No 03 10608

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
MAY 27 2004
OFFICE OF THE CLERK

CARL CRAWFORD — PETITIONER

vs.

EDWARD B. MOTLEY — RESPONDENT(S)

ON PETITION FOR WRIT OF HABEAS
CORPUS AD SUBJICIENDUM AT COMMON LAW
AND/OR THE GREAT WRIT TO

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VERIFIED APPLICATION/PETITION FOR WRIT OF HABEAS CORPUS
AD SUBJICIENDUM AT COMMON LAW AND/OR THE GREAT WRIT

Carl Dwayne; Crawford

4306 Pechin Street

Philadelphia, PA 19128

(215) 508-0508

RECEIVED
MAY 27 2004
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. How can I as a sovereign exercise my Constitutional Rights when those who are to uphold the Constitution are violating it?

2. The United States District Court and the United States Court of Appeals, Are they a court of record with Competent Jurisdiction?

3. Since I have been discriminated against and have been forced to two trials without my consent nor an assessment, was this case civil or criminal? If Criminal: Who made the claim, What was the crime, and Who did I injure?

If Civil: Where is the Contract between them and me?

4. Isn't it the law that imposes a duty that a private citizen investigate the authority of all persons from all departments of the government whose names appear on any document?

5. How is it that public officials employed by the government that swear to "oaths of office", to uphold the Constituition and protect my Rights, go against that and instill oppression against me?

VERIFIED APPLICATION/PETITION FOR WRIT OF
HABEAS CORPUS AD SUBJICIENDUM AT COMMON LAW AND/OR THE GREAT WRIT
By Special Visitation

NOW COMES, Carl Dwayne; Crawford, Petitioner in the above captioned action, petitions this Court by special visitation, for a Writ of Habeas Corpus Ad Subjiciendum at Common Law and/or the Great Writ, therein, shows to the Court as follows:

1. That the relief sought herein is provided under the law of HABEAS CORPUS AD SUBJICIENDUM AT COMMON LAW AND/OR THE GREAT WRIT the Constitution and States of the United States of America, and the Federal Civil Court Rules and Procedure.

2. That beginning on January 16, 2003, Petitioner herein, has been and is presently imprisoned and restrained of his liberty in violation of the Rights thereof as set forth and guaranteed in the Constitution of the United States and federal laws made in conformance therewith.

3. That the Petitioner has since his time of arrest, has repeatedly been under extreme measures of the erroneously charges and false accusations with the alleged violations under the statutes of Title 18, United States Code, Section 371; 2113(d); 924(c); 922(g); 1956(h); 1956(a)(1)(B); 2; 982(a)(2)(B); and Title 21, United States Code, Section 841(a)(1).

4. That the Petitioner confirms that the Federal Bureau of Investigation has maliciously, knowingly, and willingly orchestrated, an investagation to deprive Petitioner of his life, liberty and property without due process of law see EXHIBIT "A".

5. That the Petitioner has filed a Petition for Discovery and Compulsory Production of the Documents by Subpoena Duces Tecum to

Judge Mary A. McLaughlin, United States District Court for the Eastern District of Pennsylvania on December 8, 2003, and the Judge denied Petitioner's petition without the findings or facts of law or the nature and causes of the accusation see attached EXHIBIT "B" and attached hereto EXHIBIT "H" JUDGES' ORDER.

6. That Carl Dwayne; Crawford, Petitioner herein, is incarcerated in the prison facility of the Federal Detention Center, in violation of the Constitutional Rights of the Petitioner herein, as set forth without restriction, in Articles Two, Three, Four, Five, Six, Eight, Nine, and Seventeen of the Constitution of the United States.

7. That the Petitioner on various previous occasions has, by means of several pleadings challenged the jurisdiction of the Court is substantially predicated upon the lack of legislative jurisdiction in the Congress of the United States to enact the legislation under which the Petitioner has purportedly been charged with wrondoing see EXHIBIT "D" AFFIDAVIT IN SUPPORT OF CAUSE OF ACTION.

8. That any allegations of jurisdiction which may be set forth in a complaint are merely prima facie.

9. That when the jurisdiction of the court is challenged, it is required that such jurisdiction must be proved before the court may proceed to adjudicate the action in which such challenge is made.

