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Tuesday, 18 July 2017
Day 264 a free man

GENERAL STATEMENT OF OFFENSES:

Determined and frantic to block me from reporting the following information, and a great deal more criminal information regarding public corruption and government corruption to the McMinn County Tennessee grand jury, Messrs. Jeffrey Lane Cunningham and Larry D. Wallace and Joe Guy are all criminally responsible, in varying degrees, for targeting me the direct object of years of especially aggravated physical assaults, especially aggravated kidnapping, especially aggravated unlawful imprisonment and more especially aggravated state and federal felony criminal acts.

STATEMENT OF FACTS:

"The [United States] Supreme Court...held in *Rose v. Mitchell* (1979), the [Tipton County grand jury] foreman was not selected from among the local grand jury but instead from outside of it by a judge. Furthermore, the foreman had significant power in issuing subpoenas that could be influence the substance of an indictment. This did constitute a due process violation" (Marvin Zalman, *Criminal procedure, Constitution & Society*, 3rd Edition, pg. 425).

TREASON: "...discrimination in Tennessee's method of selection of the grand jury foreman 'not only violates our Constitution and the laws enacted under it but IS ALSO AT WAR with our basic concepts of a democratic society and a representative government' "(*Rose v. Mitchell* (1978) citing *Smith v. Texas* (1940), pg. 9).

"Under Tennessee's [method of selecting the county grand jury foreman], 12 members of the grand jury [are] selected at random...from a list of qualified potential jurors. The foreman, however, was separately appointed by a judge from the general

eligible population at large. The foreman then served as 'the thirteenth member of each grand jury organized during the term of office, having equal power and authority in all matters coming before the grand jury with the other members thereof.' The foreman selection process in *Rose* therefore determined not only who would serve as presiding officer, but also who would serve as the 13th voting member of the grand jury. The result of discrimination in foreman selection under the Tennessee system [is] that 1 of the 13 grand jurors [is] selected as a voting member in an **impermissible** fashion." (*Hobby v. United States*, pgs. 6,7).

"...the Tennessee method of selecting a grand jury foreman is susceptible of abuse" (*Rose v. Mitchell*, pg. 14).

INJURY AND HARM

"Given the nature of the constitutional injury alleged in *Rose*, the **peculiar manner** in which the Tennessee grand jury selection operated, and the authority granted to the one who served as foreman, the [Supreme] Court assumed in *Rose* that discrimination with regard to the foreman's selection would require the setting aside of a subsequent conviction, 'just as if the discrimination proved had tainted the selection of the entire grand jury [panel].' " (*Hobby v. United States*, pg. 7 citing *Rose v. Mitchell*).

"The harm is not only to the accused, indicted as he is by a jury from which a segment of the community has been excluded. It is to society as a whole. 'The injury is not limited to the defendant-there is injury to the jury system, to the law as an institution, to the community at large and to the democratic ideal reflected in the processes of our courts' " (*Rose v. Mitchell* (1979), citing *Ballard v. United States* (1946), pg. 9).

"An established principle of [the Supreme] Court's jurisprudence is that the injury caused by...discrimination in the formation of grand and petit juries is measured not only in terms of the actual prejudice to individual defendants but also in terms of the injury done to public confidence in the integrity of the judicial process. The federal Supreme Court declared: "[The] illegal and unconstitutional jury selection

procedures cast doubt on the integrity of the whole judicial process.” Discrimination in the selection of members to grand and petit juries: ‘...create the appearance of bias in the decision of individual cases, and they increase the risk of actual bias as well.’ ”(*Hobby v. United States*, pg. 8, citing *Peters v. Kiff* (1972)). “The opinion reasoned that unconstitutionally discriminatory jury selection procedures **create the appearance of institutional bias**, because the ‘cast doubt on the integrity of the whole judicial process’ ” ”(*Hobby v. United States*, pg. 4, citing *Peters v. Kiff* (1972)).

“When any large and identifiable segment of the community is excluded from jury service, the effect is to remove from the jury room qualities of human nature and varieties of human experience, the range of which is unknown and perhaps unknowable. It is not necessary to assume that the excluded group will consistently vote as a class in order to conclude, as we do, that its exclusion deprives the jury of a perspective on human events that may have unsuspected importance in any case that may be presented (*Hobby v. United States*, pg. 4).

A CONSEQUENCE...

The United States Court of Appeals for the Fourth District

“recognized,” the United States Supreme Court assumes, “...that discrimination in the selection of the foreman of a state grand jury would require that a subsequent conviction be set aside.” (*Hobby v. United States*, pg. 3 citing *Rose v. Mitchell*).

