

No. \_\_\_\_\_

\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_

Johnny Kirkland — PETITIONER  
(Your Name)

vs.

Raymond LUKer — RESPONDENT(S)  
PROGRESSIVE Insurance Company  
ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT

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

PETITION FOR WRIT OF CERTIORARI

Johnny Kirkland  
(Your Name)

PO Box 465  
(Address)

Monroeville, Alabama 36461  
(City, State, Zip Code)

251-362-4498  
(Phone Number)

### QUESTION(S) PRESENTED

- (1) Whether Raymond Luker was negligent.
- (2) Whether it was a refusal at trial to accept proffered admissible evidence, not the granting of the motion in limine, that serves as the basis for reversible error. It was also prejudicial, and causing me not to have a fair trial.
- (3) Whether my civil rights were violated.
- (4) Whether there was a right to counsel.
- (5.) Whether there was a due process violation in denying the right to trial by jury by granting the defendant motion for direct verdict, when my admissible evidence was already barred by a motion in limine when there was a genuine issue of fact to be presented to the jury.

## 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:

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## INDEX TO APPENDICES

APPENDIX A	Affirmed - NO opinion - Concur - State Court of Appeal
APPENDIX B	Denied on August 22, 2017 - Trial Court
APPENDIX C	Writ Denied July 13, 2018 - NO opinion - Concur Supreme Court
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APPENDIX E	None
APPENDIX F	None

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
J.T. Jr. V. Monster mountain LLC, 2011	6
Wilkerson V. McCarthy, 336 US 53 (1949)	6
Ex parte Hicks 537 SO. 2d 486 490 (Ala. 1988 Ala.)	7
Great Southern R.R. CO V. Siniard, 26 SO. 689, 691 (AL)	7
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Powell vs. Alabama. (1932)	9
Pelle vs. Diners Club 287 SO 2d 737, 738 (Fla. 3d DCA)	9

### STATUTES AND RULES

(1.) Intentional & Negligence

(2.) Breach of contract

Title 6 § 6-5-280

Code of Alabama (1975)

(3) Violation of Civil Rights

US Code Title 42, Chapter 21

### OTHER

NONE

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.

**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 \_\_\_\_\_ 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 \_\_\_\_\_ 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.

1.

3.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was MAY 25, 2018.

☐ 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 NA.

☐ 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 NA.

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 JULY 13, 2018.  
A copy of that decision appears at Appendix NA.

☒ A timely petition for rehearing was thereafter denied on the following date: NA, and a copy of the order denying rehearing appears at Appendix NA.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including JUNE 7, 2018 (date) on NA (date) in Application No. NA NA.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(1) Fifth and Fourteenth Amendment

(a) DUE PROCESS

(2) 6<sup>th</sup> Amendment

(a) Right to Counsel

(b) Right to jury trial shall not be infringed.

3. Violation of Civil rights.



#### STATEMENT OF THE CASE

This case started from a September, 2014 auto accident, where I was rear-ended by the defendant Raymond LUKER, while my truck was parked, and IDLING in the Dollar Tree parking lot. I was sitting on the passenger side minding my own business.

As a result of the defendant speeding, carelessly, negligence, and inattention, he hit the back of my truck, where his front bumper jumped over my back bumper, and hit the bed of my truck, bent my tail gate, and got stuck on my trailer hitch, where he began continuously rocking me back and forth to remove himself from my trailer hitch before the police arrived.

After the defendant finally released himself from my truck, I observed my truck bent, and underneath the front bumper of Mr. LUKER truck the black rubber that goes across the bottom part of his truck in the front was busted. The defendant had replaced the bottom black rubber that goes around the bottom of his bumper so it wouldn't look like he had done any damages before court. I saw where the rubber was torn in half at the scene of the accident. On the truck exhibit pictures you can see the paint on the defendant chrome bumper where he hit my truck.

The accident occurred as a direct, and proximate result of the negligence, inattention, carelessness, recklessness, and fault of the defendant. See *J.T. Jr. v. Monster Mountain LLC*, 2011 and, *Wilkerson v. McCarthy*, 336 US 53 (1949),  
6.