10. That, notwithstanding, the Petitioner is accused of wrongdoing in the above referenced action, he is presumed to be innocent until proven to be guilty.

11. That the first element necessary to be proved in the chain of evidence essential to convict the accused is the jurisdiction of the trial court.

12. That the Petitioner believes that the other absolutely essential element which was necessary to be observed at all times was to maintain the challenge to the jurisdiction of the Congress of the United States to enact the statute in question see EXHIBIT "D" AFFIDAVIT IN SUPPORT OF NEGATIVE AVERMENT.

13. That to this point in time the prosecution has utterly failed to offer proof, or to make offer of proof, that the Court does infact have jurisdiction.

14. That the Petitioner has objected to no avail to the said affirmative purportedly finding jurisdiction in the Court.

15. That for the reasons Petitioner has challenged the jurisdiction of the Court the federal judiciary has proceeded without proof, and in abuse of the discretion thereof that the Court does have jurisdiction in the above referenced action.

16. That the Petitioner was compelled to go to trial without Petitioner's consent nor without competent, sufficient, effective assistance of counsel, before Judge Mary A. McLaughlin, United States District Court for the Eastern District of Pennsylvania with a verdict of "Not Guilty" entered on January 15, 2004, see EXHIBIT "C" DOCKET SHEET.

17. That the Petitioner was arbitrarily restrained unconstitutionally, from his life, liberty, property, privileges, immunities, and pursuit of happiness.

18. That the Petitioner is adamantly determined to continue to raise the said question of jurisdiction at every juncture in the above referenced action see EXHIBIT "D".

19. That in the absence of Federal Legislative Jurisdiction over the location of the purportedly violative activity of the

Petitioner, as set forth above, the Courts lacks jurisdiction to adjudicate the matters alleged against the Petitioner which has given rise to a complaint of unprofessional conduct of the Federal Judiciary see EXHIBIT "E".

20. That the Petitioner has forwarded to the prosecution's office on four separate occasions since 2003, for attempting to resolve the issue of jurisdiction or any other issue that has Petitioner languishing in prison see EXHIBIT "F".

21. That since the first unconstitutional trial, Petitioner was compelled to proceed in a second trial without his consent and without counsel which Petitioner filed with the clerk in court a Petition To Dismiss for Lack of Territorial Jurisdiction and Mandatory Judicial Notice and Liabilty, however, the Government moved on and obtained the alleged weapon from the first trial that Petitioner was exonerated of; and prejudiced Petitioner with an all european jury and was convicted of alleged crack cocaine and gun possession see EXHIBIT "G" and attached hereto EXHIBIT "C".

22. In support of the argument thereof the Petitioner has drawn heavily from a United States Government publication which is the REPORT OF THE INTERDEPARTMENTAL COMMITTEE FOR THE STUDY OF JURISDICTION OVER FEDERAL AREAS WITHIN THE STATES, see EXHIBIT "H" FOR ARREST OF VOID JUDGMENT AT COMMON LAW.

23. That subsequently to the said trials the Petitioner, in the above referenced action, the statute of the United States [Title 18, United States Code, Section 371; 2113(d); 924(c); 922 (g); 1956(h); 1956(a)(1)(B); 2; 982(a)(2)(B); and Title 21, United States Code, Section 841(a)(1)] upon which is predicated the said purported jurisdiction of the United States, under

which purported jurisdiction the Petitioner was charged, has been found to be unconstitutional.

24. That the Court has not obtained jurisdiction from the Congress of the United States, due to lack of legislative jurisdiction on part of the Congress of the United States to grant such power to the Court.

25. That the Court is a court of limited jurisdiction, and can only have jurisdiction where such jurisdiction is conferred upon the Court by the Constitution of the United States, or by a grant of power conferred by the Congress of the United States where the Congress has legislative jurisdiction to so grant such power.

26. That the Court has not obtained jurisdiction of the above styled action from the Constitution of the United States.

27. That the Constitution of the United States at ARTICLE ONE, SECTION EIGHT, CLAUSE SEVENTEEN established and defines the legislative jurisdiction of the Congress of the United States over various land areas both federal non-federal, within and without state boundaries.

