No. 26-6092

FILED
MAR 23 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

In Re Michael McAfee — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

Michael McAfee
(Your Name)

Southeast Corr. Center 300 E. Pedro Simmons
(Address)

Charleston, Missouri 63834
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Why are the Civil and Constitutional Rights of an innocent man constantly being violated?

I have demonstrated time and time again that I'm not the perpetrator of the crime.

2. Why was my rights violated when I tried firing my Public Defender, the Judge told me, "If I didn't go to trial with Mr. Bruns, they would have trial without me." I even asked Mr. Bruns for a change of Venue and he refused. I asked Judge Ellen Siwak to recuse herself and she said, "She would think about it." and the next day said, "She decided to stay on."

3. Why did attorney David Bruns have evidence that belonged to me for a whole year and after he said, "He was ineffective for not turning it over?" The Judge said she would not allow him to say that he was ineffective.

4. Why didn't Mr. Bruns turn over exculpatory evidence to jury?

In my evidentiary hearing, he said he didn't know why he didn't. He even admitted it could have gave reasonable doubt to my guilt.

LIST OF PARTIES

Fredrick Lemons,

Jesse Meindhart,

Patrick Logan,

Wesley Bell,

State of Missouri.

RELATED CASES

State v. Stricklin, 558 S.W.3d 54

Trial Court erred in denying Defendant's Motion to Suppress for Fifth Amendment purposes. His interrogation became custodial when the officer accused him of the crime, then before stepping out and closing the door behind him, told the Defendant if he did not straighten things out by the time the officer got back, Defendant would be arrested. In my case, Det. Lemons accused me of killing Keisha Powell and before he stepped out, told me when he gets back, I better tell him the truth.

Miranda v. Arizona, 384 U.S. 436, 444 86 S.Ct. 1602, 16 LED 2d 94 (1966)

The United States Supreme Court established procedural safeguards for securing the privilege against self incrimination guaranteed by the Fifth Amendment to the United States Constitution.

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STATUTES AND RULES

(1) Rule 48 Dismissal

(a) By the Government may with leave of Court dismiss an indictment information complaint. The Government my dismiss the prosecutor during trial without the Defendant consent.

(b) By the Court: The Court may dismiss an indictment information or complaint if unnecessary delay occurs (Presenting a charge to grand jury).

(2) Filing an information against Defendant or;

(3) Bringing a Defendant to trial. The state of Missouri, after my signing of extradition to clear my name after being held in Arizona after being arrested for First Degree Murder, Armed Criminal Action and Felony Fleeing. I was held in Clayton County Justice Center for almost four months before I was indicted. United States v. Balcchi, 527 F2d 562, 563, 564; McAfee v. Clayton City Justice Ctr. 2019 US Dist. Lexis 15408.

This case is simple, look at the facts, without evidence, it benefits the Petitioner. So the only way to achieve a conviction was to coerce the Petitioner and force him to give a false confession. It's simple, there never was a death penalty, so what person in his right mind would confess and receive a life without sentence. Arizona had already accused me of 1st degree murder.

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

[✓] For cases from **federal courts:**

The opinion of the United States court of appeals 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 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 B 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 EASTERN Court of Missouri 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

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 30, 2025.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: Jan 25, 2026, 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).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was April 26, 2022. A copy of that decision appears at Appendix _____.

[ ] 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).

CUSTODIAL INTERROGATION

People v. Orozco, 32 Cal. App. 5th 802

The Court judges whether a confession was involuntary by examining the totality of circumstances surrounding the confession. Criminal Law ß 117 Custodial Interrogations.

Involuntary confession, police trickery. Police trickery does not by itself, render a confession involuntary. Constitutional Law ß102 Due Process Particular Amendment Government behavior. Where a Particular amendment provides an explicit...The Fifth Amendment provides that (n)o person shall be compelled in any criminal case to be a witness against himself. (U.S. Constitution 5th Amendment, italics added.) Miranda was the first case to acknowledge that in-custody interrogation of a person suspected or accused of a crime contain inherently compelling pressuers which work to undermine the individual's will to resist and to compel him to speak where he would otherwise do so.

NOT

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Like the Law governing Fourth Amendment Protections Custodial Interrogations determination define the boundaries of a Substantial Constitutional right - The Fifth Amendment right to avoid self incrimination - should be defined and applied uniformly for the benefit of the State as well as for the criminal suspect. State v. Levin, 2006 UT. 50.

