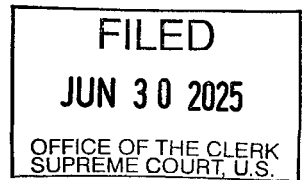


25 - 5488

IN THE SUPREME COURT OF THE UNITED STATES



RICARDO WILLIAMS

Petitioner, pro se,

V

STATE OF MISSOURI

Respondent.

Number: \_\_\_\_\_

On Petition for a Writ of Certiorari to the Missouri Supreme Court.

PETITION FOR A WRIT OF CERTIORARI

Ricardo Williams

1012 Yankee Court

Warrenton, MO. 63383

Tel: (636)856-6299.

**Question Presented:**

Where the State violate the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, which prohibit the deprivation of “life, liberty, or property” by the federal and state government, respectively, without due process of law.

Under what circumstances the right to due process does not apply and can be voided?

**Identity of parties and attorneys in the underlying action, if any:**

- a) Petitioner-Ricardo Williams, Self represented.
- b) Respondent-State of Missouri

**List of Proceeding Below:**

Name of Court: In the Supreme Court of Missouri,

Case Number: SC100958

Case Title: Writ of mandamus or, in the Alternative, prohibition.

Date of Opinion/Order: Filing date 02/04/2025, Date Denied 04/01/2025.

Name of Court: In the Missouri Court of Appeals Eastern District

Case Number: ED113262

Case Title: Writ of mandamus or, in the Alternative, prohibition.

Date of Opinion/Order: Filing date 01/21/2025, Date Denied 01/22/2025.

Name of Court: The Circuit Court of St. Louis County

Case Number: 23SL-CR04713

Case Title: Trial Court

Date of Opinion/Order: Filing date 06/21/2023, Date of Sentencing 04/11/2024.

### **Opinions Below:**

Supreme Court of Missouri (Exhibit E)

Missouri Court of Appeals Eastern District (Exhibit G)

The Circuit Court of St. Louis County (Exhibit A)

### **Jurisdiction**

A Suspended Imposition of Sentence is not a final judgment and thus is not ripe for an appeal. “Yale v. Indep. 846. A judgment in a criminal case is final “if the judgment disposes of all disputed issues in the case and leaves nothing for further adjudication. ‘State v. Waters, 597 S.W.3d 185,187(Mo.banc 2020)(quoting State v Smiley, 478 S.W.3d 411,414(Mo.ban 2016) My petition for hearing to the Missouri Supreme Court was denied on April 1<sup>st</sup>, 2025, I am here by invoking this Court’s jurisdiction under 28 U.S.C SS 1257, having timely filed this petition for a writ of certiorari within ninety days of the Missouri Supreme Court’s judgment.

### **Constitutional Provisions Involved**

#### **United States constitution, Amendment Five:**

No one shall be “deprived of life, liberty, or property without due process of law “by the federal government.

### **United States constitution, Amendment Six:**

The Sixth Amendment to the U.S. Constitution guarantees several rights to individuals accused of crimes in criminal prosecutions. These includes the right to a speedy and public trial, the right to a jury trial, the right to be informed of the accusations, the right to confront witnesses, the right to compulsory process for obtaining witnesses, and the right to legal counsel.

### **United States constitution, Amendment fourteen:**

Ratified in 1868, is a landmark amendment to the U.S. Constitution that addresses citizenship rights and equal protection under the law. It was one of the three Reconstruction Amendments passed after the Civil War, aiming to secure rights for formerly enslaved people. The amendment's first section is particularly significant on citizens' privileges and immunities, and guaranteeing due process and equal protections under the law.

