

No. 18-7459

Supreme Court, U.S.
FILED

SEP 05 2018

OFFICE OF THE CLERK

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Michael S. Greene — PETITIONER
(Your Name)

vs.

William O. (Bill) Huffman, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals For the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Jerome Greene
(Your Name)

(MOC) 1 Mountside Way
(Address)

Mt. Olive, WV 25185
(City, State, Zip Code)

304-442-7213
(Phone Number)

QUESTION(S) PRESENTED

- i.)
- 0 The Plaintiff got sentence to (20) years on Adult case at (19) nineteen years old because of his juvenile Rights being violated. Per WV Code § 44-5-13, Plea Agreement allowed Plaintiff to stay in juvenile custody until his 21st birthday; on his 21st birthday he would start his Adult case AND be placed on Adult Probation. The Plaintiff Signed the Plea at (18) eighteen years old, at (19) nineteen years old the judge took him off juvenile jurisdiction, started his Adult case on probation, which should have started on his 21st birthday: Did the judge not violate his juvenile rights??
- 2.)
- 0 In Plea Agreement it states "It is further understood that this agreement applies only to matters listed or otherwise described herein and is expressly not applicable to any and all matters..." It also states: "Deferred adjudication of guilt; whereby Defendant would be allowed to withdraw his plea AND case be dismissed upon completion of Probation; or completion of a two-year associates degree program; or an equivalent trade-school certification." (1) You can not compare a two-year associates degree to a trade-school certification so the Judge/State cant say Plaintiff core curriculum; equivalent trade-school certification have to be equivalent to a two-year associate degree??
- 3.)
- 0 You can file suit on the state for wrongful conviction, request money damages after your case get over-turned; If meritorious, and have proof on paper worth the state had about your plea agreement to keep you meritorious (including your lawyer ANY Judge), is it right to keep an innocent Plaintiff from filing suit section 1983 on the said Defendants only requesting money for their wrongful actions while your working on your conviction in another (Higher) court because your Judge know he lied??
- 4.)
- 0 For the above question number (3) three, in suit section 1983 for some matter, can the district court, U.S. court of Appeals, or this court not have the defendants over-turn Plaintiff case knowing he innocent, even though he only requested money for relief upon defendants wrongful actions??

LIST OF PARTIES

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

[x] 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:

William O. (Bill) Huffman; William B. Siller; George V.
Siller; AND Scott A. Ash

TABLE OF AUTHORITIES CITED

CASES Mitchell v. Forsyth, 472 U.S. 511, 526-27, 86 L. Ed

PAGE NUMBER

2d 411, 105 S. Ct. 2806 (1985);

IN

Hatcher v. McBride, 221 W.Va. at 765, 656 S.E. 2d at 795;

U.S.

State ex rel Davis v. Rustetter, 2006-Ohio-5305 (Ohio Ct. App. 2006),

Court

Davis v. Clark County Bd of Comm'rs 2015-Ohio-3794 (Ohio Ct. App.

2015), Davis v. State of Ohio, Court of Claims of Ohio, case no. 2016-

0025-WI);
McMinn v. Richardson, 397 US 759, 771, 25 L. Ed 2d 763, 90 S.

of

Ct 1441 (1970);
Tollatt v. Henderson, 411 US 258, 36 L Ed 2d 235, 39 S Ct. 1602

Appeals

(1973);
State v. Greiner, 178 W.Va. 479, 360 S.E. 2d 554; (1987); AND

For

Santobello v. New York, 404 US 257, 30 L Ed 2d 927, 92 S Ct

The

Fourth

Circuit

only

STATUTES AND RULES Fed. R. Civ. P. 12 (c) and (h)(2), etc

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OTHER

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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 A 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 B 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 31st, 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 _____.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

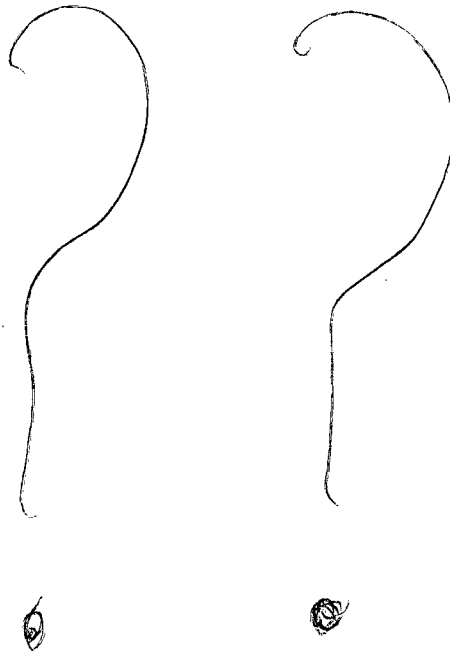
☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fed. R. Civ. P. 12 (c) and (h)(2), etc



STATEMENT OF THE CASE

On June 8th, 2012, at (18) eighteen years old, the Plaintiff signed the Plea Agreement on an adult case AND remained in Juvenile Subsdiction for another case. The Plea allowed the Plaintiff to stay in juvenile custody until his 21st birthday per WV Code §49-5-13, then on his 21st birthday he would start his Adult case AND be placed on Adult Probation. Less than a year, at (19) nineteen years old the Plaintiff wrongfull started his adult case AND got sentence to (20) years wrongfully because he was to stay in Juvenile custody until his 21st birthday.

Furthermore, the Plea Agreement promised the Plaintiff that the Plea would be withdrawn AND case dismissed "upon successful completion of probation; or successful completion of a two-year Associates degree program; or an equivalent trade-school certification".

On April 2nd, 2013, Plaintiff earned his core curriculum; equivalent trade-school certification, which the judge / state court on March 25, 2015 AND they stated "it had to be done while on probation", but it don't state this in the Plea. On June 15, 2015, the court / state stated "the core curriculum is not a trade-school certification", AND on March 24th, 2017 the court changed it saying stating "the core curriculum had to be equivalent to a two-year associates degree." which is why Plaintiff is still wrongfully incarcerated; the Plea Agreement was unfulfilled and the state changed the words/meaning of the plea agreement to keep Plaintiff incarcerated. (see ~~signed~~ Declaration for more detail of case)

At the time, Plaintiff is (24) years old, (5) five years ago the Plaintiff was only (19) nineteen years old, which advocates is proof his Juvenile Rights were violated AND the Plea Agreement he signed was unfulfilled regardless, and Plaintiff is innocent of his conviction. (00B:9/4/1993)

REASONS FOR GRANTING THE PETITION

Juvenile Rights were violated for Plaintiff's conviction at 17/18 years old; Plea asked for an equivalent in-school certification for use to be dismissed, Plaintiff received his core curriculum; equivalent in-school certification, but the State/Judge refused to go by Plea Agreement, which falls under: Unfulfilled Plea Bargain. And if this court do not grant the ~~Plea~~ Petition of kind, the Plaintiff will stay in prison wrongfully convicted probably another year.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Greene

Date: 8/31/18