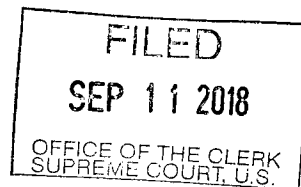


No. 18-8004



IN THE
SUPREME COURT OF THE UNITED STATES

Henry Lee Craig #76588 — PETITIONER
(Your Name)

VS.

See detached page — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Henry Lee Craig #76588
(Your Name)

2999 U.S. Hwy 61 north p.o. box #1889 w.c.c.f.
(Address)

Woodville Ms 39669
(City, State, Zip Code)

(Phone Number)

Questions Presented

"A"

Did the Mississippi Attorney General Mr. Jim Hood and his assistant attorney general Mr. Billy Gore brief to the Mississippi Supreme Court of Appeals on page number #2 verify that the conflicting evidence and testimony that was adduced at the petitioner trial of Henry Lee Craig #76582 was sufficient enough to sustain a guilty verdict??? see jury instruction D-15 D-16 D-17 D-18...

B Did the Mississippi Attorney General Mr. Jim Hood and his assistant attorney general Mr. Billy Gore brief to the Mississippi Supreme Court of Appeals on page number #2 violate the petitioner Henry Lee Craig #76582 United States 14th Constitutional Amendment

Equal Protection and Due Process rights by
Failing to withhold the verified conflicting testimony
and evidence from the petitioner Henry Lee Craig #76582
during a judicial appeal process in their official
complicity ??? See jury instruction C-1 and D-15...
See the Mississippi Attorney's General Appeals Brief
page 2...

"C"

Did the Mississippi Attorney's General briefs page 2
verification of this conflicting testimony and
evidence that was submitted to the Mississippi
Supreme Court of Appeals a reversible error for a
rightful discharge or a reversible error for the
petitioner Henry Lee Craig #76582 a new trial ??? →

See jury instructions C-1, D-15, D-16, D-17,
and D-18...

"D"

The petitioner Henry Lee Craig #76582 filed a motion to have the trial attorney and the Mississippi Supreme Court of Appeals appointed public defender to be withdrawn from the petitioner cause of the appeals number 2011-KA-1283-COA... The petitioner never gave the appointed public defender approved consent to file any legal documents. Did the Mississippi Supreme Court of Appeals err - violate the petitioner Henry Lee Craig #76582 United States 14th Constitutional Amendment Equal Protection and due process rights by denying the petitioner motions to have the counsels withdrawn?

" E "

Did the Mississippi Supreme Court of Appeals
commit a reversible error by not allowing the
public defender appointed attorney to be withdrawn
from the petitioner Henry Lee Craig #76582 cause
number 2011-KA-1283-COA. When the petitioner
Henry Lee Craig #76582 did not provide consent or
authorization for the appointed public defender to
perform any assistance or legal actions in relations
to the cause number 2011-KA-1283-COA???

" F "

Did the Mississippi Supreme Court of Appeals
commit a reversible error by falsifying and altering
testimonial misleading evidence that's not in the

trial related transcript of the petitioner

Henry Lee Craig #76587 trial court cause 2009-10,520 (ca)

See Mr. Floyd Broadnax trial related statements

pages 195-250 ???

The Mississippi Supreme Court of Appeals

Henry Lee Craig v/s State of Mississippi 110 So. 3d

807 (2012) section "Statement of Facts and

Procedural History" on line" P. 4 " The exact

Falsified and Alteration of the testimonial

evidence states that " Craig who was waiting

inside Miller's house " is not in evidence of the

trial transcript or record...

Did the Mississippi Supreme Court of Appeals

Active misconduct while under a judicial oath

in their official capacity committ a reversable

error against the petitioner Henry Lee Craig

#76587 ... and did this reversible error violate the

petitioner Henry Lee Craig #76587 United States

14th Constitutional Amendment Equal protection

and Due Process ??

