

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

AUGUSTUS HEBREW EVANS JR. — PETITIONER
(Your Name)

vs.

THE STATE OF DELAWARE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

DELAWARE SUPREME COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

AUGUSTUS HEBREW EVANS JR. # 191347
(Your Name) JAMES T. VAUGHN CORRECTIONAL CENTER
1181 PADDOCK RD
(Address)

SMYRNA, DE 19977
(City, State, Zip Code)

N/A
(Phone Number)

IV. QUESTIONS PRESENTED

ONE: whether dismissal of an Meritorious Criminal Appeal because Petitioner 'poverty makes it impossible to pay filing fees' is constitutionally permissible under 98 U.S.C. § 1915?

TWO: whether retroactive criminal procedural rule change defendant petitioner and class defendants of substantial rights "designed to protect against an unlawful conviction and sentence, violates ex post facto clause of United States Constitution"? ART. I, § 10

THREE: whether the due and exactment and retrospective application of amended criminal procedural rule, gave adequate notice of affected class defendants constitutional filing under old version of (U)CS "miscellaneous of justice" exception?

FOUR: whether the June 4, 2011 amendment to criminal rule 61 (U)CS... ADVANCES "NOTICE" of new procedure infringing upon integrity of judicial and sentence of affected class defendants under prior version of rule?

v.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

STATE OF DELAWARE

MATTHEW P. DENIN, ESQUIRE

ATTORNEY GENERAL

DELAWARE DEPARTMENT OF JUSTICE

880 N. FRENCH STREET

WILMINGTON, DE 19801

JEFF SESSIONS, ESQUIRE

UNITED STATES ATTORNEY GENERAL

Room 5614.

DEPARTMENT OF JUSTICE

950 PENNSYLVANIA AVE. N.W.,

WASHINGTON, D.C. 20530-0001

vi.

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STATUTES AND RULES

ARTICLE I, § 10 U.S. CONSTITUTION, EX POST FACTO CLAUSE

28 U.S.C. § 1915

11 DEL. C. § 206

FOURTEENTH AMENDMENT Due Process Rights TO Fair Trial

OTHER:

SEVERAL CASES ARE NOTED IN ROBERTS'

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

ix.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☒ reported at APPENDICE PAGE #3 EXHIBIT #2 AT (3)
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the SUPERIOR COURT court appears at Appendix A to the petition and is

- ☒ reported at APPENDICE PAGE #1 EXHIBIT #1
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

X.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was APRIL 12, 2018.
A copy of that decision appears at Appendix A PAGE (1) EXHIBIT A

☒ A timely petition for rehearing was thereafter denied on the following date: APRIL 11, 2018, and a copy of the order denying rehearing appears at Appendix A PAGE (1) EXHIBIT A

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

XI.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

ARTICLE I § 10. U.S. CONSTITUTIONAL EX POST FACTO CLAUSE

14 AMENDMENT RIGHT TO FAIR TRIAL - REQUESTED
LESSER INCLUDED INSTRUCTIONS

11 DEL. C. § 206

XII. STATEMENT OF THE CASE

- 1 - PETITIONER SHALL ESTABLISH THE PERFECTED FACTUAL RECORD AND IMPLICATED STARE DECISIS CONCERNS HAVE REPEATEDLY BEEN SIDESTEPED THROUGHOUT THE PROCEEDINGS IN THE STATE COURTS... MOREOVER EVEN AS PRO SE PETITIONER HAS REPEATEDLY ADVANCED THE NEED OF AN EVIDENTIARY HEARING, NONE HAS EVER BEEN HELD!
- 2 - PETITIONER SHALL CLEARLY DEMONSTRATE HE IS KNOWINGLY, WILLFULLY AND INTENTIONALLY INCARCERATED IN VIOLATION OF RULES, STATUTES, LAWS AND THE UNITED STATES CONSTITUTIONALS BECAUSE HE IS A POOR NEGRO ... AND...
- 3 - AS WILL BE CLEARLY DEMONSTRATED, THE STATE COURTS HAVE TAILORED THE OPINIONS TO UPHOLD AN OTHERWISE WRONGFUL CONVICTION AND SENTENCE; WHERE!
- 4 - ON APRIL 12, 2018 THE STATES HIGHEST COURT DECIDED THAT DUE TO PRO SE PETITIONERS' FAILURE TO PAY THE FILING FEE BY THE DUE DATE THE CRIMINAL APPEAL WAS REQUIRED TO BE DISMISSED [1].
- 5 - THE COURT FURTHER ADVANCED THE FORMA PAUPERIS APPLICATION WAS DENIED ON THE GROUND THAT PETITIONER FALSELY CERTIFIED THAT THE APPEAL FROM THE SUPERIOR COURT WAS NOT FORECLOSED BY EXISTING LAW [2].
- 6 - THE COURT NOTED PETITIONER WAS DIRECTED TO PAY FILING FEE BY THE APRIL 3, 2018 DEADLINE AND FAILURE TO DO SO WOULD RESULT IN THE CASE

