IN THE SUPREME COURT
OF THE UNITED STATES

IN RE ROBERT K. HUDNALL

Robert K. Hudnall – Petitioner

vs.

State Bar of Georgia – Respondents

PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS

SUPREME COURT OF THE STATE OF GEORGIA
(NAME OF COURT THAT LAST RULED ON THE MERITS OF THE CASE)

ROBERT K. HUDNALL

5823 N. MESA, #839

EL PASO, TEXAS 79912

915-478-1114

QUESTION PRESENTED

May a State Supreme Court that is granted only appellate jurisdiction as a matter of law by the state constitution:

1. Exercise personal jurisdiction without service of process on Petitioner which included no notice of charges, no hearing and no opportunity to be heard?
2. Take unto itself subject matter jurisdiction over an issue through some vague belief in the inherent powers of the State Supreme Court to exceed its constitutional authority by acting as a court of original jurisdiction?
3. Hold a secret hearing in absentia, allowing only prosecutorial submissions of evidence and issue a decision based on these submissions?
4. Accept the General Counsel of the State Bar's unsupported word (hearsay) as evidence which was in turn based on a forged document that was not submitted to the court and was not even legally admissible in any court in the state under Georgia state law?
5. Accept a conflict of interest in which those acting as prosecutors, the members of the Office of General Counsel of the State Bar, were actually employees of the Court, while denying Petitioner the right to have representatives at said secret hearing or to even know about the hearing?

LISTS OF PARTIES

The following is a list of all parties to the proceeding in the court whose judgement is sought to be reviewed:

The State Bar of Georgia

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NOTE: THE U.S. SUPREME COURT IS ALREADY IN POSSESSION OF 10 COPIES OF THE BOOK WRITTEN BY PETITIONER ABOUT THE CRIMINAL CONSPIRACY ENTITLED *WHY WOULD THEY SAY IT*?

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Petitioner respectfully prays that an Extraordinary Writ of Mandamus issue to review the judgement below and would also show this court that exceptional circumstances warrant the exercise of the Court's discretionary powers. Petitioner would show that what was done to him by the Supreme Court of the State of Georgia was punishment for being a traitor to his race due to his attempts to blow the whistle on a criminal enterprise consisting of judges and attorneys in that state who conspired to steal property from minority citizens of the state. If this court will not exercise its discretionary powers, adequate relief cannot be obtained in any other forum or from any other court.

Be it further known that Petitioner is by way of this Petition reporting the violation of numerous laws to this Court by judges and attorneys to coverup the conspiracy, the discovery of which led to this persecution by the State of Georgia.

OPINIONS BELOW

In the Matter of Robert K. Hudnall, 259 Ga. 247, 379 SE2d 517 (Ga. 1989) (Appendix A)

JURISDICTION

The original order by the Supreme Court of the State of Georgia was entered May 25, 1989 (Appendix A). The order of the Georgia Supreme Court refusing to accept Petitioner's Motion for Rehearing was dated March 17, 1994 (Appendix B) The denial of Petitioners Request for Reconsideration was dated August 2, 2018 (Appendix C).

Jurisdiction in this Court is invoked under 28 U.S.C. Section 1257(a). This writ will be in aid of the Court's appellate jurisdiction in that a State Supreme Court has decided a constitutional issue contrary to previously existing U.S. Supreme Court decisions. The decree of May 25, 1989 was granted without the State Supreme Court having either subject matter jurisdiction as a matter of State Law or personal jurisdiction over the Petitioner as required by both Constitutional law as well as previous decisions by the U.S. Supreme Court. Lacking even personal jurisdiction rendered this decision void on its face and could have been set aside by any court, at any time, but no court has agreed to hear the issue citing full faith and credit and judicial discretion (Rule 20.1)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following Constitutional Provisions, Treaties, Statutes, Ordinances and Regulations have a bearing on this case.

- **Article VI, Clause 2 (Supremacy Clause) of the U.S. Constitution**
- **Due Process Clause of the 5th and 14th Amendments to the U.S. Constitution**
- **Equal Protection Clause of the 14th Amendment to the U.S. Constitution.**
- **Constitution of the State of Georgia, Article I, Section I, Paragraph 2.**
- **Constitution of the State of Georgia, Article VI, Section VI, Paragraph 2.**
- **Georgia Code Annotated, Section 15-19-30.**

- **Georgia Code Annotated, Section 15-19-32.**
- **Georgia Code Annotated, Section 9-10-91.**
- **Federal Rules of Civil Procedures, Chapter 8 – Judgments, Rule 60: Relief from Judgment or Order – Rule 60(b)(4)**
- **Georgia State Bar Rule 4-201(d)**
- **Federal Rules of Evidence, Rule 43.**

STATEMENT OF THE CASE

In the late 1980's, Petitioner was a licensed attorney in the State of Georgia representing minority clients in a federal court. During the proceedings, Petitioner became aware of a criminal conspiracy comprised of Judges and attorneys to defraud and take the property from minorities under the color of law.

In one particular case, Petitioner's clients were cash poor but wealthy in property. They had decided to file for bankruptcy and Petitioner was asked to represent them in this case. He replaced an attorney by the name of Pfife Whiteside, the protégé of the Bankruptcy Trustee. Mr. Whiteside was incensed that Petitioner replaced him as attorney for these clients.

A few days into his representation, Petitioner was invited to lunch by Superior Court Judge John H. Land. Judge Land made him aware of the existence of a "special bar" that worked to enrich its members. John H. Land told Petitioner that he was interfering with a perk that Whiteside was entitled to and that Petitioner needed to drop the case. When Petitioner questioned Judge Land about why he should withdraw, he was told by Judge John H. Land that "*Niggers, Queers and Spics don't*

need to own property, they don't know what to do with it.[1]" As outlined in his book ***Why Would They Say It***[2]?, Judge Land went on to explain to this Petitioner how cooperation would result in great riches for Petitioner at the expense of those who shouldn't have it anyway. Petitioner refused to withdraw from the case and was informed by Judge Land that he would be punished by the State Bar for being a traitor to his race.