First of all, I was arrested by Arizona Police, so I was already under arrest. Arizona charged me with 1st. degree Murder, Armed Criminal Action and Felony Fleeing. Bond was set at $340,000.00. Two days later, St. Louis University City Police came to Arizona. The two officers names were Lemons and Meindhart. Det. Lemons accused me of killing Keisha and told me he knows I did it yet he never proved his theory, just showed me the pictures of Keisha being dead. Told me I was Jeffery Dalmer and then proceeded to threaten me. I told them I was overwhelmed, so I said, "Could you please give me a break from their interrogation?" Then he said, "You want a break here?" I said yes. Then he said, "We gonna give you a few minutes Mike." and then he said, "When I come back in this room, you better tell me the truth Mike!" Before they even started talking to me, I asked for a attorney. But then he told me he wanted to get a pedigree on me. I even asked to stop the interrogation but Det. Lemons told me no! They scared me because they had already hit me so I didn't know what they were trying to do. So I pretended to cooperate with them because I didn't want to be in that little room with them. I felt closed in and I thought if I didn't cooperate, they might kill me and say I became hostile. Stricklin v. State, 558 S.W.3d 54. Stricklin's Fifth Amendment rights was violated when the officer accused him of a crime then before stepping out and closing the door behind him, told the defendant if he did not straighten things out by the time the officer got back, he would be arrested. Stricklin case was Reversed and Remanded. Judge Siwak refused to suppress my custodial interrogation.

STATEMENT OF THE CASE

The Arizona Police arrested me in Arizona and charged me with 1st Degree Murder and Armed Criminal Action and Felony Fleeing. The night of the arrest, they charged me and set bond for $340,000.00. Two days later, St. Louis University City Police officers Lemons and Meindhart came to Arizona. They said they just wanted to talk to me and when I didn't answer their questions like they wanted me to, they hit me and tried to coerce me to say what they wanted me to say so they could incriminate me. After the interrogation, the two St. Louis University City Police just left. They never arrested me and when one of the officers in Arizona saw I couldn't see because my eyes were swollen shut, he wheeled me in a wheelchair to the Court room. This was my extradition hearing but when the Judge seen my face, he told me I didn't have to sign the papers. But, I told the Judge that I wanted to go back to clear my name. The Prosecution tried bringing me a forfeiture of wrong doing. But as the Court knows, that's when someone does something to cause a person not to be available to prosecute a case against them. But the case had been dismissed for more than a month for failure to prosecute by Judge Victoria Mullen McKee on February 19, 2015. Because of the dismissal for failure to prosecute, the State of Missouri had no right to allow prosecutors of Clayton County to use a forfeiture of wrong doing to convict me. My Fifth Amendment Right to remain silent was violated because I asked for the interrogation to stop, but Det. Lemons said, "No!"

The Eight Circuit Court of Appeals denied my actual innocent claim. The Court was supposed to go by the merits of my claim. However, if the Court went by the merits, I should have been not only released, but exonerated. (For example)

1. The case most powerful claim was suppose to be my so called confession.
2. No one ever said they saw me commit this crime. And the State's only witness said he saw a man that looked like me, but he couldn't tell if he had hair or not because

he was wearing a hat.

3. Howard Neuman was old and wears glasses and he never said the man was doing anything except standing there.

4. Art Kramer was also there with Mr. Neuman, so why didn't he see the man?

5. Cheryl Altroge and Ms. Javier both said they saw a man around 30 years old, but Howard Neuman said he saw a man around 50 years old.

6. Arizona Police arrested me, booked me, and charged me with First Degree Murder, Armed Criminal Action, and Felony Fleeing. Then that same night, set my bond at $340,000.00. The Eight Circuit Court said they would have a disposition on the merits of my case, but they denied me without any explanation. They agreed with the Eastern District Courts.

REASONS FOR GRANTING THE PETITION

Declaration of Facts:

The Supreme Court of the United States is the highest Court in the Nation. The Law says at this point of my conviction, the Supreme Court can look at all the evidence to determine the guilt or innocence of a citizen of the Untied States. So look at the facts:

1. It was never proven that I was at the scene of the crime.

2. One person stated that he saw a person that looked like me around 49 or 50. He never stated he had a conversation with the man but spoke in passing. There was two ladies who saw a man around 30 and one of them said on the same floor where the crime took place. Neither of these three picked me out of a line-up.

