

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Clark Derrick Frazier — PETITIONER
(Your Name)

vs.

State of Tennessee — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Criminal Appeals of Tennessee at Knoxville.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Clark Derrick Frazier
(Your Name)

Northeast Correctional Complex
(Address)

5249 Highway 67 West 37683
(City, State, Zip Code)

423-727-7387
(Phone Number)

RECEIVED

SEP 21 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

law?
 last in a manner "incongruent with" due process of

(E) Why is the Tenancy Court System failing in this

that if case is valid?
 applying course and having a hearing to determine

(D) Did the trial Court & Appellate is direction in not

procedure. (See Reg 14)
 dictated as required by Habens corpus rule and

when a claim "void" statute and construction is on

(C) Did the Criminal Court of Appeals Err in their Rulings?

A writ of Habens corpus?

(B) Whether Clerk's Office is entitled to relief in such

fundamental fairness in a judicial proceeding?

(A) Whether the lower Courts provided this Appealant of

QUESTION(S) PRESENTED

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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TABLE OF AUTHORITIES CITED

CASES. *Alford, 400 U.S. at 31*

Bogkun v. Alabama, 395 U.S. 242

Brady v. United States, 397 U.S. 742 (1970)

Class v. U.S. Supreme Court unpublised 2018 WL 987347

Archer v. 861 SW 2d 157 (Tenn 1993)

Chuich v. 515 SW 2d 865 (Tenn 1993)

Demand for trial v. 224 SW 3d 321

Faulkner v. 515 SW 3d 612 (Tenn Ct App 2002)

Hood v. 515 SW 3d 358

Murphy v. 515 SW 2d 774 (Tenn 2007)

Murphy v. 515 SW 2d 340

STATUTES AND RULES

Tables of Groups and Procedure of Tennessee T.C.A 29-21-101-130⁴⁹

Tenn Code Ann. 29-21-101 thru 29-21-130

U.S.C. Amendment 14

U.S.C. Amendment 5

Federal Rules Governing Judicial Proceedings Rule 11

Tennessee Rules of Criminal Procedure 11(b)(3)

Amendments to the Tennessee Rules of Criminal Procedure T.C.A 29-21-101-130⁴⁹

Amendments to the Tennessee Rules of Criminal Procedure T.C.A 29-21-101-130⁴⁹

Tenn Code Ann. 29-21-101 thru 29-21-130

OTHER STATE V. Gallaway, 95 Tenn 324 (Tenn 1863)

Sunmills v. 515 SW 3d 910 (Tenn 2007)

Tucker v. 515 SW 3d 251 (Tenn 2007)

Turner v. 515 SW 3d 114 (Tenn Crim App 2009)

Ward v. 515 SW 3d 461 (Tenn 2015)

any other case that should be tried.

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 N-A to the petition and is

[] reported at N-A; 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 N-A to the petition and is

[] reported at N-A; 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 Frazier v. Lee No 2018-00323-CCA-R3-HC; or,
[] has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Johnson County Tennessee Criminal court appears at Appendix B to the petition and is

[] reported at Frazier v. Lee case no CC-18-R-3; 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 N-A.

[] 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: N-A, and a copy of the order denying rehearing appears at Appendix N-A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including N-A (date) on N-A (date) in Application No. N-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 Sept 13th 2018. A copy of that decision appears at Appendix C.

[] A timely petition for rehearing was thereafter denied on the following date: No Rehearing Filed, 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 N-A (date) on N-A (date) in Application No. N-A A N-A.

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

presented to the United States Congress that it
and the United States Constitution does that if
a musical instrument to the United States Government
closely shows to the effect of the Second the
civic duty course did not have the Secretary
of State to settle effect to a clearly
"illegal" section.

A situation imposed in direct confrontation to a specific individual and thus "void," sufficiency in this case is in clear confirmation of the narrower Rule of Criminal Procedure 11(b)(3) and the due process clause of the United States Constitution. U.S.C.A. 14. See (See Recs 14)

Constitutional And Statutory Powers have been limited.

Proceedure Rule 11 (b) 3 .
Petitioner filed the instant Petition for habeas corpus relief in the Criminal Court of Johnson County Tennessee on Jan 11th 2018, etc Clerk Derril Frazier
VS . Randy Lee, Warden cause no. C-18-ER3 . Last week
dismissed without the appointment of counsel on Feb 7th 2018
by Judge Lisa Rice no reason of law were cited. Therefore
Petitioner filed a Criminal Appeal to the Court of Criminal Appeals for the Eastern District of Tennessee at Knoxville
this Appeal was filed on April 23rd 2018 .
The Court of Criminal Appeals for the Eastern
District of Tennessee issued its opinion in this case
decided on July 3rd 2018 . etc Clerk Derril Frazier
releif on July 3rd 2018 . etc Clerk Derril Frazier
Petition for habeas corpus filed No. E2018-00323-CCA-R3-HC
Filing Fee - \$50.00 - Filing Fee of Tennessee No. E2018-00323-CCA-R3-HC

Statement of THE CASE
A Circular order issued by the state of Tunisia
for prisoners thus held by the state of Tunisia
on a clear illegal void scanty and covetous (TCCPs 14)
The seizure and confiscation in this case at bar is in
direct contravention of Tunisian Rule of criminal

Reasons For Granting THE Petition.