Petitioner went to the Office of the U.S. Attorney in Atlanta to report what had been said to him by the Judge as well as the threats for refusal to cooperate. After Petitioner left, the Office of the U.S. Attorney called the Office of General Counsel of the State Bar of Georgia and reported that Petitioner was not a team player and had come to them as a whistleblower.

After this meeting in Atlanta, Petitioner was openly called a traitor to his race by the local judges for his actions attempting to protect the rights of his minority clients[3]. The harassment by the State Bar and local parties resulted in Petitioner being forced to close his practice and leave the state in 1986. It should be noted that after 1986, Petitioner had no contacts nor conducted any business in the State of Georgia.

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[1] This was a direct quote from Judge Land to the Petitioner.

[2] This court has been furnished with 10 copies of the book previously reporting all of the illegal activity by the various parties but has refused to pay any attention to it.

[3] This case involved the Bankruptcy Court. A full description of how the Bankruptcy Trust was being raided to enrich local attorneys and judges is contained in ***Why Would They Say It?***

Beginning in late 1986, Paul B. Cohen, an assistant General Counsel in the State Bar of Georgia began a campaign of harassment demanding that Petitioner resign. When Petitioner asked him why he should resign he was told that "they" wanted him to. In spite of numerous requests by Petitioner, he never would identify who "they" were that wanted Petitioner to resign.

In 1989, the State Bar of Georgia prepared what was called a **Petition for Voluntary Surrender of License** which purported to be Petitioner's resignation from the practice of law as well as the admission that he had committed numerous violations of the law. The document was actually written by Paul B. Cohen, Assistant General Counsel of the State Bar of Georgia. Petitioner never saw the document purporting to be his **Petition for Voluntary Surrender of License** prior to the hearing in absentia before the State Supreme Court and certainly did not sign it, as is confirmed by reports prepared by two handwriting experts **(Appendix D and E)** that the signature cannot be said to be that of Petitioner. Some unknown party signed Petitioner's name to the document and it was the basis for the Bar making a recommendation to the State Supreme Court that Petitioner's alleged resignation be accepted, though according to the final judicial decision, the document itself was never admitted into evidence.

In May of 1989, the State Bar, an arm of the State Supreme Court under the law asked for a hearing to remove Petitioner from the Bar which was held in secret

before the State Supreme Court. During this trial in absentia[4], the only so-called evidence submitted was the recommendation of Paul B. Cohen that the **Petition for Voluntary Surrender of License** be accepted as Petitioner's resignation, and Petitioner lose his license to practice law. The Court placed him in a status of being tantamount to disbarment without giving him the benefit of State law, allegedly acting under its inherent right to regulate the Bar as formalized under O.C.C.A., Section 15-19-30 (**Appendix F**) and O.C.G.A. Section 15-19-32 (**Exhibit G**).

It should be noted, however, that in its alleged zeal to follow the law that the State Supreme Court did violate the law under the provisions of **O.C.G.A. Section 15-19-32 (Appendix G)**. Under this statute, the rules governing the unified state bar shall provide that before a final order of any nature or any judgment of disbarment is entered the attorney involved may elect to have any material issues of fact determined by a jury in the superior court of the county of his residence.

The word tantamount is defined as equivalent in seriousness to or virtually the same. So, by placing Petitioner in a category tantamount to disbarment without a hearing as required by **O.C.G.A. Section 15-19-32**, the Supreme Court of the State of Georgia not only violated Petitioner's rights but violated state law as well.

The State Supreme Court did not enter an order of disbarment in regard to Petitioner because it could not under state law, absent a hearing, but the Office of General Counsel of the State Bar has reported to anyone and everyone that Petitioner

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[4] Federal Courts have long refused to hold trials in Absentia under Rule 43 of the Federal Rule of Criminal Procedure and the U.S. Supreme Court decisions have taken the same position.

was disbarred by the State Supreme Court. In spite of Petitioner literally begging for a hearing, he has been denied one for almost thirty years. According to the wording of the decision rendered by the Court only the unsupported word of Paul B. Cohen was submitted as evidence that Petitioner had done anything wrong and his unsupported word was accepted as evidence though it was in actuality hearsay and not admissible under the Georgia Rules of Evidence hearsay was inadmissible, therefore, even the recommendation of the Office of General Counsel being based on the contents of an inadmissible document was inadmissible hearsay. Petitioner was not even made aware of the decision but had to find out two years later from a friend.

For almost thirty years the Supreme Court of the State of Georgia has refused to even look at what happened in the trial in absentia, and the Office of General Counsel has stalked Petitioner across five states reporting that the Petitioner was disbarred to every employer and prospective employer and even going so far as to interfere with his rights to employment and re-employment under USERRA. What is sad that these so-called upholders of the law have even resorted to bribery, conspiracy and suppression of evidence in order to keep Petitioner from being admitted to any other State Bar.

REASONS FOR GRANTING THE WRIT

The U.S. Supreme Court is the court of last resort and is the final judge in all cases involving laws of Congress and the rights and privileges mandated by the Constitution. Therefore, this Court has a duty to determine if Petitioner received the due process of law to which he was, and is, entitled under the Bill of Rights of the U.S. Constitution.

For this reason, we should now determine if the Supreme Court of the State of Georgia had subject matter jurisdiction over the issue at hand?

Over the last thirty years, the Supreme Court of the State of Georgia, through its arm, the State Bar of Georgia has used every method possible to block Petitioner form receiving his constitutionally mandated hearing in this matter. These methods have ranged from threats by Paul Cohen to have Petitioner prosecuted, to requests to judges in other jurisdictions before whom Petitioner has appeared to grant the Georgia decision full faith and credit as well as sending out unsigned copies of the so-called **Petition for Voluntary Surrender of License** just as if the document had been submitted to and accepted as valid by the Court, communicating with other Bars and employers to notify them that Petitioner was disbarred for stealing from clients, suppression of evidence in other hearings involving these issues and finally outright bribery of a state official in New Mexico by Robert Goldstucker, Esquire, attorney for the State Bar of Georgia (**Appendix H**).