### **Statement of the Case**

- 1) On February 27<sup>th</sup>, 2024, I proceeded to a bench trial on a two count indictment in State v. Ricardo Williams, 23SL-CR04713.
- 2) The indictment alleged the following offenses:

COUNT: 01 DOMESTIC ASSAULT – 3<sup>RD</sup> DEGREE

That Ricardo George Williams, violation of section 565.074, RSMo, committed the class E felony of domestic assault in the third degree, punishable upon conviction under section 558.011 and 558.002, RSMo, in that on or about January 8, 2023, at 11019 Sugar Pines Court in the County of St. Louis, State of Missouri, the defendant “attempted to cause physical injury to” or “knowingly cause physical pain” to M.C. by forcing his way into her home and grabbing her by the throat, and M.C. was a domestic victim in that she and Defendant had been in a continuing social relationship of a romantic or intimate nature;” (Exhibit A, page 1)

COUNT: 02 VIOLATION OF ORDER OF PROTECTION FOR ADULT-1<sup>ST</sup> OFFENSE.

That Ricardo George Williams, in violation of section 455.010 and 455.085, RSMo, committed the class A misdemeanor of violation of Protection, punishable upon conviction under sections 455.085, 558.002 and 558.011 in that on or about March 6, 2023, the defendant, have Knowledge of a full order of the Circuit Court of St. Louis County prohibited the defendant from communicating with M.C. in any manner, knowingly violating the terms and condition of that order by initiating communication with M.C. by sending her a text message. (Exhibit A, page 1)

Prior to opening statement, an oral Motion was made by my attorney Mr. Richard Hereford, for a Bill of Particulars pursuant to 23.04 as to count 1 of the indictment.

My attorney argued that the state's decision to include language alleging both an "attempt to cause physical injury" and "knowingly caused physical pain" will prevented us from adequately formulating a defense and cross-examining the State's witnesses. (Court transcript page 22 line 21, to page 24 line 5).

Following the argument, the Court denied the Motion for the Bill of Particulars on the following grounds:

The State believe that like with almost every trial, the Court can choose at the close of the evidence which of those two alternatives means the offense applies to this particular case depending on how the evidence comes in similar to how you would instruct a jury with the evidence, and so additionally, the State think a bill of particulars has more to do with conduct alleged and not alternative means of committing the crime. (Court transcript page 24 line 8, to page 25 line 16)

The court then asked do you have the police report handy and asked if he could see it? My lawyer responded yes. The court then made a note that I had received the police report from St. Louis County Police Department that characterizes statements of the complaining witness in this case. The Court further stated that I also had some notice of what the complaining witness is going to say. The Court further assumed in open court that the complaining witness is going to articulate an attempt to cause physical injury and the actual causation of pain, before the trial had began. So it was overruled at that time. The Court then stated that base on the discovery and the indictment that I was fairly apprised of what allegations I needs

to meet at trial and at the close of the state's evidence the motion could be renewed. The court further stated that he would prepare the bill of particulars himself if needed. (Court transcript page 25 line 17, to page 26 line 20).

### **Reasons for Granting this Writ:**

- I) The Missouri Criminal Code states the following, when the word "and" appears as an element, then all the elements must be present to constitute the offense. When "or" appears, each element alone would constitute the offense (Exhibit B). Therefore based on the language of the Missouri Criminal Code, the State had to pick only one of the elements to secure a conviction, if the chosen one was proven beyond a reasonable doubt.
- II) Due Process Principle of Fair Notice: This principle mandates that an accused person has a right to know the offense and legal theory under which they will be convicted. This implies understanding the essential elements that the prosecution must prove to secure a conviction.
- III) The legal principle requiring a criminal defendant to be informed of the essential elements of the offense they are charged with is deeply rooted in the sixth Amendment to the U.S. Constitution. These amendments guarantee the accused the right "to be informed of the nature and cause of the accusation". Several landmark cases such as (*United States v.*



Cruikshank, United States v. Simmons, Hamling v. United States, Rabe v. Washington and Morissette v. United States (Exhibit H). have further solidified this right and its implications.