" G "

Did the Mississippi Attorney General Office brief to the Mississippi Supreme Court of Appeals on page 1 stated by the Mississippi Attorney General Office as they respectfully submitted under color of the authority of the state of Mississippi, in their official judicial and individual compacity... Directly stated "A F.B.I. Conspiracy Theory WAS Thrown into the Mix"... Did the False Statement? "A F.B.I Conspiracy Theory WAS Thrown into the Mix" violate, the petitioner Henry Lee Craig # 76582, United States 14th Constitutional Amendment Equal Protection, and Due Process, rights by making the False Statement during a judicial proceeding under a judicial oath?

QUESTION(S) PRESENTED

"A"

Did the trial court err - violate the petitioner
Henry Lee Craig # 76582 United States 14th Constitutional
Amendment Equal Protection and Due Process to a Fair
trial by allowing the F.B.I agents Jerome Lorrain and
Louis Miller whom direct and indirectly participated in
concealing the crime of intimidation of a non-party
witness while procuring a arrest warrant???

See given jury instruction "D-15" - 17-16 17-17 17-18

"B"

Did the trial court err - violate the petitioner
Henry Lee Craig # 76582 United States 14th Constitutional
Amendment Equal Protection and Due Process to a Fair
trial by allowing the non-party state witness 302 F.B.I

Report of a non-party witness Raymond Millender
exhibit 45 to be read in the trial court and jury ???

See given jury instructions D-15

"C"

Did the trial court err-violate the petitioner
Henry Lee Craig #76582 United States 14th Constitutional
Amendment Equal Protection and Due Process to a Fair
trial by allowing the state prosecution to withhold
exculpatory evidence concerning the Sheriff Deputy
Mr. Reuben Fountain, violated the petitioner United States
14th Constitutional Amendment Equal Protection & Due
Process by failing to arrest the petitioner Henry L. Craig
#76582. The Sheriff deputy under oath at trial testified
that he the Sheriff deputy swore upon his oath to protect

and serve but Failed to uphold his the sheriff
deputy Mr. Reuben Fountain official duty after
claiming to have witnessed a crime inside "300"
Feet of a school ??? See jury instruction D-15

"D"

Did the state prosecution office at trial before a
jury prove every element beyond a reasonable doubt
that the petitioner Henry Lee Craig #76582 guilty of
Murder ??? See jury instructions D-15 D-16 D-17 D-18

"E"

Was the evidence adduced at the jury trial of the
petitioner Henry Lee Craig #76582 sufficient to
convict of Murder ??? See jury instructions D-15
D-16 D-17 D-18

" F "

Did on the 3rd jury trial during cross examination of the F.B.I Supervisor Mr. Jerome Lorrain under oath was asked about the intimidation of a witness Raymond Millender??? The F.B.I Supervisor Mr. Jerome Lorrain under oath acknowledged the claim of witness intimidation and admitted to the crime of witness intimidation indirectly, but willfully identified the direct participant of the F.B.I Agent whom was named as F.B.I Agent Mr. Louis Miller that committed the witness intimidation directly during a F.B.I 302 - interview / interrogation... See trial related transcript 2009-10,520 C20 page 456, 457, 458, 528 no objections was made... Did the direct and indirect active misconduct and crime related activity while in their official

Complicity during the petitioner indicted charge
murder investigation violate the petitioner Henry Lee
Craig #76582 United States 14th Constitutional Amend
ment Equal protection & Due Process rights to a
Fair trial? See given jury instructions C-1
D-15, D-16, D-17,

" G "

Was the trial court appointed expert Forensic
Mr. Paul McGarry autopsy Findings - results of the victim
Silas Miller death against the state eye-witnesses
inconsistent testimonies adduced at the trial con-
cerning the petitioner Henry Lee Craig #76582 accused
distance from the victim Silas Miller was inconsistent
with the autopsy report., did the inconsistent testimonies
of the state eye-witnesses and Dr. Mr. Paul McGarry
autopsy report violate the petitioner Henry Lee Craig
#76582, United States 14th Constitutional Amendment
Equal Protection and Due Process rights to a fair
trial. See Dr. Paul McGarry trial transcript/record
testimony p. 327-347. See jury instructions
C-1, D-15.