As to the question presented, it concerned whether or not the Supreme Court of the State of Georgia, an appellate court whose limited jurisdiction was specifically set by the Constitution of the State of Georgia could expand its own jurisdiction to hear cases of original jurisdiction. The State Supreme Court of Georgia heard this matter as a case of original jurisdiction which was outside the scope of its Constitutionally mandated jurisdiction.

According to Paul Cohen, Assistant General Counsel of the State Bar of Georgia, the Court has inherent powers to do whatever it wants to do. Inherent powers consist of all powers reasonably required to enable a court to perform

efficiently its judicial functions, to protect its dignity, independence and integrity and to make its lawful decisions effective. In this case, the Supreme Court of the State of Georgia expanded its jurisdiction to decide, in a method more befitting a star chamber, a case of original jurisdiction that required decisions be made by the finders of fact (a jury) under Georgia law.

There were no enabling laws that allowed such an expansion of its constitutionally mandated powers. Hence, the case originating at the State Supreme Court level was a violation of Petitioner's due process of law. Nowhere was there any authorization for the State Supreme Court to act as a court of original jurisdiction and even the so-called inherent powers of the court have been defined as those necessary to carry out its assigned duties. As an appellate court, it had no need to have original jurisdiction to carry out its assigned duties under the law but took it in order to punish as well as destroy the credibility of Petitioner in order to protect the criminal judges and attorneys stealing property from minorities.

The Supreme Court of the State of Georgia is unusual among state high courts in that, while it sets forth and implements the rules for admitting new lawyers to the state bar, it does not formally conduct the admissions. Under the provisions of **Article VI, Section VI, paragraph 2 of the 1983 Constitution of the State of Georgia**, the State Supreme Court was (and is) *a court of review and shall exercise exclusive jurisdiction only, over constitutional cases and election contest cases. The Court also has general appellate jurisdiction over land title, will and equity cases, divorce and alimony cases, certified cases, death penalty and Writs of Habeas Corpus*

or certiorari. The Court may also exercise jurisdiction over the Georgia Court of Appeal cases found to be of great public importance.

As a matter of state constitutional law, the Supreme Court of the State of Georgia was granted no original jurisdiction in any type of case and has no subject matter jurisdiction to decide the case regarding this Petitioner and cannot grant itself powers not delegated to it by the State Constitution even though some mythical inherent powers.

The case cited as **In the Matter of Robert K. Hudnall**, 259 Ga. 247, 379 SE2d 517 (Ga. 1989) was decided solely by the State Supreme Court in absentia under some mythical inherent authority to hear cases of original jurisdiction. Additionally, the conduct of the State Supreme Court and the Office of General Counsel of the State Bar of Georgia violated every single constitutional right to which Petitioner was entitled as well as every legal protection enumerated under state law.

It should also be noted that as of 2000 changes to the rules require that such actions as this properly begin in the State Superior Court where the defendant, accused attorneys, are given their rights as mandated under the U.S. Constitution. It is Petitioner's belief that his case was handled in this cavalier fashion in order to coverup Petitioner's allegations of criminal activity by members of the judiciary and the State Bar and punish him for interfering with the fleecing of minority members of the community.

Petitioner would also point out in addition to the rights he was entitled to under the U.S. Constitution, this Court has held since 1871 that *in order to revoke or*

suspend the license of an attorney, the law requires that there should be an accusation and charges, a notice and a day in court and cannot be done summarily by order of the court. The law makes no difference between an attorney and other holding office during good behavior and other vested rights to be taken away by due process of law, and requires ***in every case or proceeding to take away such office, right or franchise****, that the party shall have notice and an opportunity to be heard, before the court can acquire jurisdiction to adjudicate and that jurisdiction is limited to the exercise of a legal discretion by a court and does not include the arbitrary acts of a judge*[5]. In other words, the accused is entitled to due process of law, which was denied to the Petitioner.

The proceeding cited as **In the Matter of Robert K. Hudnall**[6] was done in secret with no notification to Petitioner of accusation or charges, notice, or a day in court being made available to Petitioner. This is a clear violation of not only the rights to which Petitioner was entitled under the **Due Process Clauses**[7] found in the Bill of Rights of the U.S. Constitution as well as the prior decisions of this Court which, under the **Supremacy Clause**[8] of the U.S. Constitution are the law of the land and

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[5] **Bradley v. Fisher**, 60 U.S. 335, 335, 20 L.Ed. 645 (1871)

[6] **In the Matter of Robert K. Hudnall**, 259 Ga. 247, 379 SE2d 517 (Ga. 1989)

[7] The **Due Process Clauses** are found in the 5th and 14th Amendments to the U.S. Constitution.

[8] The **Supremacy Clause** is found in Article VI, Clause 2 of the U.S. Constitution.

must be used as guidance by the lower courts[9]. Thus, there is no legal basis in either state or federal law for the State Supreme Court of Georgia having subject matter jurisdiction over this matter or granting itself the power to hear original jurisdiction cases.

Now let us look at the question of whether the State Supreme Court of Georgia has personal jurisdiction over the Petitioner in order to hear this case.

In fact, even assuming that there exists some sort of mythical powers that allow the State Supreme Court to hear original jurisdiction cases, there is still the issue of a requirement that the State Supreme Court must have personal jurisdiction over this Petitioner in order for the Court to actually have jurisdiction to allow it to hear this matter, mythical inherent powers notwithstanding.

It should not need to be said, but apparently the Office of General Counsel missed it, but the mere fact that Petitioner held a license to practice law in the State of Georgia did not automatically grant the State Supreme Court personal jurisdiction over Petitioner. It must be admitted that it is true that under the provisions of

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[9] It should be noted at this point that Superior Court Judge John H. Land was an avowed racist and viewed as the most powerful judge in the state, the power behind state government. The actions of the State Supreme Court and the State Bar in railroading Petitioner were in furtherance of the conspiracy of Judges and attorneys in the state to steal land from minority citizens as outlined in ***Why Would They Say It***?

International Shoe Co. v. Washington[10], a party may be subject to the jurisdiction of a state court if he or she or it, in the case of a corporation, has "minimum contacts" with the state. The important question is whether or not Petitioner had the required minimum contacts with the State to warrant service of process.