Causing me Severe physical injuries, including  
Inhiplash, torn muscle from Chest to Arm, Inalking  
Stick in Chest, Right Knee pain, Lower back injury,  
Which is a permanent aggravation of a pre-existing  
Condition, Substantial medical expenses, Posttraumatic  
Stress, and Property damage. I had to employ  
Physicians for medical examinations, treatment, and  
therapy.

- (a) The defendant fail to keep a careful lookout.
- (b) The defendant was operationing his vehicle at a  
high and dangerous speed in a parking lot.
- (c) He fail to stop his vehicle, slow his speed,  
and swerve aside in an effort to avoid me.  
Which he could, and should have done.

My insurance which was progressive  
Insurance Company would not do anything for me

The trial court granted the defendant  
a motion In Limine on medical charges,  
liability insurance, weath, Poverty, and medical  
records, which was as inadmissible, causing  
me not to have a fair trial. My medical  
records were relevalant to my case. Alabama  
Code (12-21-45(2013) See eg. Exparte Hick  
537 SO 2d 486 490 (Ala. 1988. Ala. Great  
Southern R.R. CO V. Siniard, 26 SO. 689, 691 (Ala.  
I am liable for payment of medical expenses  
See eg. Roland V. Krazy Glue, INC 342 SO  
2d 383, 385 (Ala. CIV. APP. (1977).

Earlier on in the proceeding the counsels asked for a direct verdict in volume 3 of transcript on page 245, and the court said I am going to - based on the evidence submitted, and then the court overruled it. On page 246, the court granted a direct verdict as it related to everything, with the exception of negligence.

My Insurance which was Progressive Ins. Co. Breach their contract on the Insurance Policy. by not performing, which they had a duty to perform. The motion in Limit barred me from talking about insurance.

The jury find in favor of the defendant, Raymond Luker, and against the plaintiff Johnny Kirkland on all counts. Done on the 22nd day of August, 2017.

### REASONS FOR GRANTING THE PETITION

The reason for granting this Petition is because the trial court violated my rights under the Civil Right Act, and the United States Constitution, By not giving me a fair trial in an important issue at law. By Showing

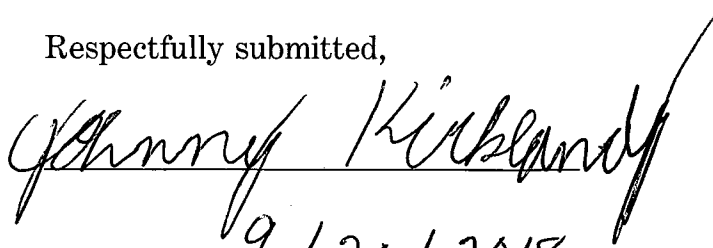
- (a) Discrimination (Prejudice in not having the jury hear evidence in my favor.
- (b) 6th Admendment — the right to counsel had been violated because I was deaf in both ears. I have severe hearing loss in both ears. I can send doctor reports if needed. I am also illiterate. The right to a lawyer is having a right to a fair trial. See Powell vs. Alabama. (1932) Although this was a capital case or criminal case, but I think you still need a right to a lawyer in a civil case if you can't read or hear.
- (c) Due Process violation — Denied the right to trial by jury by granting Defendant a motion for direct verdict, when there was a genuine issue of fact to be presented to the jury. See Pelle vs. Diners Club 287 S.D. 2d 737, 738 (Fla. 3d DCA 1974) holding that it was a violation of Due Process to grant a direct verdict before plaintiff had a chance to present his evidence, or a opportunity to be heard.

I Pray the United States Supreme Court  
will please grant the petition because no one  
have a right to rear-end anyone and cause  
injuries, and then denied it. I also tried to get  
counsel, and no one would help me, so I tried to  
take on the case myself. I was only a pro se  
trying to take on two lawyers.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Date: 9/20/2018