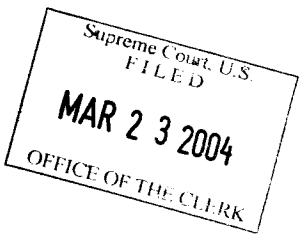
No. 03-0153

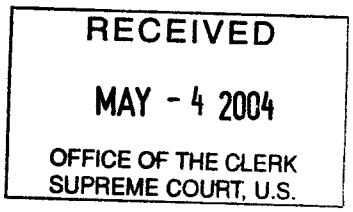
In the
Supreme Court of the United States



In re William Harry West

Verified Petition (Application) for the Issuance of a
Writ of Habeas Corpus under the Common-Law of England
Applicable Law in the State of Florida
a **perfect right** exercised by a Citizen and Inhabitant of Florida

* * * The Petitioner is **Unlawfully** Incarcerated * * *
The Petition is entitled to Preference



William Harry West, sui juris
in care of Reg. no. 04901-017, Unit F
FEDERAL PRISON CAMP
P.O. BOX 699
ESTILL, SC 29918-0699

GRIEVANCES AND ISSUES PRESENTED

Grievances

The instant Petition presents six (6) main grievances and issues to the Court. They are:

1. Failure of a UNITED STATES DISTRICT COURT (USDC) to recognize and **honor** the true character, capacity, and standing of the Petitioner (Reason to Grant the Petition I. and Exhibits M, N, I, and J).

2. Failure of the USDC to uphold the Petitioner's **perfect right**, as a Citizen and Inhabitant of Florida, to adjudication of an alleged violation **arising under** a "Law of the United States" in an Article III Court by a jury of his peers before a justice or judge exercising the **judicial Power** of the United States (Reason II. and Exhibit R).

3. Failure of the USDC to have a **valid** indictment upon which to proceed against the Petitioner (Reason III. and Exhibit D).

4. Failure of the USDC to seat Grand or Petit jurors who were the Petitioner's peers (Reason IV. and Exhibit H).

5. Failure of the USDC to act **in Law** while deceptively purporting to proceed under a "Law of the United States." The USDC may have acted wholly **commercially**, without proper disclosure to the Petitioner, all to the detriment of the Petitioner (Reason V. and Exhibits S, U, V, and W).

6. Failure of the United States to be a party to the case (Reason VI. and Exhibits P and V).

LIST OF PARTIES

The Petitioner:

William Harry West

incarcerated at:

in care of reg. no. 04901-017
FEDERAL PRISON CAMP
POST OFFICE BOX 699
ESTILL, SC 29918-0699

The Respondents:

UNITED STATES OF AMERICA
and
ATTORNEY GENERAL OF THE UNITED STATES

Represented by:

THE SOLICITOR GENERAL OF THE UNITED STATES
THEODORE B. OLSEN
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVE., N.W. ROOM 5614
WASHINGTON, D.C. 20530-0001

SUMMARY OF JURISDICTIONAL STATEMENT

In order to make this Petition brief and clear, this is a summary of the main points of the Court's jurisdiction over this Petition. Following the summary, the reasons for the existence of the Court's jurisdiction are set forth in detail.

The Supreme Court has Jurisdiction over this Petition for the following reasons:

1. The Supreme Court has appellate Jurisdiction to review the deprivation of constitutionally secured and common law rights.

2. The Supreme Court has appellate Jurisdiction to correct a fraud committed upon a Jury, a Court, or an American State Citizen.

3. The Petitioner is a Citizen and Inhabitant of Florida.

4. The Petitioner is **not** a citizen of the United States subject to its jurisdiction and debt.

5. The Petitioner elects **not** to be treated as a United States citizen.

6. The Supreme Court is the only Article III Court in The United States of America that will take jurisdiction under the **judicial Power.**

7. The Supreme Court is the **only** Federal Court which **lawfully** has personal (in personam) jurisdiction over the Petitioner.

8. The Supreme Court is the **only** Federal Court with lawful criminal jurisdiction over the "Laws of the United States."

9. The UNITED STATES DISTRICT COURT - NORTHERN DISTRICT OF FLORIDA (USDC-NDOF) did not have a valid indictment on which to execute process or proceed to trial.