TUESDAY, 16 AUGUST 2016

TENNESSEE’S POSITION MOST RECENTLY STATED

Judge Lee V. Coffee (Shelby County):

It is a “silly notion” to affirm and proclaim U.S. Supreme Court rulings on Tennessee’s method of selecting county grand jury foremen by hand is discriminatory, unconstitutional and impermissible.

It is a "silly notion" to cite U.S. Supreme Court law as the present controlling legal authority regarding Tennessee's outlawed method empowering judges to handpick county grand jury foremen.

Judge Coffee exhorts it "a waste of time" to listen to arguments on point.

Tennessee law requires a minimum of thirteen (13) randomly selected people to populate a county grand jury entity. The common practice is to select only twelve, sometimes where a judge makes a personal selection (Note well: The U.S. Supreme Court alerted and warned this system "subject to abuse" 38-years ago).

Tennessee court judges, at their sole discretion, are **authorized by state law** to appoint county grand jury foremen. This is in **stark disobedience to federal law**.

Judge Coffee admits that the past twenty-six (26), since 1991, Coffee himself has personally selected only four (4) or (5) Shelby County grand jury foremen serving hundreds Shelby county grand juries.

Justifying Tennessee's outlawed practices, Judge Coffee dramatically admits Tennessee state statute law, state court rulings, state regulations and private state attorney David Louis Raybin as "authority."

Judge Coffee made no mention of the controlling legal authority of federal law set down in the Rose (1979) and Hobby (1984) federal cases.

Federal judicial commands notwithstanding, Judge Coffee admitted that Coffee and other Tennessee judges have decided, and will continue to decide, obedient to only state law and authority, whether or not the judges want to appoint the current grand jury foreman to continue. These judges enter an order appointing the county grand jury foreman either for the first time or reappointing, federal law be damned.

Tennessee courts hold that it is not a violation of state law to have a grand jury foreman serve for a long, uninterrupted period of time. Tennessee judges appoint and reappoint these grand jury foremen for as long twenty (20) or thirty (30) years.

In Shelby County, a recent example for instance, Dr. William Sweet served for years on end, until Dr. Sweet was nearly ninety (90) years old, and then professional, career grand jury foreman Dr. Sweet had to "RETIRE" from the office. Another example: Mr. Gary Pettway served for twenty-eight (28) consecutive years, from 1982 to 2010, serving fifty-six (56) consecutive Monroe County grand juries.

Here, in McMinn County, we face a situation where two senior bank officials, both from the same bank—Athens Federal Community Bank—Jeffery Lane Cunningham, then Larry D. Wallace, have illegally served since 2011. Cunningham and Wallace each illicitly serving before two county grand juries each year.

**FEDERAL COURTS OTHERWISE SHOUT THAT
UNCONSTITUTIONALLY DISCRIMINATORY JURY SELECTION
PROCEDURES CREATE THE APPEARANCE OF INSTITUTIONAL
BIAS!! FEDERAL JUDGES OUTLAWED TENNESSEE'S JURY
RIGGING SCHEME DECADES AGO!**

In a futile effort to stop me from reporting information recorded above and more, Cunningham, Wallace and Joe Guy, in especially aggravated assaults, kidnapped me and unlawfully locked me away for years.

I'm back now.

**FIVE FEDERAL COURTS FINDING IMPERMISSIBLE,
UNCONSTITUTIONAL DISCRIMINATION:**

1. (Circa 1977 - 78): **MAGISTRATE JUDGE** inferior to the United States COURT FOR THE WESTERN DISTRICT OF TENNESSEE: Concluded that an un rebutted *prima facie* case with respect to the selection of the foreman was actionable (*Rose v. Mitchell*, pg. 5).

2. (Circa 1977): **The United States COURT FOR THE WESTERN DISTRICT OF TENNESSEE** went along with the magistrate and ordered Tennessee state officials to make further response on the question of the method of selection of county grand jury foremen and granted permission for an appeal to the federal circuit appellate court (*Rose v. Mitchell*, pg. 5).

3. The **United States COURT OF APPEALS FOR THE SIXTH CIRCUIT REVERSED** (*Rose v. Mitchell*, pg. 5).

4. (Circa 1983): **The United States COURT OF APPEALS FOR THE FOURTH DISTRICT** "recognized," the United States Supreme Court assumes, "...that discrimination in the selection of the foreman of a state grand jury would require that a subsequent conviction be set aside." (*Hobby v. United States*, pg. 3 citing *Rose v. Mitchell*).

5. 1979 - 1984: **The United States SUPREME COURT (SCOTUS)!** It was in 1979 SCOTUS granted judicial review to specifically consider Tennessee's method of selecting county grand jury foremen (*Rose v. Mitchell*, pg. 6).

HERE ENDTH THE LESSON,

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