Under the Georgia Long Arm Statute[11], for any Georgia court to have jurisdiction to act, which includes the State Supreme Court, it must first find that the defendant meets one of the enumerated statutory criteria[12] for being forced to be subject to the court's power. According to Georgia law, a court of this state may exercise jurisdiction over any resident . . . as to a cause of action arising from any of the acts enumerated in this code section if he or she:

1. Transacts any business in the state;
2. Commits a tortious act within this state, except defamation;
3. Commits a tortious injury in this state caused by an act outside the state if the tortfeasor regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue form goods used or consumed or services rendered in this state;

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[10] **International Show Co. v. Washington**, 326 U.S. 310 (1945)

[11] Official Code of Georgia Annotated (O.C.G.A. Section 9-10-91)

[12] **First United Bank of Mississippi v First National Bank of Atlanta**, 255 Ga. 505, 506, 340 S.E.2d 597 (1986)

4. Owns real property[13] within this state;
5. With respect to proceedings for domestic relations maintains a matrimonial domicile in this state; or
6. Has a domestic relations order if the action involves modification, or enforcement of such order.

Petitioner would show that as a direct result of the harassment by the Office of General Counsel of the State Bar which literally forced him to close his practice in Columbus, Georgia, and resulting in him losing his home, Petitioner left the state of Georgia in 1986 to become a California resident. He never returned to the State of Georgia nor had any business contacts there. Therefore, in regard to the basis for using the Long Arm Statute to obtain jurisdiction over Petitioner, Petitioner would show as follows:

1. Transacted no business in the state after 1986.
2. Committed no tortious act within the state;
3. Committed no tortious injury in the state caused by an act outside the state;
4. Owned no real property within the state (Lost home due to harassment by the State Bar which ruined law practice[14];

[13] Under Georgia law, real property is defined as land and any property attached directly to it, such as buildings.

[14] While the U.S. Supreme Court has held that a law license is property, it is not real property in the meaning of real property as real estate in this statute.

5. Had no marital domicile within the state as wife left as a result of the collapse of the law practice;
6. No domestic relations order or modification or enforcement of such order.

Therefore, since there was no basis under Georgia law for there to be service of process on Petitioner in California or anywhere else outside the borders of the State of Georgia, there was no basis for there even to be service allowed under the Long Arm Statute. However, what makes the conduct of the State Bar of Georgia even more egregious, under the provisions of **Pennoyer v. Neff**[15] the U.S. Supreme Court held that the Court can exert personal jurisdiction over a party only if that party is serviced with process while physically present in the state and Petitioner was never in the state after 1986[16].

The issue addressed in **Pennoyer v. Neff** was whether a state court has personal jurisdiction over a non-resident when such non-resident (a) did not voluntarily appear before the court; (b) was not personally served with process while within the state; and (c) the non-resident held property within the state at the time of the original lawsuit.

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[15] **Pennoyer v. Neff**, 95 U.S. 714 (1878)

[16] It should be remembered that no one made any effort to have process served on Petitioner in any regard and the State Supreme Court never had the power to issue process. So how did they plan to bring Petitioner to court? Clearly there was never any intention to give Petitioner a fair and impartial hearing.

Petitioner would show that he did not appear voluntarily before the court[17] and was not personally served with process while within the state and held no property within the state at the time of this action. Therefore, under the provisions of **Pennoyer v. Neff**, the Supreme Court of Georgia, even assuming, in some convoluted fashion, that the State Supreme Court could believe that it had subject matter jurisdiction in this matter, it certainly did not have personal jurisdiction over this Petitioner and even more telling it actually made no effort to establish personal jurisdiction. Therefore, the State Supreme Court could not issue any orders against this Petitioner and the decision that was issued was void as a matter of law.

Additionally, under the provisions of the holding in **Pennoyer v. Neff**, it was very clear that for personal jurisdiction to attach, the notice to the defendant must be **actual notice**, not constructive notice. Actual notice would require service of process. It goes without saying that as an appellate court, the Supreme Court of the State of Georgia did not have the authority to serve process on anyone, much less this Petitioner as it was as a matter of law under the State Constitution, the State Supreme Court was a court of review.

Therefore, the State Supreme Court of Georgia was powerless to give actual notice to Petitioner as required under the holding in **Pennoyer v. Neff**[18] and the Office of General Counsel could bring charges only if it brought this case in a superior court in the county in which Petitioner formerly practiced. Bringing this matter in

[17] The hearing was actually held in absentia with not notice of anything being served on Petitioner.

[18] **Pennoyer v. Neff**, 95 U.S. 714 (1878)

any other court, violated **O.C.G.A. Section 15-19-32 (Appendix G)**. However, even then it would have had to establish personal jurisdiction which was not possible under the holding in **Pennoyer v. Neff**.

If a court does not have personal jurisdiction over the defendant, it is a basic tenet in American law that its rulings and decrees cannot be enforced upon a party except by comity and comity does not apply in this matter[19]. Therefore, the State Supreme Court of Georgia's decision regarding this Petitioner cannot be enforced as a matter of law, however, not only has it been enforced, but agents of the State Supreme Court have committed fraud on the court in New Mexico and Texas, ordered the suppression of evidence and bribed a state official to keep Petitioner from being admitted to the New Mexico Bar and committed fraud on the court in over a dozen federal and state courts where Petitioner has brought action to have the decision set aside as void. These same agents have even interfered with Petitioner's rights under USERRA.

