

April 22, 2021

U.S. District Court,  
United States Courthouse,  
333 Constitution Ave. NW,  
Washington, D.C. 20001

Re: U.S. v. Minuta, Criminal 21-cr-28-APM  
Magistrate No. 21-mj-cr-260, 21-mj-284

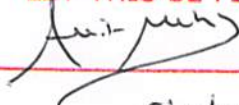
To the Court:

Enclosed please find my habeas petition on behalf of Roberto Minuta in the above captioned matter.

Thanking you for your kind attention, I am  
very truly yours,



Mark Marvin

**LET THIS BE FILED**  
Signature   
Date 5/10/21



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Criminal 21-cr-28-APM  
Magistrate No. 21-mj-cr-260, 21-mj-284

v.

ROBERTO MINUTA  
Et al.

MARK MARVIN, Petitioner

PETITION FOR A WRIT OF HABEAS CORPUS

This is a Someone petition for a Writ of Habeas Corpus to determine the legality of the criminal charges against the defendants who were charged with crimes in connection with a mostly peaceful assembly in Washington D.C. on January 6, 2021 intended "to peacefully assemble, and to petition the Government for redress of grievances." (U.S. Const. Amend. I)

Petitioner MARK MARVIN, has standing as "someone" (28 U.S.C.A. 2242, Darr v. Birford, 339 U.S. 200, 203, 70 S.Ct. 587, 590) And further, Petitioner has standing in that this prosecution is intended, through "equal protection" to *a priori* deny him access to Washington, D.C., and he further says:

1. This action arose through the mostly peaceful assembly of persons and voters in Washington, D.C. on January 6, 2021. The government, in a racist manner specifically excludes Minuta from the category of "regular persons" (complaint paragraph 34) making him an "irregular citizen", whatever that is, but certainly one intentionally not protected as a regular citizen by the Bill of Rights.

2. Those peaceful persons including Roberto Minuta, attempted to visit the Capitol during visiting hours. "The Capitol Visitor Center, the main entrance to the U.S. Capitol at First Street and East Capitol Street .... is open to visitors from 8:30 a.m. to 4:30 p.m. Monday through Saturday except for Thanksgiving Day, Christmas Day, New Year's Day and on Inauguration Day.... Admission is free. However passes are required for tours of the historic Capitol and may be needed for other special events." (<https://www.visitthecapitol.gov/plan-visit/visitor-hours-inf> ?) The complaint alleges that there were "Capitol Police Barricades." (Indictment paragraph 7) Actually the "barricades were light weight "safety fence". (See: Weather Channel, "Weather Goes Viral" Episode 65, about 15 minutes into show a flimsy identical fence is used on the beach, and is called "safety fence" not functional as a "barricade")

3. Your petitioner has standing because he believes that in addition to being "someone"

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Angela D. Caesar, Clerk of Court  
U.S. Bankruptcy Court, District of Columbia

he may visit the Capitol at some point and any adverse holding in this case will *a priori* bar him from visiting the nation's capitol should he seek to petition the government for the redress of grievances. Since then, the Capitol has degenerated into "Fortress Pelosi" with, at one point two combat divisions of National Guard (state militia) to prevent persons from visiting the Capitol, and, or petitioning the government. (U.S. Const. Amend 1)

4, Petitioner has in the past visited the Capitol (c. 1966, c. 1975) and has had occasion to have (in terms described by the F.B.I. ) "forced entry" or otherwise ""stormed the Capitol" on occasion to say "Hello" to Congressman Hamilton Fish, Jr. in whose district office he volunteered (Peekskill, N.Y. ) and to visit the sites dedicated to prior slave owners, such as one seen on our dollar bill, and who lent his name to this city and a state on the left coast.

5, Petitioner's relatives founded the Orange County Militia (Lt. Col. Elihue Marvin, and Capt. Seth Marvin). The government has invoked the "Guilt by Association" doctrine, and he has had occasion to wear "paratrooper pants", camoflauge, gloves, eye protection, and has actually used "radio equipment" (Obama phone) . He has used hand signals, and was in paramilitary organizations (Boy Scouts, Salvation Army, 15th. N.Y. Vol., Cavalry a reenactment unit).

6, Petitioner's past quasi military history and his relatives would appear to disqualify him from ever visiting Washington, D.C. should this instant Minuta prosecution proceed to fruition, a form of custody.

7, Roberto Minuta was charged with being in the Capitol from 3:15 p.m. to 3:19 p.m. a grand total of visiting the Capitol for four (4) that is: four minutes. (Indictment p. 20, paragraph 104-6) At that time the Capitol was open for visits and tours. He had the audacity to actually speak to Capitol Police, who coincidentally were wearing military style police uniforms and had masks covering their faces. Four minutes hardly allowed him to overthrow the U.S. Government which is a job better left to professionals, such as "Antifa" who really know how to destroy things but are immune from prosecution. (a selective prosecution problem, legalistically speaking). Minuta, et al. was entrapped to visit the Capitol and seek redress of grievances, let into an otherwise apparently open Capitol, and stayed for some four minutes. Curiously The City of Washington was specifically designed, with wide open spaces to accommodate free speech, and was designed to be inviting to free speech enthusiasts, and has spectacularly inviting panoramas of historical interest.

8, At one point Minuta raised two fingers, which looked suspiciously like the Cub Scout sign, or the "peace sign" from protests at the Capitol in the "70's during the Vietnam War.

