

18-8119

No.

ORIGINAL

FILED

FEB 21 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

WALTER D JENKINS — PETITIONER
(Your Name)

vs.

DAVID ZORK — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

✓ UNITED STATES COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

WALTER D JENKINS
(Your Name)

24414 MUSSEL WHITE DRIVE
(Address)

WAVERLY, VA 23891
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

(1) WAS THE PETITIONER DENIED BY THE UNITED STATES COURT OF APPEALS A PRIMA FACIE OF SIXTH AND FOURTEENTH AMENDMENT
ON NO COUNSEL IN HABEAS CORPUS OF INEFFECTIVE COUNSELING OF SPEEDY TRIAL WAIVER.

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	PAGE NUMBER
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JOHNSON V. ZERBST, 304 U.S. 459, 466 (1984)	5
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STATUTES AND RULES

<u>FEDERAL CODE</u>	
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OTHER

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 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☒ is unpublished.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 "B" 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☒ is unpublished.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 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☐ is unpublished.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 N/A 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☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was NOVEMBER 30, 2018.

☐ No petition for rehearing was timely filed in my case. N/A

☐ 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. A 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 N/A.
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied 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. A N/A

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

SIXTH AMENDMENT

~~In~~ all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial... and to have the assistance of counsel for his defense.

FOURTEENTH AMENDMENT

section 1. All persons born in the United States, of jurisdiction thereof, are citizens.
... No State shall deprive any person of liberty without due process of Law,

STATEMENT OF THE CASE

Petitioner accused of Murder and Display of Fire arm on September 19, 2006, Speedy trial time lapsed as waiver was In effective of Sixth and Fourteenth Amendment violation on April 29, 2007, (P1612, Exh. 1, 2, Record 66292-93) Sentenced to 33 years of Sept. 11, 2008. Petitioner was denied a appeal by the United States Court of Appeals, see "App. A."

REASONS FOR GRANTING THE PETITION

(1) THE PETITIONER WAS DENIED BY THE UNITED STATES COURT OF APPEALS A PRIMA FACIE OF SIXTH AND FOURTEENTH AMENDMENT
ON NO COUNSEL IN HABEAS CORPUS OF INEFFECTIVE COUNSELING OF SPEEDY TRIAL WAIVER.

The Petitioner was accused of 1st Degree Murder, and Display of Fire arm on September 19, 2006. United States v. Martinez
- 404 U.S. 307, 313 (1973), Speedy trial time lapsed 18 U.S.C. § 3661-74, Lawyer Barry "Zweig" ineffectively
waived May 1, 2007 Trial Fed. R. Crim. P. 48(b) of Sixth and Fourteenth Amendment Violation on April 29, 2008.
Strickland v. Washington, 466 U.S. 688, 687-88 (1984), On silent record, Johnson v. Zerbst, 304 U.S. 459, 464 (1932)
P 11, 12, Exh. 1, 2, Record 66292-93 sentenced to 33 years (CR 66292-93) of September 11, 2008.
Id. Strickland at 687-691, Argued (P 2, Exh. 3, Record 66292-93), (P 2, 3, 4, 5, Exh. 4, 5, 6, 7, Record 66292-93)
but denied (P 14, Exh. 8, Record 66292-93)

The United States Court of Appeals denied Petitioner a Prima Facie 28 U.S.C. § 2244(b)(3)(C), In re Williams,
330 F.3d 277, 282 (4th Cir. 2003) On November 30, 2018, On no Counsel in previously 28 U.S.C. § 2254.
Habeas Corpus denied on August 28, 2013. Martinez v. Ryan, 132, 1309-1312 (2012) see "App. E"
Received Martinez's Case in February 2017 of Sims v. State Prison In adequate Law Library.
Le wis v. Casey, 518 U.S. 343, 351 (1996) see "Affidavit line 3"

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Walter J. Jones

Date: Feb. 12, 2019