The State Bar of Georgia has argued that this decision by the Supreme Court of the State of Georgia[20] is entitled to full faith and credit under the **Full Faith and Credit Clause** of the U.S. Constitution. While the Full Faith and Credit Clause

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[19] **Rose v. Himely**, (1808) 4 Cranch 241, 2 L.Ed. 608; **Pennoyer v. Neff**, (1877) 95 U.S. 714, 24 L.Ed. 565; **Thompson v. Whitman** (1873) 18 Wall 457, 21 L.Ed. 897; **Windsor v. McVeigh** (1876) 93 U.S. 274, 23 L.Ed. 914; **McDonald v. Mabee** (1917) 243 U.S. 90, 37 S.Ct. 343, 61 L.Ed. 608; ***U.S. v. Holtzman***, 762 F.2d 720 (9th Cir. 1985)

[20] **In the Matter of Robert K. Hudnall**, 259 Ga. 247, 379 SE2d 517 (Ga. 1989)

would appear to initially apply, this clause is not final, there is a review that must take place. In **McElmoyle v. Cohen**, 38 U.S. (13 Pet) 312[21], the U.S. Supreme Court held that out of state judgments are subject to the procedural law of the states where they are enforced, notwithstanding any priority accorded in the states in which they are issued.

In other words, did the defendant receive due process of law in the original action? If there was no due process of law leading up to the issuance of the decision in question, then the decision is not entitled to full faith and credit in other states. In this case, the definition of due process of law was enumerated by the U.S. Supreme Court in **Bradley v. Fisher**[22]. Further, the U.S. Supreme Court specifically addressed the issue of disbarment proceedings in a case cited as **In Re Ruffalo**[23]. In this case, the U.S. Supreme Court held that a lawyer charged with misconduct in a disbarment proceeding is entitled to procedural due process which includes fair notice of charges. Later in the same opinion, the Court stated that the absence of fair notice as to the reach of the grievance procedure and the precise nature of the charges deprive petitioner of procedural due process. If there was no due process in the original decision, the decision was not entitled to Full Faith and Credit.

Petitioner would point out that every other court he has been to has without question accepted the request by agents of the State Bar of Georgia for deference to

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[21] **McElmoyle v. Cohen**, 38 U.S. (13 Pet) 312

[22] **Bradley v. Fisher**, 60 U.S. 335, 20 L.Ed. 645 (1871)

[23] **In Re Ruffalo**, 390 U.S. 544 (1967)

be paid to the decision of the Georgia Supreme Court without allowing Petitioner his right to due process in the other courts. Since these decisions by the U.S. Supreme Court regarding due process were the law at the time his rights were violated, Petitioner would believe that he has the right, as a 100% disabled veteran, to expect his rights to be protected by the courts of the country he served and that he would be afforded these rights as have been granted to numerous others, even those who have entered this country illegally.

Failure or refusal to grant Petitioner his right to due process under the U.S. Constitution and existing decisions of the U.S. Supreme Court by any Court actually denies Petitioner equal protection under the law and is a decision that is outside the power of any judge in any court and thus not covered by judicial immunity.

Petitioner would point out that the **Equal Protection Clause** is part of Section 1 of the **14th Amendment** to the U.S. Constitution. The clause, which took effect in 1868 provides that no state shall deny any person within its jurisdiction the equal protection of its laws.

This clause raises another point regarding the justice to which Petitioner has been afforded to this point. The Equal Protection Clause is very clear that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor deprive any person of life, liberty, or property without due process of law, nor deprive any person within its jurisdiction the equal protection of the laws.

It is very clear at this point that the Supreme Court of the State of Georgia acted without, at a minimum, personal jurisdiction over Petitioner to deprive Petitioner of his right to practice law and has extended its might and influence, not to mention its' pocketbook, to make that deprivation nationwide (**Appendix H**). Since the Supremacy Clause makes decision of the U.S. Supreme Court the law of the land and the U.S. Supreme Court in a case cited as **The Supreme Court of New Hampshire v. Piper**, 470 U.S. 274, 105 S.Ct. 1272, 84 L.Ed. 2d 205 (1985)[24] held *that the right to practice law is a fundamental right and therefore protected by the Privileges and Immunities Clause of the Fourteenth Amendment of the U.S Constitution. Since this is a U.S. Supreme Court ruling this* decision should apply to Petitioner's case under the Equal Protection of the Law Clause. However, the Supreme Court of the State of Georgia refused, when Petitioner filed for reconsideration after finding out about the trial in absentia, to even acknowledge the existence of this decision.

It is Petitioner's position that the Georgia Supreme Court was and continues to be afraid to give Petitioner the hearing required under the law to deprive him of a fundamental right because something might come out as to the conspiracy that exists among certain attorneys and judges in that state to steal property from minorities. It should also be noted that Petitioner has gone to numerous law enforcement agencies and reported his allegations and offered evidence and been rebuffed. It has become

[24] **The Supreme Court of New Hampshire v. Piper**, 470 U.S. 274, 105 S.Ct. 1272, 84 L.Ed. 2d 205 (1985)

very clear that among the defenders of the law currently in our federal agencies, judges are above the law, even those who violate the law themselves.

From a reading of the decision in **In the Matter of Robert K. Hudnall**[25], the action was treated as an administrative matter and then converted to a judicial ruling with no notice to Petitioner. The federal courts in **Mildner v. Gulotta**[26], have held that attorney disciplinary proceedings must be viewed as judicial rather than administrative.

As to whether this was a criminal action or a civil action, the U.S. Supreme Court has held in **Geiger v. Jenkins**[27], that actions by state agencies to take the license to practice away from a professional *are criminal in nature.* Under this holding, the accused was, and is, entitled to the protections normally given to individuals accused of crimes. The Supreme Court of Georgia afforded Petitioner no such protections and the Office of General Counsel, when Petitioner raised the issue after he learned of the secret hearing refused to respond, merely saying that there is no constitutional right to practice law and that under Georgia law, an accused attorney has no rights.

Now the question is, can a court hold a secret hearing in absentia and allow only prosecutorial submissions of evidence?

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[25] **In the Matter of Robert K. Hudnall**, 259 Ga. 247, 379 SE2d 517 (Ga. 1989)

[26] **Mildner v. Gulotta**, 405 F.Supp. 182 (1975)

[27] **Geiger v. Jenkins**, 401 U.S. 985 (1971)

It is well settled in American law, but apparently it needs repeating. For over 100 years, courts in the United States have held that according to the United States Constitution, a criminal defendant's right to appear in person at their trial, as a matter of due process, is protected under the 5th, 6th and 14th Amendments to the U.S. Constitution. So now the question is, was this a criminal proceeding that was conducted in secret by the State Supreme Court of Georgia? According to the holding in **Geiger v. Jenkins**[28], if this matter were properly heard it was in fact a criminal proceeding.

