03-7170

IN THE
UNITED STATES SUPREME COURT
OCTOBER TERM, 2003

Supreme Court, U.S.
FILED
OCT 28 2003
OFFICE OF THE CLERK

NO.

IN RE: BOBBY HAZEL AND RONALD MITCHELL,

BY,

JEWELLE HAZEL, SISTER AND INTERVENOR FOR BOBBY HAZEL,

AND

BEST FRIEND AND INTERVENOR FOR RONALD MITCHELL,

PETITIONERS.

PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241(a)(c)(1)(2)(& (3), SUBMITTED FOR REVIEW TO INDIVIDUAL JUSTICE JOHN PAUL STEVENS PURSUANT TO RULE 22.1 OF THE SUPREME COURT RULES

ORIGINAL

Respectfully submitted,

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(9)

QUESTIONS PRESENTED

I

CAN BOBBY HAZEL'S INDICTMENT DRAFTED BY AN ASSISTANT U.S.ATTORNEY AND PLACED IN THE COURT FILES WITHOUT EVER BEING PRESENTED TO A GRAND JURY, FOR AN INFAMOUS CRIME, SATISFY THE FIFTH AMENDMENT GRAND JURY CLAUSE OR DOES HAZEL HAVE TO BE RELEASED IMMEDIATELY

II

CAN RONALD MITCHELL'S INDICTMENT THAT WAS FORGED BY THE UNITED STATES ATTORNEY WITHOUT EVER PRESENTING THE CASE TO A GRAND JURY AND WITH THE DEPARTMENT OF JUSTICE ADMITTING THAT NO GRAND JURY RETURNED THE INDICTMENT, SATISFY THE FIFTH AMENDMENT GRAND JURY CLAUSE OR DOES MITCHELL HAVE TO BE RELEASED IMMEDIATELY

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INTRODUCTORY PRAYER

Petitioners respectfully prays that the Honorable John Paul Stevens issue a writ of habeas corpus to remove the unlawful restraints and restore petitioner's liberty.

JURISDICTION

Justice Stevens' jurisdiction is found at 28 U.S.C. § 2241, 28 U.S.C. § 1651, Rule 20.1 & 2 of the Supreme Court Rules and Rule 22.1 of the Supreme Court Rules.

OPINIONS

The opinion from the district court for the District of Colorado and the Tenth Circuit Court of Appeals failing to grant habeas relief on behalf of Ronald Mitchell is found in the Appendix-A. In reference to Mitchell, certiorari review also vest jurisdiction in this court. As for Hazel, the original habeas jurisdiction is applicable.

CONSTITUTIONAL AMENDMENTS INVOLVED

USCA Amend. V. No person shall be held to

in complete violation of Due Process. Mitchell has been deprived of liberty for nineteen (19) years in complete violation of Due Process. The lower courts have ignored Mitchell's plea for judicial relief. The lower courts have applied procedural bars, made decisions regarding Subject Matter Jurisdiction that conflicts with the rule of law and this court, so far departed from the accepted and usual course of judicial proceedings, the appellate courts have sanctioned the district courts departures in such ways as to call for an exercise of this Courts supervisory powers.

WHY RELIEF CANNOT BE HAD IN ANY OTHER COURT

We have attached a copy of the Tenth Circuit Court Of Appeal and the District Court's ruling in a habeas proceeding for Mitchell and every lower court that he has applied for relief has taken the same approach. For both Hazel and Mitchell, the government is screaming successive petitions and using Antiterrorism And Effective Death Penalty Act (AEDPA) as a shield. Because the evidence of these most serious Due Process violations is unassailable, the lower courts should not have hesitated to grant relief. Mitchell has "Blizzarded" the convicting court and the Seventh Circuit Court of Appeals with motion before, and after, the enactment of AEDPA. Those courts would not reach the merits. Relief cannot, and will not, be obtained in any other court. This is the last resort.

STATEMENT OF THE CASES

In June, 1992, while housed at the Lorton, Virginia Reformatory, Hazel was charged along with Homer Richards with the murder

of Gregory Ford. Although Hazel is innocent of the crime, officials decided to use him as the "scapegoat." However, the case was never presented to a grand jury for return of the indictment and the conviction in the trial court was the product of manufactured perjury used by the government. The government never even filed the indictment with the district court. The district court, nor the Department of Justice, can locate a filed copy of the indictment. The response from the DOJ's Executive Office For United States Attorneys conveying these facts is found in Appendix-A.

In March, 1984, the U.S. Attorney for the Southern District of Illinois, prepared an indictment for a bank robbery charge, signed his name, the name of a so-called grand jury foreperson, filed the document with the court and prosecuted Mitchell with-that case ever being presented to a grand jury. See forged indictment, Appendix-B, letters from the clerk of the court for Southern Illinois verifying that there are no records of any grand jury proceeding in the court, Appendix-C & D, and a response from the EOUSA verifying that there are no records of any grand jury being in session when the indictment was forged, Appendix-E.

REASON FOR GRANTING THE WRIT

This court made it clear in Felker v. Turpin, 518 U.S. 651, 135 L.Ed.2d 827, 116 S.Ct. 2333 (1996), that it retained the power to grant original petitions for habeas relief. This Honorable Court held in Price v. Johnson, 92 L.Ed 1356 (1946), that,

> "the primary purpose of a habeas corpus proceeding is to make "[c]ertain that petitioner is 'not' unjustly imprisoned," and if for some reason he was previously unable to assert his rights or was unaware of the significance of relevant facts, it is neither necessary nor reasonable to deny him all opportunity of