"H"

Did the victim Silas Miller dying declaration
against the state witness inconsistent testimonies, and
inconsistent evidence violate the petitioner Henry Lee Craig
#76587 United States 14th Constitutional Amendment
Equal Protection and Due Process rights to a Fair trial???

See jury instructions C-1 and D-15...

"I"

Did the Moss Point Police officer Mr. Bryan Norton,
verification of the victim Silas Miller, dying declaration...
First trial testimony and Third trial Stipulation while
under the color of authority of the state Mississippi
in his official capacity under oath was against
the state eye-witness inconsistent testimonies

And the inconsistent evidence that was adduced
at the Third trial violated the petitioner Henry Lee Craig
#76587 United States 14th Constitutional Amendment
Equal Protections and Due Process rights to a Fair trial.
See jury instructions C-1 and D-15 and Bryan
Wortons Stipulation...

"J"

Did the Moss Point Police officer - detective
Ms. Joyce Craig verification of the victim Silas Miller
dying declaration while under color of Authority of the
State of Mississippi in her official capacity under
oath was against the state eye-witnesses inconsistent
testimonies and the inconsistent evidence that was
adduced at the Third trial violated the petitioner
Henry Lee Craig #26582 United States Constitutional
14th Amendment Equal Protection and Due Process rights
to a Fair trial...

See Joyce Craig trial related transcript p. 277 - 322
Jury Instructions C-1 and D-15

Appendix - C

Questions Presented A - F

Post-Conviction Dec 09 2015

Questions Presented

" A "

Did the petitioner Henry Lee Craig #76582 during the post-conviction proceeding to the Mississippi Supreme Court timely raise the following United States 14th Constitutional Amendment errors - violations listed concerning the petitioner post-conviction proceedings???

" B "

Did the petitioner Henry Lee Craig #76582 3rd jury trial, jury instructions that was given and agreed upon by both the state and the defense in their entirety?

Is it one jury instruction unconstitutional? And if so did the unconstitutional jury instructions violate the petitioner Henry Lee Craig #76582 United States 14th

Amendment Equal Protection and Due Process right
to a Fair trial ??? See jury instruction list.

"C"

Accordingly to the trial jury judicially bound oath
that was administered by the trial Judge Hon Ms.
Cathy King Jackson? Did the trial jury violate - Err
the petitioner Henry Lee Craig #76588 United States 14th
Constitutional Amendment Equal Protection and Due
Process rights to a Fair trial by returning a
guilty verdict... See jury instruction C-1, D-15,
D-16, D-17, D-18 bound under a judicial oath...

" D "

Did the defense trial attorney Mr. Calvin D. Taylor during the selection of the petit jury violate the petitioner Henry Lee Craig #76582 United States 14th Constitutional Amendment Equal Protection and Due Process right to a fair trial by personally without the petitioner Henry Lee Craig #76582 consent to select a all white petit jury, not of the petitioner Henry Lee Craig #76582 peers nor his petitioner Henry Lee Craig #76582 cross-sectional requirement, of his the petitioner Henry Lee Craig #76582 community

" E "

Did the trial court Err-violate the petitioner Henry Lee Craig #76582, United States 14th Constitutional

Amendment Equal Protection and Due Process

right to a Fair trial by allowing a all white
jury that's not of the petitioner Henry Lee Craig
#76588 peers nor cross section return the guilty
verdict -- See jury instruction D-15 - D-16 D-17
D-18 - C-1

" F "

Did the petitioner Henry Lee Craig #76582 during the post-conviction proceeding timely raise the trial related prosecution misconduct aiding and abetting the crime of witness intimidation whom the F.B.I agent Jerome Lorrain under oath upon cross examination willfully acknowledged and admitted to indirectly participating by failing to report it upon the procurement of the arrest warrant??? Did this active misconduct violate / err the petitioner Henry Lee Craig #76582 United States 14th Constitutional Amendment Equal Protection and Due Process to a Fair trial? See trial related transcript - record page 456, 457, 458 and closing argument page 528. No objections by the prosecution was ever made...