The hearing in absentia was a complete denial of the due process to which Petitioner was entitled. The United States Supreme Court in **Grannis v. Orlean**[29], held that the fundamental requisite of due process of law is the opportunity to be heard. The court went on to say that this right to be heard has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to appear or to default, acquiesce or contest. As this matter was heard in a secret hearing with no actual notice to Petitioner, Petitioner clearly was afforded no due process of law of any sort.

It should also be noted that the U.S. Supreme Court has also held that a judgment of a court without hearing the party or giving him an opportunity to be

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[28] **Geiger v. Jenkins**, 401 U.S. 985 (1971)

[29] **Grannis v. Orlean**, 234 U.S. 385, 394

heard is not a judicial determination of his rights and is not entitled to respect in any other tribunal[30].

In 1993, the United States Supreme Court held in **Crosby v. United States**[31] that **Rule 43 of the Federal Rules of Criminal Procedure** does not permit a trial in absentia of a defendant who is absent at the begining of the trial. If the Defendant flees after trial starts it can continue, but if he is absent from the state prior to the beginning of the trial, it may not proceed. In this case, Petitioner had been gone from the state for over three years, the hearing was held in secret with no actual notice to Petitioner nor service of process which resulted in the court having no personal jurisdiction over Petitioner and therefore could not render a decision in regard to Petitioner. Georgia law is basically silent on trials in absentia, but it is clearly a violation of due process.

Now we must ask if the State Supreme Court could accept only the General Counsel of the State Bar of Georgia's unsupported word which was based on a forged document that was not and is not admissible in any court in the state of Georgia as a matter of law?

The decision rendered **In the Matter of Robert K. Hudnall**[32], makes it clear that the State Supreme Court acted solely on the recommendation of the General Counsel of the State Bar of Georgia in placing Petitioner in a status tantamount to

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[30] **Sabariego v. Maverick**, 124 U.S. 261, 31 L.Ed 430, 8 S.Ct. 461.

[31] **Crosby v. United States**, 506 U. S. 255 (1993)

[32] **In the Matter of Robert K. Hudnall**, 259 Ga. 247, 379 SE2d 517 (Ga. 1989)

disbarment. The document in question styled as **Petition for Voluntary Surrender of License** was purportedly Petitioner's admission to numerous violations of the State Bar Rules and his voluntary surrender of license.

However, as shown in the book by Petitioner entitled **Why Would They Say It?**, the document in question was actually written by Paul B. Cohen, Assistant General Counsel of the State Bar of Georgia, not Petitioner. The validity of the signature on the document has also been questioned by two handwriting experts. The State Bar of Georgia has shown no evidence that the document was signed by Petitioner or even seen by him prior to being used as the basis for the recommendation to the Court[33].

As for the document itself, under Georgia law, the issue of whether or not it was signed by Petitioner was a question of fact that could only be decided by a jury[34]. It would seem to this Petitioner that the argument that the State Supreme Court has inherent power to act as a court of original jurisdiction would not extend to also granting the State Supreme Court the power to act as a jury. If the State Supreme Court does have such broad inherent power, why do we need juries or even defense counsels in any court?

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[33] It should also be noted that by the terms of the order, it does not appear that the document in question was ever submitted to the Court, just the General Counsel's unsupported word was accepted.

[34] **Borders v. City of Macon**, 18 Ga. App. 333, 89 S.E. 451 (1916), **Bate v. State**, 18 Ga. App. 718, 90 S.E. 481 (1916), **Rogers v. Rogers**, 2 Ga. App. 548, 184 S.E. 404 (1936), **Notis v. State**, 84 Ga. App. 199, 65 S.E.2d 622 (1951), **Gualding v. Courts**, 90 Ga. App. 472, 83 S.E.2d 288 (1954)

However, since the State Supreme Court was, and is, a court of limited jurisdiction, and had no personal jurisdiction over Petitioner, it could not legally try the matter nor even empanel a jury, even if it had to power to do so. In fact, this court lacking personal jurisdiction, could not even hold a hearing or render a decision. However, going one more step, under Georgia law as previously shown, since there was no jury to enter a finding of fact that the document styled as **Petition for Voluntary Surrender of License** was prepared and signed by Petitioner, it not legally admissible in any court for any reason.

By accepting the recommendation of the General Counsel that Petitioner's resignation be accepted, which amounted to hearsay, the court was making a tacit decision that the document styled as **Petition for Voluntary Surrender of License** was signed by Petitioner, a decision that was not within the purview of the court to make under Georgia law. The Court as a matter of law is a finder of law not a finder of fact. Further, the U.S. Supreme Court has long held that it is a fundamental doctrine of law that a party to be affected by a personal judgment must have his day in court and an opportunity to be heard[35]. As recently as August 2, 2018, the Supreme Court of the State of Georgia has refused to even review the matter as show in Appendix C.

In an effort to support the Supreme Court of the State of Georgia in its actions to cover up for the criminal activity of the cabal of judges and attorneys who are stealing property from minorities, even federal courts are refusing to look at this

[35] **Renaud v. Abbott**, 116 U.S. 277, 29 L.Ed 629, 6 S.Ct. 1194.

matter citing judicial discretion to not contradict a fellow judge. However, it is Petitioner's position that this refusal to protect Petitioner's due process rights was an improper exercise of judicial discretion and is actually a violation of the law. Under the provisions of **Federal Rules of Civil Procedure, Chapter 8 – Judgments, Rule 60 Relief from Judgment or Order – Rule 60(b)(4)** authorizes relief from a void judgment and in the footnotes to this rule it is made very clear that *there is no question of discretion on the part of the court when a motion is filed under Rule 60(b)(4).*

As a matter of law, the judgment in the case cited as **In the Matter of Robert K. Hudnall**[36] is void on its face and should been set aside during one of the many legal actions Petitioner has brought. A void judgment is one which from its inception was a complete nullity and without legal effect such as when the court lacked subject matter jurisdiction. From the facts, it is clear that the Supreme Court of the State of Georgia did not have subject matter jurisdiction as a matter of law and certainly did not have personal jurisdiction over Petitioner.