1 APPENDICE PAGE 1 EXHIBIT A
2 ID

BEING DISMISSED FOR FAILURE TO PROSECUTE AND WITHOUT ANY FURTHER NOTICE [3]

7. ON MARCH 27, 2018 PETITIONER FILED NOTICE OF INABILITY TO PAY FILING FEE [4] AND THE COURT NOTED THAT THE APRIL 3, 2018 DEADLINE WAS CONTROLLING [5].
8. PRIOR TO PETITIONER FILED MOTION TO RECONSIDER DENIAL OF FORMA PAUPERIS APPLICATION BASED UPON NEWLY DISCOVERED EVIDENCE... AND... THOUGH MOTION WAS DENIED [6] 90 DAY EXTENSION TO PAY FILING FEE WAS GRANTED [7]... HOWEVER...
9. AS IS THE NORM AT BAR... EVEN AS PETITIONER CLEARLY DEMONSTRATES HIS POVERTY [8] MOREOVER...
10. THE STATE OF DELAWARE HAS ENGRAFTED AN ABSOLUTE BAR TO APPELLATE REVIEW IN CRIMINAL PROCEEDINGS BASED UPON PETITIONERS' POVERTY! AND... AND FIRST IMPRESSIONAL RESOLVE IS REQUIRED AS TO CONSTITUTIONALITY OF THE DELAWARE SUPREME COURT DECISION!

3 APP. P. i EX. A

4 SEE SUPREME COURT DOCKET. MOTION DATED MARCH 27, 2018

5 APP. P. i EX A

6 APP. P # 1 EX # 1

7 L.O

8 APP. P # 2 EX # 2

1. The Delaware Supreme Court has engrafted an absolute denial of access to the court based upon petitioners' poverty and an otherwise meritorious criminal appeal... and...

2- THE ABSOLUTE POWERS OF THE UNITED STATES SUPREME COURT SHALL BE EXERCISED IN WHAT APPEARS TO BE A MATTER OF FIRST IMPRESSIONAL REVIEW OF 28 U.S.C. § 1915, FORMER POWERS STATUS IN CRIMINAL CASE APPEAL DOUBT, WHERE...

CASE APPEAL DOCKET, where,,

3- Congress recognizes that "no citizen shall be denied opportunity

To commence... prosecute... or defend an civil or criminal

ACTION IN ANY PART OF THE UNITED STATES BECAUSE HIS POVERTY

MAKES IT IMPOSSIBLE FOR HIM TO PAY OR SECURE COSTS. ADVOKAS V.

E.I. Différent de Alimoures & Co., 335 W. 331, 349 (1948): No 10...

4. FINDINGS AND EXISTING PRECEDENTIAL AUTHORITY ANALYSIS A clear decision of 48 U.S.C.S. § 1915 in a criminal case context, the Act, trial should be admitted and the following is presented in support:

I. THE FACTS [REPEATED IN APPENDIX EXHIBITS]

"It must be noted that of great importance, the heart of the facts must begin on June 4, 1914. The date the Superior Court put into effect the amended version of Superior Court Criminal Rule 61 and Retainers' October 31, 1914 motion for Post Conviction Relief", where;

Reasons for Granting Petition Continued

II. THE FACTS

1. Report of Petitioner

Petitioner has been incarcerated almost 13 years and he has absolutely no means by which to procure the required funds to subordinate the otherwise meritorious criminal appeal establishing he is incarcerated in violation of due process and equal protection of laws, laws, statutes and state and federal protected rights because he is denied food and of the needed rate.

