

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 J. 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)

(MOCC) 1 Mountainside Way  
(Address)

Mt. Olive, WV 25185

(City, State, Zip Code)

304-442-7213

(Phone Number)

i.) **QUESTION(S) PRESENTED**

- 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 21<sup>st</sup> birthday; on his 21<sup>st</sup> 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 21<sup>st</sup> birthday. Did the judge not violate his Juvenile Rights??

2)

- 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 can't say Plaintiff core curriculum; equivalent trade-school certification have to be equivalent to a two-year associate degree??

3.)

- You can file suit on the State for wrongful conviction, request money damages after your case get over-turned; If incarcerated, and have proof on paper with the state that about your plea agreement to keep you incarcerated (including your Lawyer and Judge), is it right to keep a 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.) ~~For the above question the answer is to file a suit section 1983 on the higher court~~

- For the above question number (3) three, on suit section 1983 for same matter, in the district court, U.S. court of Appeals, or this court not have the defendants over-turned 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.

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 S. Sodler; George V. Sodler; AND Scott A. Ash

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Mitchell v. Forsyth</u> , 472 U.S. 511, 526-27, 86 L.Ed. 2d 411, 105 S.Ct. 2806 (1985);	IN
<u>Hatcher v. McBride</u> , 221 W.Va. at 765, 656 S.E. 2d at 795;	
<u>State ex rel Davis v. Restailler</u> , 2006-Ohio-5305 (Ohio Ct. App. 2006); <u>Davis v. Clark County Bd. of Comm'rs</u> , 2015-Ohio-3794 (Ohio Ct. App. 2015); <u>Davis v. State of Ohio</u> , Court of Claims of Ohio, case no. 2016-0025-WI;	U.S. Court of Appeals for the Fourth Circuit Only
<u>McKinn v. Richardson</u> , 397 U.S. 759, 771, 25 L.Ed. 2d 763, 90 S.Ct. 1441 (1970);	Cf
<u>Tollitt v. Henderson</u> , 411 U.S. 258, 36 L.Ed. 2d 235, 39 S.Ct. 1602 (1923);	
<u>State v. Grether</u> , 178 W.Va. 479, 360 S.E. 2d 5524; (1987); AND <u>Santabella v. New York</u> , 404 U.S. 257, 36 L.Ed. 2d 927, 92 S.Ct. 493 (1971)	
STATUTES AND RULES	Fed. R. Civ. P. 12 (c) and (h)(2), etc.
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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 31<sup>st</sup>, 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 \_\_\_\_\_.

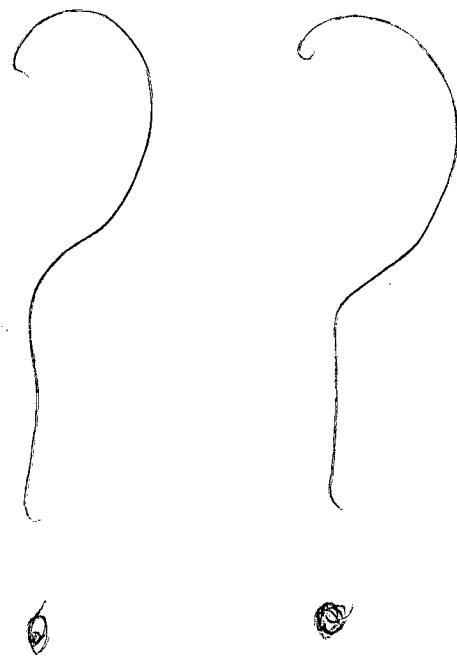
[ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] 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. C. V. P. 12 (c) and (h)(2), etc*



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## STATEMENT OF THE CASE

On June 8<sup>th</sup>, 2012, at 18 eighteen years old, the Plaintiff signed the Plea Agreement on an adult case AND remained in Juvenile Jurisdiction for another case. The Plea allowed the Plaintiff to stay in Juvenile custody until his 21<sup>st</sup> birthday per WV Code §49-5-13, then on his 21<sup>st</sup> birthday he would start his Adult case AND be placed on Adult Probation. Less than a year, at 19 nineteen years old the Plaintiff wrongful started his adult case AND got sentence to (20) years wrongfully, because he was to stay in Juvenile custody until his 21<sup>st</sup> 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 2<sup>nd</sup>, 2013, Plaintiff earned his core curriculum; equivalent trade-school certification, with the judge/stake about it 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/stake stated "The core curriculum is not a trade-school certification", AND on March 24<sup>th</sup>, 2017 the court charged it stay 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 <sup>§49-5-13</sup> 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. (DOB: 9/4/1993)

### REASONS FOR GRANTING THE PETITION

Juvenile Rights were violated for Plaintiff's conviction at 17 & nineteen years old; Plea asked for an equivalent trade-school certification for use to be dismissed, Plaintiff received his core curriculum; equivalent trade-school certificate, 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 Plaintiff, 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