Petitioner suspects he was ordering “Two chilidogs to go”. (Another individual on p. 14 (complaint) seems to be ordering one chilidog to go. Minuta on p. 10, Complaint, seems to be ordering only one chilidog.) There was an indictment that he destroyed evidence (electronic stuff on social media) “Minuta deleted a Facebook account he had maintained for 13 years to conceal his involvement in these offenses” ( complaint paragraph 18) (actually media has deleted President Trump’s accounts, and many others, making them all co-conspirators, by acts of deleting evidence); Who in his right mind would ever put or keep anything on social media? That is not illegal nor inculpatory, and is a defense recognized by the Justice Department as valid, and known as “The Hillary Defense”, even though her stuff had been subpoenaed, then destroyed. Defendant, of course is entitled to “Equal Protection” and freedom from selective prosecution (Due Process) and *Miranda*.

10, Minuta was photographed repeatedly by State Actor, pro-Antifa “news-media organizations” while not covering his face, hardly the act of a nefarious coup participant during his four minutes of infamy, “to avoid detection by law enforcement.” (Complaint p. 3, paragraph 4) Compare to Antifa terrorists, ignored by government, dressed completely in black with near total face coverings, throwing fire bombs at police on the left coast.

11, Minuta (a probable voter) was accused of not having “appropriate identification” . Congress has just enacted legislation allowing voters to not have identification and the President has flooded the country with unidentifiable, no identification persons from the Third World. President Biden has referred to this type of abuse, requiring identification, as Jim Crow Laws. (or Jim Eagle )

12, The indictment alleges that “The Oath Keepers are a large but loosely organized collection of individuals (recruited ) from military and police who have sworn an oath to defend the Constitution.” (“associated with militias”) (complaint paragraph 16)(like the Capitol Police and the F.B.I., etc.) “The Oath Keepers are led by Person One.” (Indt. 1, at 16, p. 5) “PERSON ONE named PERSON TEN to be the leader of his group’s operations in Washington, D.C. , on January 6, 2021 (Indt. 3, No. 13) What happened to the “loosely organized collection” (?), hardly an organization likely to have a “leader” or overthrow the government. The government’s “Guilt by Association” scheme is illogical and self-contradictory, as is its nutty “conspiracy theory”.

13, Of those who died during the “mostly peaceful” protest. two were elderly, one on drugs, a Capitol police officer whose cause of death was kept secret. but revealed to be from natural causes, and an Air Force female veteran visitor who was shot, probably by police while

defenseless. The protestors did not have weapons. Is it a wonder that the mostly peaceful protesters exercising their right to seek redress feared danger at the hands of the police during regular visiting hours? They did not even set up their own country or secede from the Union.

14, Compare this situation to the Left Coast where Antifa mobs have destroyed cities, seceded from the union, and the Justice Department did nothing to protect residents and defend the Constitution or enforce peace and civility, or the integrity of the Union from revolutionaries.

15, The government's chilling complaint charging individuals with crimes associated with being irregular citizens petitioning the government and visiting the Capitol serves to *a priori* deny petitioner access to the Capitol City of Washington, D.C. and serves as an illegal custody scheme .

16 Complaint and Indictments are facially predicated on bad faith.

WHEREFORE, this Court should release defendants from custody and bail, and dismiss the (ham sandwich) Indictments as the Government has failed to make out a *prima facie*, probable cause case for criminal indictments, and grant such other and further relief as is just and proper, and otherwise protect the Bill of Rights for defendant and petitioner.

Affirmed as true on information and belief,



April 22, 2021

Mark Marvin

To: U.S. District Court, Courthouse, 333 Constitution Ave. NW, Washington, D.C. 20001

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MARK MARVIN, Petitioner

MEMORANDUM OF LAW

**THIS INDICTMENT AND THE UNDERLYING PROSECUTION VIOLATE DUE PROCESS AND CANNOT BE USED TO DENY FIRST AMENDMENT RIGHTS.**

Preliminary hearing and the grand jury both determine whether there is probable cause with regard to the suspect. (Coleman v. Alabama, 1957, 339 U.S. 1) “Its historic office has been to provide a shield against arbitrary or oppressive action, by ensuring that serious criminal accusations will be brought only upon the considered judgment of a representative body of citizens acting under oath and under judicial instruction and guidance.” (U.S. v. Mandujano, 1976, 425 U.S. 564, 571) Judicial supervision is properly exercised in such (First Amendment) cases to prevent the wrong before it occurs.” (United States v. Calandra, 1974, 414 U.S. 338, 346)

Grand juries must operate within the limits of the First Amendment and may not harass the exercise of speech and press rights. (Branzburg v. Hayes, 1972, 408 U.S. 665, 707-08) “(G)rand jury investigations if instituted or conducted other than in good faith, would pose wholly different issues for resolution under the First Amendment.”

“The Department of Justice does not consider the press ‘an investigative arm of the government’.” (Branzburg, Id. p. 707, fn. 41)

This indictment is defective and deprives this Court of subject matter jurisdiction over the case. (United States v. Cotton, 2002, 535 U.S. 625)

Mark Marvin

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MARK MARVIN, Petitioner

MOTION TO PROCEED AS A POOR PERSON

MARK MARVIN, Petitioner hereby moves this Court for an order allowing him to proceed as a poor person in that he lives on social security, (about \$1,200 per month) has a savings account of about \$14,000 entirely from Social Security, owns no tangible assets and lives with his mother (age 102) and is other wise unable to pay the costs of this action.

Affirmed as true,



April 22, 2021

Mark Marvin