9. Clearly the above personal account statement amply recognizes absolute poverty. However...

3- AS ACKNOWLEDGED BEYOND CIRCUMSTANTIAL THE DELAWARE JUDICIAL has continually acted with bias and racism motivated disparities in cases involving appeals and hearings has been extended to recognize this [?] However... Too late at bar...

4- The issue of poverty is well advanced;

1 Appeal P# 2 et # 2
2 Appeal P# 11 et # 8

5. Enclosed you will find a March 9, 2018 Affidavit of Pro-Se Prisoners' Initiative Attorney Absolute Poverty [3], and...
6. Pro Se Appellant advises... The Courts Reliance upon its Reported Denial of the IEP Application stands as a Jim Crow Mechanism to continue vent review of otherwise meritorious claims of a disabled individual and sentence; untense;

II. Perfecto Factual Record Sidestepped by Court!

1. As outlined in the Dec. 5, 2017 Certifications Moral Reformed by the Court [4] Pro Se Appellant advised overly unambiguous factual record affirmed in support of the overly hesitant implicit state decises limitations establishing;

1. The issue of the Courts Failure to give the Requested lesser punishment institutional was raised for the first time on 07/28/2017 at Per Institutional under 61(C)(5) in Place during the Institutional and Sentence... However;
2. The Trial Court Denied Review under Procedural Bars and failed to properly inquire 61(C)(5) colorable claim extension and death merits of claim [5]

- ii. Appellate to the Delaware Supreme Court, address specific issue of failure to give requested lesser punishment [6] and...
- a). The Court Denied Review of the claim under the June 4, 2014 amended version of Rule 61[7]... and...

3 App P # 2 ex # 2
 4 Supreme Court Docket Dec. 2017
 5 App P # 6 ex # 3
 6 App P # 8 ex # 4 P # 2 At (3) - P # 3 At (4)
 7 ID # 3 At (5)

iii. IN MOTION TO REHEAR EN BANC APPELLANT RAISED ISSUES OF:

- i. ET POST FACTO VIOLATIONS -
- ii. FAILURE TO GIVE ADEQUATE NOTICE UPON:
FIRST, AFFECTED CLASS DEFENDANTS DISADVANTAGED BY NEW RULE ...
SECOND, LEGAL COMMUNITY CHARGED TO DEFEND US AGAINST TYRANNY
AND OPPRESSION ... AND...
- iii. THE COURT SIMPLY DENIED MOTION TO REHEAR WITHOUT OPINION [8]

2. WITH NO OTHER ADEQUATE REMEDY, APPELLANT SOUGHT REVIEW BEFORE THE SUPERIOR COURT AND IT WAS ACKNOWLEDGED THE AMENDED RULE DID NOT APPLY TO ME [9]. STILL MOTION TO BRIEF ISSUE DENIED [10]

3. WITH NO OTHER ADEQUATE REMEDY - PRO SE APPELLANT SOUGHT HELP OF PRIVATE COUNSEL, WHO ASSURED HIS CLAIMS OF A CONSTITUTIONAL VIOLATION IS IN-DEED SUBSTANTIAL [11]

4. WITH NO OTHER ADEQUATE REMEDY PRO SE APPELLANT AGAIN PETITIONED COURT AND COURT RELIED UPON CONTRAFACT AND UNREASONABLE FACTUAL RESOLVE IN PUTTING PRO SE APPELLANT HAD FILED RULE 61 AFTER 61 AMENDED JUNE 4, 2014 [12] AND...

i. THE COURT FAILED TO RECOGNIZE PRO SE APPELLANT HAD APPEAL PENDING WHEN RULE 61 WAS AMENDED JUNE 4, 2014 ... THAT WAS RULED UPON ON AUGUST 19, 2014 [13] ... HOWEVER...

