

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Elmos D. Hopkins — PETITIONER
(Your Name)

vs.

SOUTH DAKOTA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

8th Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Elmos D. Hopkins # 1864
(Your Name)

1412 Wood Street

(Address)

Springfield, SD 57062-2238
(City, State, Zip Code)

UNK

(Phone Number)

QUESTION(S) PRESENTED

1. Can a defendant be convicted by a jury when two witnesses [owners of the house (wife and husband) being burglarized] who observed two males from 15 feet in broad day light come out of their house and had an ^{un}obstructed view and time to identify said ~~burglars~~, and who testified in Court that Elmos D. Hopkins was not the man they saw or observed coming into the front yard out of their front door to their house by the State and defense counsels despite a confession by defendant and identification by four of defendant's co-defendants?

No.

2. Is it settled law that such a return by the jury is contrary to law and fact, settled?

Yes.

3. And if not, the verdict should be vacated, as such a trial, is an "Inquisitional" one or "Star-Chambered" one, AND DEMANDS REVERSAL, DISMISSAL WITH PREJUDICE.

ES

in the cover page.

case on the cover page. A list of judgment is the subject of this

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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 C 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 is unpublished.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 is unpublished.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 50 to the petition and is

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 is unpublished.

Lost Judgment *State v. Hopkins, 2013 S.D. LEXIS 128, (Sept 3, 2013
837 N.W.2d 414*

The opinion of the Trial Court court 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.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 24, 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**:

lost judgment
The date on which the highest state court decided my case was Sept 3, 2013.
A copy of that decision appears at Appendix _____.

No A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

No 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

U.S. Const. Amendments. 4th, 5th, 6th, 8th, 14th

STATEMENT OF THE CASE

Petitioner was convicted of Burglary and ~~possession of stolen~~ ^{Grand Theft} items and sentenced as a habitual offender to 50 yrs as a result of a jury trial. Petitioner appealed to the SD Supreme Court, habeas, then to Fed. DSD, Court of Appeals, all denied. Petitioner is incarcerated at Mike Durke State Prison, Springfield, SD.

REASONS FOR GRANTING THE PETITION

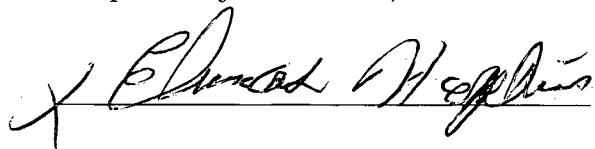
A defendant should never be convicted, even though guilty, when "two" witnesses who were at the crime scene, and there is no linking of improper motive to bias or prejudice such witnesses by the defendant's actions whatever and said witnesses' descriptions were consistent through out from crime scene to in court. And identified petitioner as NOT one of two Burglars they saw in court by questions by trial and state counsels.

Not a fair trial under law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edward H. Hopkins

Date: Aug 13, 2018