10. A Petition for a Writ of Habeas Corpus was filed in the UNITED STATES DISTRICT COURT-DISTRICT OF COLUMBIA (USDC-DOC) as an Article III Court, but it would not take jurisdiction under the **judicial Power.**

11. The UNITED STATES COURT OF INTERNATIONAL TRADE (USCIT) would also not take jurisdiction over a Habeas application.

12. The USDC-NDOF, through legal Council, as an Officer of the Court, has refused after four written requests, to disclose its authority, power or jurisdiction.

13. The Petitioner has requested **commercial relief** from the USDC-NDOF but was ignored.

14. The Supreme Court has the authority to issue the Writ of Habeas Corpus.

16. Failure of the Supreme Court to hear this Petition suspends the Writ re: the Petitioner and denies him all access to the Judicial Department of the United States.

17. The Great Writ has not been lawfully suspended.

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
July 14, 2003
THOMAS K. KAHN
CLERK

No. 02-16544
Non-Argument Calendar

D.C. Docket No. 00-00048-CR-3-LAC

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MELODY I. ROSE,
WILLIAM HARRY WEST, et al.,

Defendants-Appellants.

Appeals from the United States District Court for the
Northern District of Florida

(July 14, 2003)

Before BLACK, CARNES and WILSON, Circuit Judges.

PER CURIAM:

Appellants Melody Rose, David Bishara, and William West appeal the district court's denial of their motion for a new criminal trial, following their convictions for various offenses, including wire fraud, securities fraud, and money laundering. At the conclusion of the trial, Appellants Rose and Bishara filed a motion to interview the members of the jury to determine whether the jury was exposed to extrinsic evidence during its deliberations. After holding an evidentiary hearing, the district court denied the motion. Appellants Rose and Bishara did not appeal this decision, but filed a motion for a new trial. Appellant West adopted this motion. The district court denied the motion for a new trial, and Appellants timely appealed.

We review a district court's denial of a motion for a new trial for abuse of discretion. *United States v. Cox*, 995 F.2d 1041, 1044 (11th Cir. 1993). District courts are given broad discretion to investigate and adjudicate allegations of juror misconduct. *United States v. Yonn*, 702 F.2d 1341, 1344 (11th Cir. 1983). This discretion "extends even to the initial decision of whether to interrogate the jurors." *Id.* at 1345. When a defendant claims he was convicted by a jury that had been improperly influenced by extrinsic evidence, the defendant must be given an opportunity to prove his allegation. *United States v. Brantley*, 733 F.2d 1429, 1439 (11th Cir. 1984). If the defendant is able to allege prejudicial misconduct,

the district court must conduct a full investigation, including interviewing all jurors. *Id.* If, after the defendant proffers his allegation, the evidence of misconduct is still speculative, the burden to investigate eases. *United States v. Caldwell*, 776 F.2d 989, 998 (11th Cir.1985).

Appellants' claim of juror misconduct was based on the testimony of two external witnesses. Wanda Laird owned the inn at which Appellants Rose and Bishara stayed during their trial. Laird allegedly told Rose that her neighbor, Michael Schofield, had an employee who was a member of Appellants' jury. The employee allegedly told Schofield that another juror told the jury that Rose had been associated with a bank that had been closed for money laundering, and that the bank Rose and Bishara worked for was not a real bank. The district court heard testimony from both Laird and Schofield. Laird repeated the facts alleged by Appellants. Schofield denied he ever discussed the case with Laird. The district court found Laird's testimony not to be credible, thereby rendering Appellants' allegations purely speculative, and denied Appellants' motion.

A review of the record reveals that the district court did not abuse its discretion by discrediting Laird's testimony. Without Laird's testimony, Appellants are unable to prove their allegations of juror misconduct, and the district court's limited investigation was sufficient. *See Caldwell*, 776 F.2d at 998.

Appellants present no evidence of juror misconduct in this motion for a new trial that was not presented in the previous motion to question the jurors, so the district court had no reason to conduct a new evidentiary hearing. The district court's denial of Appellants' motion for a new trial was not an abuse of its discretion.

AFFIRMED.