2. THE SUPREME COURT DID NOT ADMIT NEWLY AMENDED VERSION OF RULE 61 [14]. MOREOVER...

8 SUPREME COURT DOCKET - EVANS V. STATE, 634, 2014 - JAN. 2015

9 APP. P. # 13 EX # 5

10 ID

11 APP. P. # 14 EX # 6

12 APP. P. # 16 EX # 7

13 APP. P. # 18 EX # 8

14 ID

b). ISSUE OF [FAILURE TO GIVE REQUESTED LESSER INCLUDED INSTRUCTIONS] WAS NOT RAISED [15]

5. CLEARLY, THE FACTS ARE UNDISPUTABLY ESTABLISHED:

i. THE SUPERIOR COURTS FINDINGS THAT:

a). I RECEIVED PROPER NOTICE OF THE JUNE 4, 2014 AMENDMENT TO SUPERIOR COURT CRIMINAL RULE 61 IS... UNDISPUTABLY REBUTTED [16]

6. CLEARLY, THE COURT HAS SIDESTEPED THE ISSUE OF EX POST FACTO VIOLATION AND HAS NOT ADJUDICATED THE ISSUE [17]... AND...

7. APPELLING TO THE DELAWARE SUPREME COURT [18]... THE COURT:

i. SIDESTEPED THE TRUE NATURE OF THE APPEAL. DENYING FORMA PAUPERIS APPLICATION [19] AND...

ii. REFUSED OPEN TAILORED FACTUAL RECORD... THAT IS CLEARLY REBUTTED... AND...

iii. THE COURT ATTEMPTS TO ADVANCE TURNAGE v. STATE, 2015 WL 6746644 (DEL. NOV. 4, 2015) [20] AND...

a). TURNAGE. [DOES NOT CONTEMPLATE] ANY EX POST FACTO CHANGE PRINCIPALS AND DOES NOT PASS MUSTER!

iv. THE COURT CLEARLY DID NOT AND HAS NEVER MADE AN INDEPENDENT REVIEW OF THE RECORD AND EVEN AS I HAVE CONTINUALLY DEMONSTRATED THE NEED FOR AN EVIDENTIARY HEARING, I HAVE NEVER HAD ONE AND THEY KNOW THEY MUST DENY THE TRUE FACTS IN ORDER TO UPHOLD AND OTHERWISE KNOWING, WILLFUL AND INTENTIONAL WRONGFUL CONDUCT AND SENTENCE!

15 APP. P. #18 EX #8

16 APP. P. #6 EX #3

17 ID

18 APP. P# 34 EX #9

19 ID

20 ID

Clearly the Jim Crowisms of the Louisiana Practices of the Judiciary has led to what state procedural bars of 61(c) to deny Denial merits of claims. However:

DEACHING MERITS OF CLIMMS., HOWEVER:

1. IT IS EVIDENT THE CURTS KNOWLEDGE FAIL TO MAKE THE EXCEPTION

UNDER 61(1)(S) AS ADVANCED UNDER WRIT V. STATE 91 A.34 978(9d14).

2). AS WE TURN TO THE NATURE OF THE APPEAL AT BAR:

DATE: THE FACTS ARE REFLECTED... HOWEVER;

22 Two; looking at the Oct 31, 2014 Green we find;

THE COURT DID NOT REY UPON THE JURY, BOY ANSWERED VER-
DICT OF GUILTY, BUT,

Iron of Rule 61, but,

ii - ADVANCED Procurement BAses without Proficient in Skills EXCEPTION

under 61(1)(5) ... verbatim supra, 91 A.3d 972;

these: had the court applied (610)(5) "colorable claim" exception in place,

1. The issue of [Failure to Give Requested Lesser, Materialized in-

STRAIGHTON ... MEETS 6111155) PLANTINGS OF CORNISH SILVER ... AS ...

a) HEALBY V. STATE, BOS. A.D. 860 (2008); AND ITS PROGENY'S, C. 7.11.6;

BEAL V. ALABAMA, 477 U.S. 685 (1990); ESTABLISHES;

!! - IF THERE EXISTS A RATIONAL BASIS TO GIVE THE REQUESTED LESSER LIMITED ALLOCATION, THE GOVT MUST GIVE IT.