Appellant's case is 'VOID' clear on the record as required by Tenn. Code Ann. § 29-21-101 thru 130. The record speaks for itself (TR page 14). Appellant cited in page 2 of his brief over 25 cases Tn. Rules of Crim. Proc. And 2 constitutional amendments. U.S.C.A. and U.S.C.A. 14.

Appellant cited Summers vs. State which is Tennessee Supreme Court precedent. Appellant further cited Frazier vs. State (2016) where this honorable court set out the guide lines for guilty pleas here in Tennessee. Appellant's case is not like Cooley vs State, as the Criminal court of Appeals avers.

The record in this case (T.R. page 14) clearly demonstrates that Appellant is restrained of his liberty by a clear "VOID" judgment and conviction.

A "VOID" judgment as this case clearly shows is illegal and invalid because the trial court did not have the statutory authority to render the judgment in this case.

Petitioner has established that his guilty plea and sentence imposed on him is in clear contravention of Tennessee Rules of Criminal Procedure Rule-11(b)(3), which makes this conviction "VOID" and illegal, further renders the complained conviction invalid under the Fourteenth Amendment, U.S.C.A. 14.

No record form outside sources are needed the criminal court of Appeals stated in its opinion in 2009 and 2018, there is no factual basis to this conviction; What else is needed?

Appellant, has pointed to pertinent documents from the record that prove his factual innocence assertions.

Tennessee case law and precedent cases are clear in their holding that an illegal sentence in a plea agreement renders that judgment including the conviction "VOID" and entitles this Appellant to Habeas Corpus relief.

A Habeas Corpus petition is the proper procedure for challenging an illegal sentence.

I am not a lawyer so why do the courts hold me responsible for not saying or citing the correct legal principles?

It was affirmatively stated in the original trial courts record by the Criminal Court of Appeals. In the opinion attached it states on page 3: 1: "quote" However, this court stated in its

affirming the post-conviction court's determination that the transcript of the guilty plea hearing did not contain a recitation of the factual basis supporting the appellant's guilty plea and conviction for second degree murder; as mandated by Tennessee Rules of Criminal Procedure 11 (b)(3).

A guilty plea does not bar a claim where on the face of the record the court had no power to enter the conviction or impose the sentence. Just as in appellant's case. (T.R. page 14).

The trial court in this case did not have the lawful statutory authority to prosecute or sentence appellant to a clear illegal "VOID" plea.

The plea in this case at bar is one which has no legal force or effect, invalidity of which may be asserted by any petitioner whose rights are affected.

The conviction and plea in appellants' case is forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right of no legal force and effect whatever. The trial court Habeas Corpus trial court and the Court of Criminal Appeals all have acted in a manner inconsistent with due process of law.

A "VOID" judgment may be assailed at anytime. A "VOID" judgment is one so affected by a fundamental infirmity which may be raised at anytime. Every door is closed to appellant having no remedy to address an illegal sentence. (T.R. page 14).

CONCLUSION

WHEREFORE, PREMISES, considered the law and Rules of procedure herein and being that there is clearly no factual basis to appellant's plea contrary to the requirements of Tennessee Rules of Criminal Procedure 11(b)(3), which makes the plea and sentence in this case null and "VOID" illegal. Your Appellant has made a *prima facia* showing on the record by a preponderance of the evidence on the record. That he is being restrained of his liberty and is due Habeas Corpus relief.

THEREFORE, Appellant, Clark Frazier prays for this honorable court to clarify the mandates of Habeas Corpus and Tennessee Rules of Criminal Procedure with conflicting case on this subject in the 6th Circuit. This writ and application may be granted by any judge of the circuit or criminal courts to release a person who is under such judgment that is "VOID" the

same as in this case. this Honorable Court ~~is~~ ~~in~~
in the interest of justice the petitioner asks this
Honorable court To in the interest of justice please review
and resolve disagreements among the lower courts on
this issue throughout the ~~6th~~ circuit
CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Clark Derrick Fajer

Date: September 17th 2018

and again on Oct 3rd 2018

Clark Fajer 21
Signature