- IV) To have the Court assume to what the victim might testify to before a trial violates several key principles of the legal system. Judges are required to be impartial and base their decisions solely on the evidence presented in court. I have the right to a fair and impartial hearing, which includes the right to confront and cross-examine witnesses. My due process right was already compromised when the Court assumed what testimony the victim might testify to, in open court before the victim went on the stand.
- V) Rule 7(c)(1) of the Federal Rules of Criminal Procedure requires an indictment to provide “a plain concise and definite written statement of the essential facts constituting the offense charged. In this case the indictment had alternative means therefore there was no clear expectations and what the State intended to prove beyond a reasonable doubt. Which leaves the question of what exactly constitute the offense I was convicted of beyond a reasonable doubt?
- VI) Base on the statement made by the State it was unclear as to what element needed to be proven beyond a reasonable doubt. The State then

passed over its responsibilities to the Court, who then started to make assumptions as to what the victim might testify to. (Courts transcript page 25 line 22 to page 26 line 5).

VII) Base upon the photo presented in court of the injury and the court's transcript, the victim did not testify to what the court had assumed (the attempted to cause injury and as a result caused pain). Instead the victim testified to choking (Court transcript page 52 line 17, to page 54 line 4). Choking as an element falls under the offense of domestic assault in the second degree (Exhibit C) and not the third degree as I was found guilty of.

VIII) The Prosecution and not the Court is responsible for creating a bill of particulars in a legal case. The Court stating that he would create this document would violated and infringe upon the fundamental principle of judicial impartiality and fairness, thus leading to my due process rights being violated.

IX) A bill of particular cannot be provided after all evidence in a criminal trial. A bill of particular must be made before the trial begins, it is not meant to be a tool for obtaining detailed disclosure of all evidence after the trial has started, especially after all evidence has been presented.

X) A crime is defined by its specific elements. Each criminal offence has a unique set of requirements that must be met for an act or omission to be considered that crime. As seen in (Exhibit D) there was visible injury stated by the victim. The victim further testified to injury being present in open court (court's transcript page 74 line 15, to page 75 line 8). Please note the elements of domestic assault in the 3<sup>rd</sup> degree, would not apply in this instance. Hence none of the elements of the offense am charged with, does not fit the offense I was found guilty of. All elements described would more fall under the offense of Domestic assault in the forth Degree (Exhibit C).

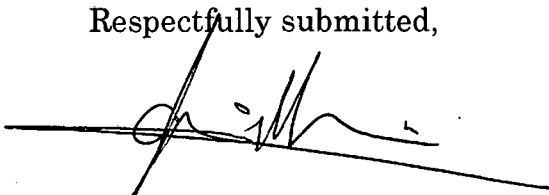
XI) Elements of an Offense: These are specific components or actions that constitute a particular crime and must be proven beyond a reasonable doubt for a guilty verdict. In this case the State had failed to answer the question of what element they intended to prove beyond a reasonable doubt. Furthermore base on how the evidence had presented itself none of the elements on the indictment was proven. I have the right to a fair and unbiased trial.

XII) It's clear that the court had made a mistake that could had been avoid if the motion for the Bill of Particular was granted. This would have made the indictment clear, concise and give the required element of what I needed to defend again.

### CONCLUSION

Base on the above, it is my believe that there was a gross miscarriage of justice and the Court had made a mistake as my due Process rights was violated. For the above mentioned reasons I am asking the court to issue this writ of certiorari, ordering the State to take no further action during the briefing of this writ. After the briefing is complete, I am asking that this Court make the writ permanent and order the State to vacate the February 27<sup>th</sup>, 2024 verdict as to Count 1. I am further requesting that this Court make any further adjudications and orders therein as right and just.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Ricardo Williams', is written over a horizontal line.

Ricardo Williams

1012 Yankee Court,

Warrenton, MO., 63383

Tel (636)856-6299.

Email: [georgewilliams16041982@gmail.com](mailto:georgewilliams16041982@gmail.com)

Self-Represented

#### CERTIFICATE OF SERVICE

Signature above is also certification that a true and correct copy of the above and foregoing document has been sent on August 20<sup>th</sup>, 2025, via the U.S. Postal Services, and that a true and correct copy of the foregoing was served to the Missouri Attorney's General Office.