FOUR: THE FACTS ADVANCE

THE FILE'S NUMBER "1. PRO LE DEFENDANT REQUESTED LESSER INCLUDED INSTRUCTION AND IT WAS DENIED AS AN OR NOTHALLAY"

21 SUPPLEMENT BURET DOCKET DEC. 5, 2017 3 (BURET) CERTIFICATIONS
22 APP. P # 6 EX # 3

33 APR 8 6 PM '63

95 APP P# 25 24 #10 TRAMS, C-181 LITE #8 - C-188 C#7

L# 47 SEP-0 07 76

- i. Even as the Court noted importance of alleged Court [35]
- ii - No dual location [29]
- iii. Key witnesses admitted to [37]

2- RATIONAL BASIS EXIST TO HAVE GIVEN REQUESTED LESSER AFFIDAVIT ASSISTANCE -
 Trial... HEARER, BOB A, Ad BCO... AND...
 1- REPTERED COUNSEL COUNTEES SUBSTANTIAL VIOLATION OF CHIM [38]... HOWEVER;

3- THE DECAUNE SUPREME COURT DENIED THE CLAIM, UNDER ANALYZED VER-
 SION OF Rule 61 [39] AND...
 1- clearly, and the Court APPEARED (11/15) IN PLACE DURING EXAMS' CONVIC-
 TION AND SENTENCE... 91 A, 3d 973...

2). Clearly the case would have been REMAINED / VICTIM AND A NEW
 TRIAL ORDERED; NO REVERT...

4. AT BAR... THE ISSUE REMAINS AS TO WHETHER I WAS DEPRIVED OF A
 SUBSTANTIAL RIGHT IN PLACE DURING MY CONVICTION AND SENTENCE... MOORE-
 OVER AND I DISADVANTAGED UNDER THE ALCOHOL ANALYZED STATE 11/2014 PRO-
 VICTIMS... FURTHERMORE...

5. EX POST FACTO VIOLATION
 ! - Does AFFIDAVIT ANALYZE AND EX POST FACTO VIOLATION?

AT BAR ON DEC. 18, 2017, THE DECAUNE SUPREME COURT BELIEVES THAT
 THE FACTS OF THE RECORD THAT ARE CLEARLY CONTRADICTED AND NEVER BEEN
 SUBMITTED TO AN INDEPENDENT REVIEW... NO REVERT!
 1- THE COURT WAITED TO TAKE THE FACTS AND IMPLICATED STATE DECISION
 CONCLUDES, FURTHERMORE [30]

36. APP. P. # 35 EX #10 TRMS. C-181 L # 15-17
 37. APP. P. # 30 EX #12
 38. APP. P. # 14 EX #6
 39. APP. P. # 8 EX #4 P #3 AT (5)
 30. APP. P. # 24 EX #9

1 - THE COURTS AGREE DOES NOT ADOPT THE MERITS OF THE § 88(3)(c) MOTION... AS TO WHETHER:

:- EVANS ADVISED IMMEDIATELY THAT HIS CLAIMS HAVE ALREADY BEEN ADOPTED AND...

a) - WITH NO OTHER ADEQUATE REMEDY, THE SUBSTANTIALLY MERITORIOUS CLAIMS WILL NEVER BE ADJUDICATED;

2 - THE COURT RELIES UPON CASE LAW OF ZUMMKE V. STATE, 2015 WL 674644 (Del. Mex. v. 2015); HOWEVER:

:- TIMMAGE DOES NOT ESTABLISH THAT POST INTO THOSE VIOLATIONS;

1 - CLEARLY, AS A MATTER OF FACT OF AND LAW... THE ONLY WAY THE JIM CROWNS OF THE WHITE, REDONKLE AND INTERNATIONAL WORKS CULTURAL AND SECTATE CHAIRMAN IS TO DENY FORMER PARTISAN APPOINTMENT AND 2) - EXTEND EVIDENCE APPLICATIONS OF LAW THAT ARE FORGOTTEN FROM ANY TYPE OF SECURITY; [31]

3 - IN CHALLENGING THE VALIDITY OF THE AMENDED VERSION OF RULE 61 AT BAR EVANS ADVISED:

DATE: INADEQUATE NOTICE

THAT THE 1 DAY PERIOD BETWEEN ADOPTION OF THE AMENDED VERSION OF RULE 61 ON JUNE 4, 2014... AND ITS EFFECTIVE DATE OF JUNE 4, 2014... DID NOT GIVE ADEQUATE NOTICE UPON:

1 - AFFIRMED CLASS DEFENDANTS' CONTEMPTABLE FILLS, UNDER OLD VERSION IN PLACE DURING COLLUSION AND SEIZURE BEFORE THE JUNE 4, 2014 AMENDMENT AND REPOSSESSIVE APPLICATION.