28. That an unconstiutional statute is void ab initio.

29. That no penalty can be imposed predicated upon an alleged violation of an unconstitutional (void) statute.

30. That any penalty which is imposed predicated upon an unconstitutional (void) statute is unconstitutional (void).

31. That an unconstitutional statute"..imposes no penalities."

32. That any penalty which is imposed predicated upon an unconstitutional statute is void ab initio.

33. That the Petitioner should be granted relief from any

presently unfulfilled portion of the said void judgment.

34. That the Petitioner has filed "At Common Law a Verified Petition To Dismiss For Lack of Jurisdiction, Arbitrary Negligence, and Future Malicious Maleficience" to the United States Court of Appeals for the Third Circuit on April 18, 2004, with no answers or response see EXHIBIT "H".

35. That the Petitioner is entitled to the relief sought herein, under the Common Law, the Constitution and the statutes of the United States; for it's a fact that Petitioner has been ignored at all levels from the federal judiciary in the Eastern District of Pennsylvania from justice see all attached EXHIBITS "A"-"H" of the APPENDIX.

36. That it is in the public interest to grant the relief sought herein.

37. That irreparable harm has accured to and shall continue to befall the Petitioner should the relief sought herein not be granted.

38. That the Petitioner has exhausted all other potential remedies, for the violations of his Rights as complained of herein.

39. That there is no other remedy in law or in equity for the Petitioner than the relief sought herein.

40. That the Petitioner herein is indigent and unable to pay an attorney.

41. That the Petitioner reiterates, it is well settled in the law that when the jurisdiction of the court is challenged, the "onus propandi is on the actor".

> (onus propandi. Burden of proving; the burden of proof. The strict meaning of the term "onus propandi" is that, if no evidence is adduced by

the party on whom the burden is cast, the issue must be found against him. Davis v. Rogers, 1 Houst. (Del.) 44.)

42. That all charging documents that may have been presnted to Carl Dwayne; Crawford, Petitioner, are of unknown authority and nature.

43. That all of the statements made above and otherewise herein are made of the best first hand, knowledge of the undersigned are true, correct, certain, complete and made under pains and penalities of perjury.

WHEREFORE, the Petitioner petitions that the judges of the Supreme Court of the United States to grant the relief sought herein and to order the Writ of Habeas Corpus Ad Subjiciendum at Common Law and/or The Great Writ.

Dated: May 12, 2004

Respectfully Submitted,

Carl Dwayne; Crawford

Notary Acknowledgment

Commonwealth of Pennsylvania)
for the Republic) Affirmed
)
Philadelphia County)

On the 12th day of May 2004, before me, Carl Dwayne Crawford the undersigned proved on the satisfactory evidence to be the natural person with the affixed signature to the attached document. Therefore, witness my hand and official seal.

_____, Notary Signature

[SEAL]

NOTARIAL SEAL
Douglas B. Acker, Notary Public
Philadelphia, Philadelphia County
My commission expires June 26, 2007

FILED MAR 17 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL
	:	
v.	:	
	:	
CARL CRAWFORD	:	NO. 03-105-2

ORDER

ENTERED
MAR 17 2004
CLERK OF COURT

AND NOW, this 17th day of March, 2004, upon consideration of the defendant's Petition to Dismiss Indictment (Docket No. 155); Petition for Discovery and Compulsory Production of the Documents by Subpoena Duces Tecum (Docket No. 156); Verified Notice by Special Visitation: Objection to Proceedings (Docket No. 121); Demand for More Definite Statement in the Nature of a Bill of Particulars (Docket No. 158); January 23, 2004 Affidavit to Enforce Justice in this Venue and Report of Criminal Activities within the United States (1871) by the Federal Judiciary; Notice of Claim Request for Settlement (Docket No. 159); Verified Bond by Special Visitation and Verified Notice of Fault (Docket No. 143); Verified Notice of Default and Affidavit in Support for Discovery and Failing to Disclose Statement of Facts (Docket No. 144); Mandatory Judicial Notice and Liability by Special Visitation (Docket No. 157); and Notice/Verified Petition by Special Visitation (Docket

No. 146), IT IS HEREBY ORDERED that the above miscellaneous requests for relief made by the defendant are DENIED.

BY THE COURT

McLaughlin, J.