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:

See detached page 10f1 and 10f2

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APPENDIX B Decision of Miss State Trial Court

APPENDIX C Decision of Miss Supreme Court of Review

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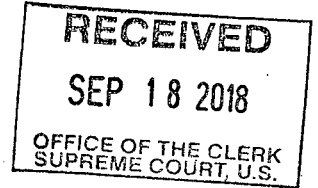
APPENDIX E Decision of Miss Dist Court South Dist Miss

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Appendix G. Decision of U.S. Court of Appeals 5th Cir
Rehearing / Reconsideration

9-10-2018

TABLE OF AUTHORITIES CITED



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STATUTES AND RULES

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OTHER

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Stipulations - Moss Point Police Officer Bryan Norton see first trial testimony
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Tables of Authorities

Patterson v/s New York 432 U.S. 197, 210, 53 LEd 2d 281

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Sparf v/s United States 156 U.S. 51, 105-106, 39 LEd 343 15 S.Ct 273 (1895) page 4 10F4

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Imbler v/s Pachtman 424 U.S. 409, 47 LED 2d 128, 96 S.Ct.

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2d 799 (1963) page 4 10f7

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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 11 F 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 E 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 D 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 Miss Supreme Court of Appeals court appears at Appendix A to the petition and is

☐ reported at 110 So 3d 807 (2012 Miss); 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 MAY 25th 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: JUNE 11th 2018, and a copy of the order denying rehearing appears at Appendix G.

☐ 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 Dec 09th 2015.
A copy of that decision appears at Appendix D.

☒ A timely petition for rehearing was thereafter denied on the following date: JAN 06th 2016, 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

The United States Constitutional Sixth Amendment, in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, and to have the Assistance of counsel.

The United States Constitutional Fourteenth Amendment
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person

of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws.

STATEMENT OF THE CASE

In state criminal trials, The Due Process of the Fourteenth Amendment "protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime he is charged." In re Winship 397 U.S. 358, 364 25 LEd 2d 368, 90 S.Ct 1068 (1970) Jackson v/s Virginia 443 U.S. 307, 315-316 61 LEd 2d 560, 99 S.Ct. 2781 (1979). See Cage v/s Louisiana 498 U.S. 39, 111 S.Ct 328 112 LEd 339 (1990) citing controlling authority See jury instruction C-1 - D-15, D-16 D-17, D-18, In Cool v/s United States 409 U.S. 100, 104, 34 LEd 2d 335 93 S.Ct 354 (1972) The Constitution requires proof of guilt beyond a reasonable doubt.

The prosecution bears the burden proven all elements of the offense charged see e.g. *Patterson v/s New York* 432 U.S. 197, 210 53 LED 2d 281, 97 S.Ct. 2319 (1977)
LeLand v/s Oregon 343 U.S. 790, 795, 96 LED 1302, 72 Sct. 1002 (1952)

The Function of a prosecuting attorney is to prosecute to act as a accuser, to be a partisian, to present the evidence on one side of the case. He have no power to adjudge, to sentence or by his order, to deprive anyone of life, liberty or property.. The trial court is the tribune, it's function is to hear the evidence on both sides of the case, to decide which evidence is more credible and to pronounce judgement in accordance with such Findings of Fact. Such a contrivance by a state

to procure the conviction and imprisonment of a defendant is as inconsistent with the rudimentary demands of justice as is the obtaining of a like results by intimidation... citing *Mooney v/s Holohan* 294 U.S. 103 55 S.Ct. 340 79 LEd 791 (1935)

The questions presented is whether on these facts the failure of the prosecutor to correct the testimony of the state with respect his very own oath, Beuben Fountain Sherriff deputy of the Jackson County Sherriff department testimony which both knew to be false denied the petitioner Henry Lee Craig #76582, his United States Constitutional Fourteenth Amendment Equal Protection and due Process rights to a fair trial, citing *Napue v/s Illinois* 360 U.S. 264 79 S.Ct. 1173 3 LEd 20 1217 (1959)

The Sixth Amendment provides that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, see *Duncan v/s Louisiana* 391 U.S. 145, 149, 20 LEd 2d 491, 88 S.Ct 1444 (1968)

