trial was burdened by bias, multiple violations of her rights, and blatant obstruction of justice.

In July 2023, Dr. Derges filed an appeal in the Appellate Court for the Eighth Circuit, Western District of Missouri. Dr. Derges' appeal presented proof of numerous critical, indisputable exculpatory evidence, including new evidence that had been deliberately withheld and hidden from the jury by the prosecution — evidence that, if the jury had been made aware of, would have assured a not-guilty verdict.

In addition, Dr. Derges also presented proof of seven constitutional violations, over 120 *Brady* violations, and over 200 prosecutorial and judicial acts of misconduct involving the prosecutor and judges throughout the case. The acts of targeting by the government allowed them to wrongfully charge, prosecute, and convict an innocent person, Dr. Derges.

This is because Dr. Derges had created a successful COVID treatment using amniotic fluid, saving the life of a Vietnam veteran. In March 2020, Dr. Derges' treatment proved successful in a government clinical COVID trial, sending patients home in 48 hours. During this same week, Dr. Derges filed to run for Missouri State Representative of the 140th District. Her platform was to continue writing legislation to expand Assistant Physicians, which would bring more medical care to Missouri's underserved communities and save the careers of valuable doctors. This legislation was bitterly opposed by the Missouri Medical Associations, doctors, and nurse practitioners.

Dr. Derges was seen as a threat by the Missouri Medical Associations and by those who stood to make billions in profits from dangerous and expensive COVID

treatments and vaccines. Just two days after the news broadcast of Dr. Derges' successful COVID treatment — during a time when thousands were dying daily from COVID — and one week after filing to run for State Representative, the FBI showed up and the government proceeded to “bring a case.”

Her case began with two false complaints that originated from inside the prosecutor’s office. The prosecutor adamantly refused to turn over any documents in discovery surrounding these false complaints. Despite both complaints being proven false, the prosecutor refused to close the case and pressed on. Over the next year, the government manufactured a case using many tactics: violated constitutional rights, coerced witnesses, made threats attempting to force Dr. Derges to take a plea deal that would force her to resign from the election, manipulated evidence, and covered up serious fraud to protect the university involved from exposure and potential scandal.

The prosecutor lied and informed Dr. Derges’ attorney that the “key witness had a major stroke, was unresponsive in ICU, and could not testify” just days before her “speedy trial,” which allowed him to cancel and push out her trial by a year within three hours of his fake report. There was no stroke; the “major stroke” victim was filmed shopping at Home Depot, loading garden soil into his truck.

There were multiple conflicts of interest with the judges and prosecutors, perjury committed by the prosecutor during trial to avoid multiple charges being dropped, a biased trial and biased judge (including a major tantrum during the trial), and

countless acts of obstruction of justice and slander, including prosecuting a case out of their jurisdiction.

This case will prove to be one of the most wrongful, unjust cases that has occurred in our legal system.

The following section provides a detailed account of the factual and procedural history of Dr. Derges' case, demonstrating how these constitutional violations manifested throughout the investigation, trial, and appeals:

The Petitioner was wrongly charged, prosecuted, and indicted on 21 false counts. The prosecutor was instructed to "bring a case" against her in March 2020. The prosecution complied by creating a hodgepodge of charges, utilizing the "shotgun" approach by throwing out a large variety of allegations in hopes that one would stick.

Dr. Derges did not receive a fair trial. Instead, she received a trial heavily burdened with bias, multiple violations of her rights, and blatant, deliberate obstruction of justice.

Dr. Derges had created a successful COVID treatment using amniotic fluid, which saved the life of a Vietnam veteran. The government used her treatment protocol in a COVID clinical trial in March 2020, and the treatment sent COVID patients home in 48 hours. The success of her treatment was broadcast on the news. People were excited; her treatment brought hope as thousands were dying across the country daily from COVID. This natural and safe treatment potentially posed a threat to the

billions that stood to be made from expensive and dangerous COVID treatments and vaccines.

That same week, Dr. Derges also filed to run for the office of Missouri State Representative for the 140th District. Her platform was to continue writing legislation to bring more medical care to the underserved of Missouri by using Assistant Physicians, a new category of doctor. The Missouri Medical Associations (doctors and nurse practitioners) were bitterly against Dr. Derges because she had been extremely instrumental in helping draft legislation and pass laws that supported and expanded the scope of practice of Assistant Physicians. These organizations saw Assistant Physicians as a threat — competition rather than a critically needed solution that would bring care to forgotten, underserved communities.