3. There was finger print evidence, yet it DID NOT MATCH MINE!

4. Arizona Police arrested me in Arizona and processed me, took pictures of me with and without clothes, charged me with First Degree Murder and Armed Criminal Action and Felony Fleeing. Set a bond at $340,000.00 all without any evidence.

5. Two days later, St. Louis University City Police came to Arizona, and for 3 1/2 hours grilled me without a bathroom break, beat me and finally coerced me to say that I was at the scene. It was then that they finally gave me some chips and a soda, still without a bathroom break.

6. St. Louis University City Police accused me of the crime but they had no evidence and no arrest warrant. They left me in Arizona for almost a month, then at my extradition hearing, I was pushed into the Courtroom in a wheelchair and the Judge tried to get me not to sign so that I could come back to clear my name.

7. The State has no one that actually saw who or whom shot Keisha and if someone did, they're hiding what happened. My attorney never produced the exculpatory (Fingerprint) that may have gave the jury to reason all issues in the case before making a verdict.

8. State v. LaChappell, 222 Neb. 112 "Once an individual in custody indicates in any

manner at any time prior to or during questioning that he wishes to remain silent, interrogation must cease, for at this point the individual being interrogated has shown that he or she intends to exercise his/her Fifth Amendment Right to remain silent."

First, let the record show that there is no evidence that I was at 8147 Delmar on March 24, 2015. The State's only witness said I appear to look like the guy he saw. In fact, I was in Marion, Arkansaw and I have submitted the GPS coordinates from the Mandamus.

During my trial, I stood up and yelled, "Those cops beat me!" The two court officers grabbed me, slammed me into every wall while in handcuffs and rammed my head into elevator wall until it bled. One of the officers was Keisha Powell's sister, Kamina Ballards' boyfriend, Damon Meeks' brother. I was beaten in front of Capt. Trassell while he watched and then taken to the infirmary and while I was in the infirmary, the interrogation video was showed to the jury. So I was not allowed to face my accusers.

Under 28 USC §1983 Petitioner filed charges of abuse by the two police officers, Lemons and Meindhart who came to the State of Arizona in the Maricopa County and during interrogation, abused their authority through physical and mental abuse, coercion and a forced statement. Those officers came from St. Louis University City Police Dept. without an arrest warrant and violated the Constitutional rights of one Michael McAfee while doing so outside of their jurisdiction, which is also a violation of the Color of State Law. The State of Missouri is also responsible because the two officers are employed by the State which makes them liable for the abuse by the officers. I never seen Keisha Powell on Tuesday, March 24, 2015. Police officers Lemons and Meindhart asked me when was the last time I saw Keisha and I told them, Monday, so I couldn't have seen her. I never said I killed Keisha C. Powell and there is nothing the State can prove otherwise. I never said her name in the so-called confession. I have been diagnosed as having damage to my optic nerves in both eyes. This damage impairs my vision from my

brain.

The damage done is evident from the pictures that I sent along with the Mandamus. The State said my case was dismissed for failure to prosecute yet I have filed again the 28 USC 1983 under the Civil Rights of a citizen for the physical and mental abuse and false incarceration.

The police violation of the Color of State Law not only violated the Constitutional Rights of one Michael McAfee, but the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendment of the United States. The Eastern District of Missouri, the Eighth Circuit Court of Missouri and the State of Missouri erred in not proving the guilt of Michael McAfee and failed to prove any evidence of guilt except one witness that stated he saw a man that looked like McAfee standing in the building where the crime took place but never saw the person committing any crime. When the State had two witnesses that seen a thirty-year old man where the crime took place on the top floor. It is also noted that the State failed to present exculpatory evidence of finger prints to jury that belonged to a person the police failed to identify. Because of these lower Courts failure, we ask the Highest Court in the Nation, the Supreme Court of the United States to grant writ.

Wherefore:

In the name of justice, please look at all the facts. I'm not going to get justice unless it's done in the Highest Court of the Land, The Supreme Court of the United States of America. I was forced to write that statement. Why would anybody say they done something and let the Court give you Life without sentence? The death penalty was never on the table, so why would I confess to receive a Life without sentence?

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,

Michael McGee

Date: 07-28-26

KEITH A. SADLER
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES OCTOBER 26, 2026
SCOTT COUNTY
COMMISSION #22464868

Keith A. Sadler 7-28-26