See *Sparf v/s United States* 156 U.S. 51, 105-106, 39 LEd 343

15 S.Ct 273 (1895) A judge may direct a verdict for the defendant if the evidence is legally insufficient to

establish guilt, he may not direct a verdict for the

state, no matter how overwhelming the evidence

citing *United States v/s Martin Linen Supply Co* 430 U.S. 564

572-573, 51 LEd 2d 642 97 S.Ct 1349 (1977) *Carpenters*

v/s United States 330 U.S. 410 91 LEd 973 67 S.Ct. 775 (1947)

A conviction obtained through use of false evidence, known

by representatives of the state must fall under the

The United States 14th Constitutional Amendment.

The same results obtains when the state, although not soliciting false evidence, allows it to go uncorrected when it appears. The United States Supreme Court has a duty to make its own independent examination of the record when the Federal Constitution deprivations are alleged. A lie is a lie, no matter what its subject and, if it is in any way relevant to the case, the prosecutor has the responsibility and duty to correct what he knows to be false and elicit the truth.

Brady v/s Maryland 373 U.S. 83 Sct 1194 (1963) it is the prosecution duty to disclose information or evidence that is favorable to a defendant, withholding the fact that the Sheriff deputy Mr. Reuben Fountain made false testimony under oath violated the petitioner Henry Lee Craig #26582

United States Fourteenth Constitutional Amendment Equal

Protection and Due Process rights to a Fair trial...

Concealing the crime of witness intimidation while in their F.B.I official capacity with holding evidence of that active misconduct and crime while procuring a arrest warrant also violates the petitioner Henry Lee Craig #76582 United States Fourteenth Constitutional Amendment Equal protection and Due Process rights to a fair trial citing Imbler v/s Pachtman 424 U.S. 409, 47 LEd 2d 128, 96 Sct 984 (1976)

F.B.I Agent Louis Miller directly participated in intimidating witness Raymond Millender and F.B.I supervisor Jerome Lorrain indirectly participated by concealing the crime during a F.B.I 302 interrogation...

The Sixth Amendment thru the Fourteenth Amendment requirement for the right to counsel are made obligatory upon the states by the United States Constitution Fourteenth Amendment Equal protection and Due Process citing Gideon v. Wainwright, 372 U.S. 335 83 S.Ct. 792 9 LEd 2d 799 (1963) Counsel's bare no-merit conclusion was not an adequate substitute for the petitioner Henry Lee Gray #76582, right to full appellate review to satisfy the requirement of substantially equality and fair process counsel must be an active advocate, not just an Amicus Curiae.

If so counsel conscientiously decides that the appeal is wholly frivolous he and she should so advise the court and request permission to withdraw

At the same time furnishing the court and the indigent with a brief of anything in the record arguably supporting the appeals process.

The Crime of witness intimidation was raised during the jury trial. The prosecution made no objections, the trial counsel further argued to the jury in closing arguments about the F.B.I admitted to witness intimidation. The crime went uncorrected and both the trial and appointed public defender concealed the crime of witness intimidation by not raising it in the appeal as a colorable claim. citing *Anders v/s California* 386 U.S. 738 87 Sct 1396 18 LEd 2d 493 (1963)

This misrepresentation violated the petitioner

United States Sixth thru the Fourteenth Constitutional
Amendment Equal protection & Due Process to a
Fair process.

REASONS FOR GRANTING THE PETITION

See *Napue v/s Illinois* 360 U.S. 264 (1959)

In cases in which there is a claim of denial of rights under the Federal Constitution, the United States Supreme Court is not bound by the conclusions of the lower courts, but will reexamine the evidentiary basis on which those conclusions are founded.

The United States Supreme Court has a duty to make its own independent examination of the record when federal constitutional deprivations are alleged...

The pro-se petitioner Henry Lee Craig #76582 seeking the elders of the honorable Supreme Court of the United States professional understanding in rendering ...

In state criminal trials, the due process clause of the Fourteenth Amendment protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. The U.S. Supreme Court will consider how reasonable jurors could have understood the charge as a whole.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

U. S. #76582
Date: Sep-10-2018