11 - THE LEGAL COMMUNITY CHARGED TO PROTECT US FROM LEGISLATIVE ACTS OF TERRORISM AND OPPRESSION... MONITORING;

31. ADD. P. # 24 EX # 9

9) AS THE AMENDMENT WENT INTO EFFECT JUNE 4, 2014 WITH RETRO-
SPECTIVE APPLICATION WITHOUT ADEQUATE NOTICE UPON;
FIRST: MEMBERS OF THE CRIMINAL RULES ADVISORY COMMITTEE ... TO CLARE-
ROBERT GOLF, ESQ., WAS ALSO GIVEN NOTICE [B2]
SECOND: THE LEGAL COMMUNITY... NO ONE KNEW OF THE JUNE 4, 2014 AMEND-
MENT UNTIL SOME TIME LATER AS REFLECTED IN THE ALCOLE
WAIVER ADVANCES [B3]
b). CLEARLY, ADEQUATE NOTICE WAS NOT GIVEN AND THE FORMALIZATION OF
RULE 61, ADOPTED JUNE 4, 2014 AND ITS EFFECTIVE DATE OF JUNE
WITH ITS RETROSPECTIVE APPLICATION VIOLATES EX POST FACTO CLAUSE
WHERE:

TWO: EX POST FACTO CLAUSE VIOLATION

CRIMINAL RULES OF PROCEDURE VIOLATES EX POST FACTO CLAUSE OF THE U.S.
CONSTITUTION IF: (1) THE NEW RULES APPLIES TO EVENTS OCCURRING PRIOR
TO ITS ENACTMENT... AND, (2) THE CHANGE ADVERSELY AFFECTS THE OF-
FENSE, WEAVER V. GRAHAM 450 U.S. 84, 89 (1981):

2. FRANCES DRAFTED EX POST FACTO CLAUSE TO ASSURE THAT LEGISLATIVE ACTS
WOULD GIVE FAIR WARNING OF THEIR EFFECT AND PERMIT INDIVIDUALS TO
RELY ON THEIR MEANING UNTIL THEY ARE EXPLICITLY CHANGED. ID AT 88-89

3. AS AT BAR... EX POST INTO VIOLATION ADJUDICATED AS MODE OF PROCEDURE AFFECTS
SUBSTANTIVE RIGHTS. DOBBERT V. FLORES, 438 U.S. 888, 893 (1979):

4. CLEARLY THE COURT MUST FOCUS UPON THE LAW IN EFFECT AT THE TIME OF
THE CONVICTION AND SENTENCE. WEAVER, 450 U.S. 84, 85.

5. BEAZELL V. OILIO, 369 U.S. 167, 169-70 (1962): ACCORD WEAVER, AT 88 AND
ABBOTT, AT 898... AND TWO CRITICAL ELEMENTS ARE ADJUDICATED BY THE U.S.
SUPREME COURT... ONE: IT MUST BE RETROSPECTIVE... TWO: IT MUST DIS-
ADVANTAGE THE OFFENDER AFFECTED BY IT. WEAVER AT 89... AND...

First: This is how Petitioner is adversely affected:

1. Retrospectively...

ii - Under Prior version of 61(c)(3), Petitioner only had to demonstrate a colorable claim of a constitutional violation. 2018-01-23-093

Second: Under amended version 61(c)(1), Petitioner must present newly discovered evidence in order to have his claims under 61(c)(3) reviewed 61(c)(3) as amended June 4, 2014.