Two days after the TV news broadcast of Dr. Derges' successful COVID treatment, the FBI showed up, and now Dr. Derges is in prison.

The prosecutor engaged in multiple unethical and illegal actions to create and carry out his instructions. When Dr. Derges did not succumb to his verbal threats against her, his tactics became more intense, ultimately involving district and federal judges and eventually the appellate court. The prosecution created a hodgepodge of 21 counts to use in a "shotgun" effect: shoot out a bunch of miscellaneous charges and hope just one felony sticks. In the process of achieving their goal, they committed

seven constitutional violations, over 120 *Brady* violations, and over 200 prosecutorial and judicial acts of misconduct.

Extensive, critical evidence that exposed their acts and proved Dr. Derges' innocence was intentionally withheld from the jury. Evidence that, if the jury had known, would have led to a totally different outcome of the verdict. The 21-count sweep of "guilty" would have never happened. Misconduct included perjury, tampering with evidence, threats, lies, coercing witnesses, enticement, and obstruction of justice.

They resorted to extreme measures by investigating, charging, and prosecuting a CARES Act issue, despite the fact that neither the prosecutor nor the judge had ever read the CARES Act or realized that CARES Act issues were outside of their jurisdiction. Investigation will most likely reveal that Dr. Derges' case was the only CARES Act issue that either had ever pursued, despite the fact that Dr. Derges fully complied with and qualified under all aspects of the CARES Act.

Dr. Derges has wrongfully suffered in prison for almost two and a half years. In July 2023, she submitted her appeal to the Appellate Court of the Eighth Circuit of the Western District. Her appeal was incriminating, exposing the violations by the prosecution. The court granted eight unprecedented extensions, forcing a delay of Dr. Derges' appeal for almost one and a half years, at which time the prosecution finally submitted their brief. Dr. Derges filed several objections referencing her concerns of prejudice on the part of the court due to the excessive extensions.

Dr. Derges was now finally able to prepare and file her brief in response to the government's brief — the standard next step in the appellate process. The government's brief contained over 60 false and misleading statements, perjury, and multiple *Brady* violations, which withheld critical exculpatory evidence from the appellate court. On January 28, 2025, Dr. Derges notified the court that her brief would be arriving by mid-February (approximately two weeks). The appellate court immediately notified the prosecutor of this incoming brief. The prosecutor urgently reached out to the federal judge in Dr. Derges' case — this judge had never been involved in Derges' appeal process. Both the prosecutor and the judge were well aware of the incriminating evidence Dr. Derges' brief contained pertaining to both of them. The judge immediately issued a motion to deny in order to close the entire appeal of Dr. Derges. Despite knowing that Dr. Derges' brief was arriving in just days, the court granted the judge's motion in just four days.

Dr. Derges immediately filed two en banc motions to reopen her right to her appeal — a constitutional right. Despite the Clerk of Court informing Dr. Derges that en banc motions were normally ruled on within two weeks, this court did not rule on them for almost three months. Following the recommendations of the Clerk of Court, she sent in the hard copies of her brief, supporting evidence, and electronic recordings on April 23, 2025. On this same day, she also filed a Motion to Acquit outlining the most serious violations by the government.

Just one week later, on May 2, 2025, the court denied everything: both en banc motions, the Motion to Acquit, and her brief with supporting evidence. Court documents will provide definitive evidence of collusion between the court, judges, and prosecution for the purpose of protecting the judge and prosecutor from exposure of their serious violations by deliberately suppressing the incriminating evidence contained in Dr. Derges' brief. Thereby, violating Dr. Derges' constitutional rights to justice and her right to the opportunity to be exonerated of all charges.

The appellate court had two options — two "bets" to consider: (1) rightfully grant the en banc motions and reopen the appeal, fulfilling their responsibilities to uphold justice; or (2) deny the en banc motions, which would force Dr. Derges to take the case to the Supreme Court. Their thought process: if they reopened the appeal, they knew the incriminating evidence would be heard, and the prosecutor and judge's actions would be exposed — meaning they would be left with no other alternative than to acquit the case, or at the very least require another trial and this time allow all the exculpatory evidence to be presented to the jury, which would assure a not-guilty verdict.