A void judgment is subject to be set aside at any time in any court for any reason. There was also an extrinsic defect in the service of process as the Court had no legal authority to issue process and there was never any effort by the State Bar of the State Supreme Court to affect service of process on this Petitioner. From the terms of the decision, the only hearing that ever took place in this matter was a trial

[36] **In the Matter of Robert K. Hudnall**, 259 Ga. 247, 379 SE2d 517 (Ga. 1989)

in absentia which was a clear violation of Petitioner's right to due process of law. It is also clear from a reading of Rule 60(b)(4) that there is no time limit on an attack on a judgment as void. A void judgment does not acquire validity because of laches or some other legal theory as a result of action or inaction on the part of the Petitioner.

Under the provisions of the holding in **Milliken v. Meyer**[37], the U.S. Supreme Court has long held that void judgments are those rendered by a court that lacked jurisdiction, either of the subject matter or the parties. The State Supreme Court acted beyond its constitutional authority to take subject matter jurisdiction in this matter and it ignored the necessity of establishing personal jurisdiction. It never served process on Petitioner so there was no personal jurisdiction over Petitioner and lacking both subject matter as well as personal jurisdiction, the Court could not legally enter a decision. Thus, the decision in question is void as a matter of law.

The wording of the decision in this case makes it clear that the State Bar of Georgia processed this matter as an administration action under **State Bar Rule 4-201(d)** before asking the State Supreme Court to issue a judicial decision confirming the administrative finding. This short cut procedure was in clear violation of the holding under **Mildner v. Gulotta**[38] in which the federal court has held that attorney disciplinary proceedings must be viewed as judicial rather than administrative. However, in a responsive pleading by the State Bar in a document styled as **State Bar of Georgia's Response to Respondent's Petitioner for Voluntary**

[37] **Milliken v. Meyer**, 311 US 457, 61 S.Ct. 339, 85 L.Ed. 2d 278 (1940)
[38] **Mildner v. Gulotta**, 405 F. Supp. 182 (1975)

Surrender of License, the Office of General Council made it clear that this disciplinary proceeding was being processed under State Bar Rule 4-201(d), a clear violation of the holding in **Mildner v. Gulotta** and also a violation of **Miranda v. Arizona**[39].

It should be noted that under the provisions of **Geiger v. Jenkins**[40], the U.S. Supreme Court has held that *actions by state agencies to take the license to practice away from a professional are criminal in nature.* The accused is entitled to the protection given to individuals accused of crimes.

When the Office of General Counsel used the information contained in the **Petition for Voluntary Surrender of License,** which was not written or signed by this Petitioner, but rather was written by Paul B. Cohen, as the basis for its recommendation without notifying Petitioner of his rights to an attorney or regarding self-incrimination, this was a clear violation of the holding in **Miranda**. Even more important, the Office General Counsel was never required by the Court to prove that Petitioner did in fact write and sign the document in question as implied by the Office of General Counsel of the State Bar or address the issue of personal jurisdiction or even show that Petitioner was even aware of the hearing or of the document in question.

The Office of General Counsel has continually called the document Petitioner's **Petition for Voluntary Surrender of License implying that Petitioner**

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[39] **Miranda v. Arizona**, 384 U.S. 436

[40] **Geiger v. Jenkins**, 401 U.S. 985 (1971)

prepared and submitted the document without stating that it was actually written by Paul B. Cohen, Assistant General Counsel, which is a clear misrepresentation of the facts to the court. This misrepresentation would constitute fraud on the court and a clear violation of Petitioners rights in this matter.

So enthusiastic was the State Supreme Court to "get" Petitioner it ignored state law. Under the provisions of **Diversified Growth Corp v. Equitable Leasing**[41], a Georgia case, when the one alleged to be the signer of a document files a plea of NON-EST FACTUM (which Petitioner filed when he discovered what had been done), and denies signing the document, it falls on the party that wants to use the document to prove it is valid. The State Bar of Georgia never proved the document was valid or even signed by Petitioner, nor did the State Supreme Court ever ask for any proof that Petitioner signed the document.

When Petitioner tried to object to the trial in absentia, the Office of General Counsel of the State Bar of Georgia claimed that under the concept of sovereign immunity, the State Supreme Court could do anything it wanted to do. However, under the provisions of the holding in **Alden v. Martin**[42], the U.S. Supreme Court stated that the constitutional privilege of a state to assert its sovereign immunity in its own courts does not confer upon the state a concomitant right to disregard the Constitution or valid federal law. The court went on to say that the States and their officers are bound by obligations imposed by the Constitution and by federal statutes

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[41] **Diversified Growth Corp. v. Equitable Leasing**, 140 Ga. App. 511, 231 S.E.2d 505.

[42] **Alden v. Matin**,527 U.S. 706, 754, 754, 755 (1999)

that comport with constitutional design. Thus, the Supreme Court of the State of Georgia was not free to ignore Plaintiff's constitutional rights. It also owed Petitioner a duty to be fair and impartial as held by the U.S. Supreme Court in **Daniels v. Williams**[43] and **Davidson v. Cannon**[44]. In these holdings the U.S. Supreme Court held that fair process is required for intentional actions of government or its employees.

As for the question could the Court allow a clear conflict of interest in which court employees were acting as the prosecutor in this trial in absentia while Petitioner was not allowed to have either notice of the hearing or even have representatives at the hearing, the following is shown.

The State Bar of Georgia is actually an administrative arm of the Supreme Court of the State of Georgia, its employees are actually employees of the Supreme Court of the State of Georgia. Those serving in the Office of General Counsel are actually employed by the Supreme Court of the State of Georgia and it was the General Counsel, William P. Smith III and Paul B. Cohen, Assistant General Counsel who made the presentation to the Court in the trial in absentia. As far as Petitioner is aware, neither man was approved or appointed by the state nor the court to prosecute a criminal case. It must be remembered that under the provisions of the holding in **Geiger v. Jenkins**[45], actions to take the license to practice away from a

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[43] **Daniels v. Williams**, 474, US 327 (1986)

[44] **Davidson v. Cannon**, 474 U.S. 344 (1986)

[45] **Geiger v. Jenkins**, 401 U.S. 985 (1971)

professional is to be considered criminal in nature and the accused is to be given the same protections as are given to individuals accused of crimes.