Third: Clearly the amendment substantially disadvantages Petitioner, while:
i - It fails to preserve the facts and implied state decisis guarantees of the courts failure to give the requested lesser reviewed is a violation. The Petitioner's failure of the claim meets 61(c)(3) "colorable claim" exception, and thus before June 4, 2014, however...

ii - The court denied the claim under June 4, 2014 amended version of Rule 61 [B4]

iii - Actual to believe ex parte admissions under other issues, ex post facto clause violations [B5]

Finally: clearly the courts Dec. 18, 2017 order does not contemplate the issue of ex post facto clause violations, moreover...
i - The Petitioner from June 4, 2015, is very severely mislead!

IV. Denial of Form Petitioner's Application

- 1 - The issue presented chiefly involves the scope and application of statutes
- 2 - we clearly have an abundance of settled law and authority the civil matters of procedure in Form Petitioner's statutes... However the issue of admissibility of evidence is not quite settled.

34 App. P#8 ex #4 P#2 at (3) - P#3 at (5)

38 Supreme Court Order, 634, 2014, Jan. 2015

3. ADKINS V. E.T. GURANT DE MEMPHIS & CO., 335 U.S. 381 (1948): ADVANCES;

48 U.S.C. § 1915 IS INTENDED TO GUARANTEE THAT ALL CITIZENS SHALL BE DEPRIVED
AND PROSECUTED TO COMMERCE, PROSECUTE, OR DEFEND AN ACTUAL, CIVIL OR
CRIMINAL, IN ANY COURT OF THE UNITED STATES, SOLELY BECAUSE HIS POVERTY
MAKES IT IMPOSSIBLE FOR HIM TO PAY OR SECURE THE COSTS.

1. EVEN AS WE HAVE AN ABUNDANCE OF LAW IN CIVIL CASES, THE CRIMINAL CASE
MAINTAINS HAS NOT BEEN SO CLEARLY ESTABLISHED, AND...

11. DUE TO THE SERIOUS NATURE OF THE TESTIMONY OF THE TESTIMONY AND BEING
IN PERSON UNDER A UNIFORM CIVIL AND SEVERITY.

2). IT WOULD APPEAR THE STATES HIGHEST COURT WOULD BEIN ALSO THAT DUE
POVERTY AND EQUAL PROTECTIONS OF RULES, STATUTES, LAWS AND STATE AND
NATIONALLY PROTECTED CONSTITUTIONAL RIGHTS... HOWEVER...

4. THE SUPREME COURT DENIES THE FORMER PAUPERS APPLICATION AS A MEANS TO
UPHOLD AND OTHERWISE UNIFORM CIVIL AND SEVERITY, AND...

[Bo] FIRST: THE COURT HAS NOT CONSIDERED MY ACTUAL POVERTY AS IS ADMITTED
SECOND: THE COURT RELIES UPON THE FACTS OF POOR ADVISORS... HOWEVER:

1. NO EVIDENTIAL HEARING HAS EVER BEEN HELD...

11. EVEN AS POOR SE PETITIONER HAS DEMONSTRATED AN ABSOLUTE CONTRADICTION
TO THE FACTS RELIED UPON... THE COURTS HAVE DENIED THE HEARING ADVISORS...

THIRD: IN THE COURTS ORDER, THE COURT ADVANCES LAW OF TURABE... HOWEVER:

1. TURABE DOES NOT COMPLY WITH ANY OF THE LEGAL ISSUES ADMITTED;

11. THE UNCEASING OF THE DECADES JUDICIAL CLEARLY HAS GONE TO
EVERY LENGTH TO DENY ME DUE POVERTY AND EQUAL PROTECTIONS OF RULES.

STATUTES, LAWS AND NATIONALLY PROTECTED RIGHTS, [37]

5. THEY KNOW I HAVE BEEN INTERFERED ALMOST 13 YEARS AND STAYED UPON BEING
INADVERTENT HOWEVER... TO PROTECT THE WHITE TOP AND EIGHT JUDGES... THEY CAN
ONLY DENY ME TO PROTECT THE FORMER PAUPERS, KNOWING I CAN NOT PAY;

36 APP. P. #9 EX #19 - PERSON RECORD SUPPORTIVE EFP APPLICATION
37 APP. P. #9 EX #19

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: July 8, 2018