But if they denied the reopening of the appeal, they knew the chances of Dr. Derges' case ever being heard by the Supreme Court of the United States would be almost none, especially since she was forced to proceed pro se. This would ensure the prosecutor and judge were protected, taking the court out of the uncomfortable situation. The court knew that if the Supreme Court actually heard the case, it would

take a very long time, which ensured Dr. Derges would continue to be wrongly held in prison.

The court chose to bet on the latter option, making a mockery of the justice system they are bound to uphold. Dr. Derges' case will go down as one of the most unjust and wrongful cases that has happened in the history of both the district and appellate courts.

GOVERNMENT VIOLATIONS

Government violations are detailed in the petitioner's prior filings and the appellate record.

PROSECUTOR'S RESPONSIBILITIES

A prosecutor's responsibilities require the highest standards of honesty, integrity, and impartiality, including identifying and exonerating the innocent — not targeting and destroying them. The prosecution in Dr. Derges' case catastrophically failed in these responsibilities, committing seven constitutional violations, over 120 *Brady* violations, and over 200 acts of prosecutorial misconduct. His clandestine acts, threats, and obstruction of justice were premeditated, calculated, and deliberate: a blatant and gross abuse of the power of his office and of our justice system.

JUDGES' RESPONSIBILITIES

A judge is bound by certain responsibilities. Dr. Derges' district and federal judges failed in these responsibilities and obstructed justice. These judges were

knowledgeable of and condoned the prosecution's unethical actions and violations — violations which included Dr. Derges' constitutional rights.

The federal judge failed to maintain neutrality and proper demeanor in his courtroom, including his own shocking behavior. Bias and distraction were his norm throughout the trial. The trial, sentencing, and PSR were neither fair nor ethical. Dr. Derges' PSR literally omitted the last 50 years of her life.

The prosecution blocked any information about Dr. Derges' background from the trial and her PSR (See App. A, ¶7). In his opening statement, he informed the jury: "he didn't want them to have any sympathy for her." He knew that if the jury knew of Dr. Derges' selfless past and all the good she had done throughout her life, they would have no doubt that she did not do the things she was accused of.

It was literally not possible for Dr. Derges to have schemed anyone. She worked for free; she took no pay. Testimony on the stand by the prosecutor's agents confirmed they were unable to find any characteristics or patterns of a fraudster in Dr. Derges' history. Her spending was limited to the medical supplies and medications required in her mission clinics. There was no spending on cars, jewelry, trips, or investments.

She worked only to help others. Her husband supported their household so she could work in her mission clinic.

Jurisdiction requirements were not followed by either the prosecutor or the judge. Continual unethical courtroom behavior during the trial and sentencing by the prosecutor was allowed throughout (See App. A, ¶29).

Those in attendance at the trial commented that it was the most blatantly biased proceeding they had ever witnessed.

JURISDICTION FOR CARES ACT

One of the responsibilities of a judge and prosecutor is to know the law. The government established a special arm to handle all CARES Act issues: the IRS CI (Criminal Investigation). They are the only entity authorized to investigate and charge in CARES Act issues. The prosecutor failed in this responsibility by creating a false CARES Act claim and then investigating, charging, and indicting Dr. Derges. (See App. A, ¶25). It was revealed in court that the prosecution had never even read the CARES Act, yet charged Dr. Derges with something he knew nothing about.

It was also revealed during trial that the prosecution was unaware that the CARES Act already included a directive pertaining to mistakes made on the application. The directive states: "If an application is filled out incorrectly — whether accidental or intentional — the grant simply becomes a loan and the recipient pays it back." The prosecution admitted they were unaware of this directive.

Despite hearing these admissions in his courtroom, the judge failed in his responsibilities by not following the CARES Act. If he had, the CARES Act

superseding indictment would have been dismissed. The prosecutor claimed that Dr. Derges had made a false statement in her application. It was then learned that the prosecutor had hidden the report of interviews he had done with the Greene County Commission members, which exposed that there was nothing wrong with Dr. Derges' application other than a couple of answers left blank because she didn't know the answers. (See App. A, ¶26). The prosecutor also had in his discovery a recording between Dr. Derges and Bob Dixon, the Greene County Commissioner, which provided clear evidence of Dr. Derges' innocence. Instead of revealing this recording, the prosecutor tampered with it, extracting words out of context and using it to bias the jury. (See App. A, ¶27). The prosecutor withheld this critical exculpatory evidence, which would have cleared Dr. Derges of all CARES Act fraud. The prosecutor took back all of the CARES Act grant monies from Dr. Derges' mission clinic — monies that were going to be used to expand services to the homeless, including dental services and free medications. At sentencing, despite the prosecution holding all the grant money, they required Dr. Derges to pay back all of the grant money in restitution. (See App. A, ¶28, 30).