Due to the relationship between those prosecuting Petitioner and the Court, this could be nothing more than a conflict of interest. Even the Georgia Rules or civil procedure or Rules of Evidence were ignored to allow the Office of General Counsel to quickly destroy Petitioner's career without being bothered by such things as constitutional rights.

Everything said by the representative of the Office of General Counsel was automatically taken as true and there was no one representing Petitioner's interests as is shown by the contents of the decision itself.

A conflict of interest arises when a person or an organization is involved in multiple interests and serving one interest could involve working against another. Typically, this relates to situations in which the personal interests of an individual or an organization might adversely affect a duty owed to make decisions for the benefit of a third party. The Office of General Counsel is charged with determining if there is evidence of violations of the bar rules by an attorney. The General Counsel nor his staff are not charged by the either the court or the law with being judge, jury and executioner and are certainly not empowered to act as prosecutors in a criminal case.

However, in this trial in absentia, as employees of the court, they were granted special dispensation to discuss the matter with the Justices exparte, as their procedure actually required and then in the trial in absentia, they were not required

to make any official showing that their pro-offered evidence was valid, and the accused was not even allowed to know about the hearing. The entire procedure was extrajudicial in form and violated both state and federal rights to due process of law to which Petitioner was entitled.

Petitioner would show that what took place was a clear violation of Petitioner's right to Equal Protection of the Law which he is entitled to under the 14th Amendment to the U.S. Constitution. In a case styled as **Sunday Lake Iron Co. v. Wakefield**[46], the U.S. Supreme Court held that the purpose of the Equal Protection Clause of the 14th Amendment is to secure every person within the state's jurisdiction against arbitrary and intentional discrimination whether by express terms of a statute or by its improper execution through duly constituted agents. Discrimination has been defined as the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age or sex. Petitioner was continually referred to by agents of the State Bar as a traitor to his race for opposing the desires of Judge John H. Land.

It should also be pointed out that under the provisions of the holding in **New York Transit Authority v. Beazer**[47], the U.S. Supreme Court held that the Equal Protection Clause of the 14th Amendment provides that no state shall deny to any person within its jurisdiction the equal protection of the laws.

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[46] **Sunday Lake Iron Co. v. Wakefield**, 247 U.S. 350, 352 (1918), 62 L.Ed. 1154, 38 S.Ct. 495

[47] **New York Transit Authority v. Beazer**, 440 US 568, 587 (1979), 59 L.Ed. 2d 587, 99 S.Ct. 1355

As some final comments on equal protection and due process, it should be pointed out that in **Hill v. Texas**[48], the U.S. Supreme Court has held that equal protection of the law is something more than an abstract right. It is a command which the state must respect, the benefit of which every person may demand, not the least merit of our Constitutional system is that its safeguards extend to all, the least deserving as well as the most virtuous. However, it has long been the position of the State Bar of Georgia and the Supreme Court of the State of Georgia, obvious from their actions in this matter, that Petitioner has no rights.

Then a review of the procedures used in the trial in absentia, Petitioner was not even notified of the hearing and afforded no representation. In **Gideon v. Wainwright**[49], the U.S. Supreme has held that the right to an attorney is fundamental to a fair trial. Petitioner not only had no attorney representing him but was not made aware there was even going to be a hearing.

Then the U.S. Supreme Court held in **Rogers v. Richmond**[50], that a defendant in a criminal case is deprived of due process of law if his conviction is founded, in whole or in part, upon an involuntary confession, without regard for the truth or falsity of the confession. Certainly, the **Petition for Voluntary Surrender of License** that was use by the Office of General Counsel of the State Bar of Georgia as the basis for their recommendation that Petitioner's resignation be accepted that

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[48] **Hill v. Texas**, 316 US 400, 406 (1942), 86 L.Ed. 1559, 69 S.Ct. 1159

[49] **Gideon v. Wainwright**, 372 U.S. 335 (1963)

[50] **Rogers v. Richmond**, 365 U.S. 534

was neither written nor signed by Petitioner could not be construed as anything other than an involuntary confession[51]. The holding further continued to say that the Defendant also has the constitutional right at some state in the proceedings to object to the use of the involuntary confession.

Finally, Petitioner would show that the actions of the Office of General Counsel of the State Bar of Georgia and the actions of the Supreme Court of the State of Georgia are in direct violation of the holding in **Schware v. Board of Bar Examiners of New Mexico**[52]. In this case the U.S. Supreme Court held that a state cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the due process or equal protection clause of the 14th Amendment. Everything about this trial in absentia violated Petitioner's right to due process of law and was calculated to protect the criminal conspiracy Petitioner tried to expose from being investigated by showing to other attorneys what would happen to those who did not obey orders to violate their ethics for the sake of big bucks.

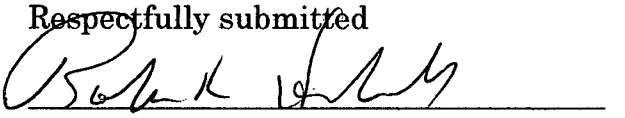
[51] It should be noted that two handwriting experts have questioned the validity of the signature and a letter written by Paul B. Cohen that is reprinted in the appendix of Why Would They Say It? Confirms that Paul B. Cohen wrote the Petition for Voluntary Surrender of License, not the Petitioner.

[52] **Schware v. Board of Bar Examiners of New Mexico**, 353 US 232, 238-239 (1957), 77 S.Ct. 752, 1 L.Ed.2d 796.

CONCLUSION

Based on the foregoing showing that Petitioner was subject to an illegal trial in absentia, this petition for an Extraordinary Writ of Mandamus ordering the decision in question to be considered void should be granted (Rule 20).

Respectfully submitted



Robert K. Hudnall
Petitioner, Pro Se
Date: December 9, 2018