BRADY VIOLATIONS

Over 120 *Brady* violations occurred in this case, involving the concealment of critical exculpatory evidence that, if disclosed, would have likely led to a different outcome at trial. Under *Brady v. Maryland*, 373 U.S. 83 (1963), the prosecution is constitutionally required to disclose evidence favorable to the accused that is material

to guilt or punishment. In direct violation of this precedent, the prosecution in Dr. Derges' case withheld extensive evidence from the jury—deliberately obstructing justice in order to secure convictions on all 21 counts.

PROSECUTORIAL AND JUDICIAL MISCONDUCT

Over 200 acts of misconduct were committed by the prosecution and his team, as well as by the judges.

These acts consisted of, but were not limited to: perjury; making threats during plea bargains; tampering and manipulating evidence; false and misleading statements; blatant lies; collaboration and collusion; failure to investigate; slander; intimidation of witnesses; intimidation of Dr. Derges; unethical courtroom behavior; poisoning the jury pool; misrepresentation of the facts; misrepresenting witnesses; allowing a witness to commit perjury; endangerment of life; presenting out-of-context words or phrases as fact; presenting “opinions” as facts; paying unqualified witnesses large amounts of money; withholding evidence; and enticing or bribing patients by offering to give them twice their money back if they asked for a refund for sentencing purposes.

(See App. A, ¶33).

The prosecution perjured himself in his brief and presented multiple false and misleading statements. He also withheld critical exculpatory evidence from the appellate court in his brief. Instead of the appellate court hearing Dr. Derges' case and upholding her right to participate in the appeal process — which would have allowed the court to see the prosecution's misrepresentations and false statements in

the government's brief — they shut Dr. Derges' case down in four days to comply with the judge's unethical request and to protect both the judge and prosecutor from exposure. The prosecutor threatened Dr. Derges during her Reverse Proffer (recorded), stating that "he knew she had a large family and she should take one of his deals so he could send her home to be a grandma," then added, "if she didn't take one of his deals, he would just keep on coming," and "he had unlimited power and unlimited resources." (See App. A, ¶16).

In the prosecutor's objection to Dr. Derges' compassionate release request, he actually referenced a case of a man sentenced to life because he paid someone to kill several people and compared it to Dr. Derges. The prosecutor wrote: "in order for Ms. Derges to learn more respect for the law, a life sentence would have been appropriate."

Dr. Derges has received only one traffic ticket in 67 years.

The prosecutor manipulated the recording of the meeting between Dr. Derges and his agents on May 5, 2020, in order to create two "false statement" charges for the indictment. Review of the unedited recording will expose the unethical actions by the prosecutor. (See App. A, ¶22).

APPELLATE COURT VIOLATIONS

The appellate court obstructed justice by shutting down Dr. Derges' case before her appeal could be heard, despite the fact that she had waited one and a half years to present her brief due to the unprecedented eight extensions granted by the court.

The appellate court continued its collusion with the judge and prosecutor by denying Dr. Derges' two en banc motions and denying her the ability to have her appeal heard and the exculpatory and new evidence reviewed. This court granted the judge his motion to deny the case in just four days (See App. A and B), yet took three months to respond to Dr. Derges' en banc motions to reopen the case.

Based on information given to Dr. Derges by the Clerk of Court, en banc motions were normally heard within two weeks of their filings. Dr. Derges' en banc motions were not addressed for almost three months — just days after the court received her incriminating brief and supporting documents to be entered into the record.

Ironically, both en banc motions, her brief and accompanying documents, and her Motion to Acquit were all denied within one week. (These documents are available for this Supreme Court to view upon request.)

Dr. Derges then filed a "Motion of Collusion" (See App. D) to document the deliberate actions of the court to protect the judge and the prosecutor instead of performing their legal, responsible, and ethical duty of reopening Dr. Derges' appeal. (See App. B, C, and E)

REASONS FOR GRANTING THE PETITION

Certiorari is properly granted as the Eighth Circuit has improperly denied the petitioner her constitutional rights to justice by preventing the appeal process she is guaranteed by law from lawfully proceeding. The Eighth Circuit Court deliberately

suppressed the petitioner's appeal because it contained definitive incriminating evidence of countless violations directly involving the prosecutor and judge: seven constitutional violations, over 120 *Brady* violations, and over 200 acts of prosecutorial and judicial misconduct.

This critical evidence was deliberately withheld, hidden, and manipulated from the jury. Evidence that, if the jury had been aware of, would have led to a unanimous 21-count "NOT GUILTY" verdict on the hodgepodge of false charges wrongly brought by the prosecutor. The unethical and wrongful actions committed against Dr. Derges by the very justice system entrusted with upholding truth and justice — without bias or ulterior motives — constitute the ultimate injustice, mocking the very system of justice our forefathers founded and died for.

The petitioner, Dr. Derges, prays that the Supreme Court of this great country will uphold the justice it has been entrusted with and evaluate the incriminating evidence the appellate court chose to suppress, deliberately denying Dr. Derges her rights.

Dr. Derges prays the Supreme Court of this great country will rightfully allow justice to prevail and acquit her, restoring her life, family, career, and reputation. Thousands of her patients in critical need are counting on this justice to prevail so the injustice of the loss of their care can be corrected and their care restored.

COUNTS OF THE CASE

Twenty-one false counts, consisting of a hodgepodge of issues, were created by the prosecution to satisfy the demands of groups that considered Dr. Derges' COVID treatment — which saved lives — and her solutions to bring critically needed healthcare to the underserved as a threat. (See App. A, ¶9-11).

The hodgepodge of charges included amniotic fluid fraud, illegal prescriptions, false statements, and CARES Act fraud supposedly committed by a 64-year-old doctor who went to medical school in her 50s to provide free care for the indigent, many of whom are veterans. Dr. Derges never took a paycheck.

The purpose of fraud is to cheat people to make money. The only law Dr. Derges has broken in 67 years is receiving one speeding ticket 20 years ago. Dr. Derges has never cheated a single person in her life. She provided hundreds of jobs for the community for almost twenty years and was recognized by President George Bush in February 2004 for her contributions. She then went to medical school in her 50s and provided free medical care to over 25,000 indigent patients in southwest Missouri. She was recognized with the Jacqueline Kennedy Onassis Award (the “Nobel Prize for Community Service”) in Washington, D.C. and was named Springfield Humanitarian of the Year in 2018. (See App. A, ¶7).

The prosecutor himself instigated both false complaints from inside his own office to start a case against Dr. Derges. Both complaints were proven false, yet he refused to drop the case and refused to provide discovery surrounding these false complaints.

(See App. A, ¶12-14). Discovery would have revealed who instructed the prosecutor to “bring a case.”

The only fraud in Dr. Derges’ case is the 21 fraudulent charges in her indictment. She was wrongfully charged, prosecuted, and convicted. Two charges were even out of the jurisdiction of the prosecutor and judge, but they proceeded regardless.

Dr. Derges tried to provide the appellate court with the actual indisputable evidence — documents, pictures, and recordings that were withheld from the jury and that would have proven her innocence beyond any reasonable doubt — but the court opted to deny her case just days before they expected her brief because the judge who participated in the wrongful acts asked them to deny her appeal at the eleventh hour. The court miraculously granted this judge’s request in only four days in order to protect the judge’s and prosecutor’s acts from being exposed. (See App. B, C, E).

Dr. Derges can provide the actual evidence to this Court upon request. Appendix A provides a streamlined account of the evidence for the purpose of this document.

Amniotic Fluid Fraud

1. **There was no fraud.** (See App. A, ¶15–20). It is a scientific fact that there are stem cells (adult cells) and mesenchymal stem cells in amniotic fluid. This was testified to by an expert immunologist and supported by extensive research, including Mayo Clinic. The prosecutor’s “expert witnesses” had also published papers verifying these facts, yet they chose to mislead the jury.

scrutiny. The Petitioner was denied the opportunity to present her appeal, her newly uncovered evidence, and her constitutional claims. The appellate court's refusal to hear her case and its denial of her motions without review stands in direct conflict with principles of justice, fairness, and the rule of law. For these reasons, and in the interest of justice, the Petitioner respectfully prays that this Court grant the writ of certiorari, reverse the judgment of the court below, and enter a judgment of acquittal on all 21 counts.

Respectfully submitted on September 22, 2025