

18-8679

No. 18-6068

2:17-cv-02176-TMC

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

APPEAL FROM AIKEN COUNTY



JOHN JAMES BELL — PETITIONER  
(Your Name)

vs.

STATE OF SOUTH CAROLINA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FOURTH CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JOHN JAMES BELL

(Your Name)

ALLENDALE CORRECTIONAL INSTITUTION

(Address) Post Office Box 1151

FAIRFAX, SOUTH CAROLINA 29827

(City, State, Zip Code)

803-632-2561

(Phone Number)

QUESTION(S) PRESENTED

- 1-DID PETITIONER RECEIVE EQUAL PROTECTION OF THE LAW ACCORDING TO THE "DUE PROCESS" ELEMENT OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION?
- 2-DID PETITIONER RECEIVE ADEQUATE LEGAL REPRESENTATION DURING THE AUGUST 27TH, 2014 DNA HEARING?
- 3-DID PETITIONER RECEIVE A FAIR HEARING WHEN DELIBERATE OMISSIONS OF HOW TESTING WAS CONDUCTED CONTRADICTED THE FBI MANUEL FOR TEST REQUIREMENTS [LISTING SEVEN]?
- 4-DID PETITIONER RECEIVE A FAIR HEARING ON AUGUST 27TH, 2014 WHEN SAID FBI REPORT ON HOW TO TEST DNA WAS WITHHELD BY ATTORNEY ASSIGNED TO REPRESENT HIM?
- 5-DID PETITIONER RECEIVE A FAIR HEARING WHEN AVAILABLE WITNESSES WERE NOT CALLED TO TESTIFY ON WHAT WAS AND WASN'T DONE REGARDING SPEEDY TRIAL HEARING MAY 4TH, 1992?
- 6-DID PETITIONER SUFFER DELIBERATE INDIFFERENCE WHEN DNA HEARING WAS ILL-PREPARED THROUGH WITHHELD INFORMATION PRESENTED BY PETITIONER TO ATTORNEY ASSIGNED TO REPRESENT HIM [OBSTRUCTION OF JUSTICE].
- 7-PETITIONER MADE EVERY POSSIBLE EFFORT TO SECURE A FAIR TRIAL BUT NO INVESTIGATION WAS PROPERLY ADMINISTERED BY COUNSEL LEAVING PETITIONER ARGUING AGAINST THE STATES DNA RESULTS. BECAUSE PROOF OF ONLY BLOOD TYPE COULD BE DETERMINED: HOW DID DNA EVOLVE FROM "DEGRADED BLOOD" ON CLOTHES ARRESTED IN?
- 8-WAS HOW CLOTHING WAS CONFISCATED FOR DNA TESTS DONE ACCORDING TO LAW [OF PROPER "SEARCH WARRANT"]? \*SEE TRIAL TRNS. P. 57\*
- 9-DID PETITIONER RECEIVE HIS CONSTITUTIONAL RIGHTS AS DESCRIBED IN THE FOURTH, FIFTH, SIXTH, EIGHTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION?

## 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:

1- THE SOUTH CAROLINA COURT OF APPEALS.

2- THE UNITED STATES DISTRICT COURT.

3- THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT.

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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 2:17-CV-02176-TMC.

reported at FOURTH CIRCUIT OF APPEALS; 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 A to the petition and is 2:17-CV-02176-TMC.

reported at CHARLESTON, SOUTH CAROLINA; 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 B to the petition and is D 319417

reported at SOUTH CAROLINA SUPREME COURT; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

D 319417

The opinion of the SOUTH CAROLINA COURT OF APPEALS 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.

## JURISDICTION

For cases from **federal courts**: **4TH CIRCUIT COURT of APPEALS.**

The date on which the United States Court of Appeals decided my case was JULY 11TH, 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 12TH, 2018, and a copy of the order denying rehearing appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including MARCH FIFTH, 2019 (date) on MARCH 11TH, 2019 (date) in Application No. 18 A 6068.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

FEBRUARY 24TH, 2017  
COURT OF APPEALS

The date on which the highest state court decided my case was COURT OF APPEALS.  
A copy of that decision appears at Appendix B.

A timely petition for rehearing was thereafter denied on the following date: JUNE 27TH, 2017, and a copy of the order denying rehearing appears at Appendix B.

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).

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
U.S. v. CRONIC, 104 S.Ct. 2039.	-B.26
FLOYD v. STATE, 400 SE 2d 145-146.	-B.13, C.5/D.41/E.9
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STATE v. BROWN, 589 SE 2d 781 / CORMIER v. SABA, 953 F. SUPP. 2d 274	-B.29-30/D.15-16
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110 CRIMINAL LAW <110 CONSTITUTIONAL LAW ["DUE PROCESS"]> F.13	
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5 <sup>th</sup> C, 60 <sup>th</sup> ; 71.1 <sup>st</sup> [POST CONVICTION RELIEF GUARANTEED RIGHT].	A.2, 8/D.9, 41
S.C. CODE § 17-23-90 * MAY 4TH, 1992: "SPEEDY TRIAL VIOLATION" * -D.14/F.1-4, 8	
28 U.S.C.A. 2254 [STATE CUSTODY: REMEDIES IN FEDERAL COURTS] -A.4	
CODE 1976 § 17-23-60 [RULE 33 § 34]	-A.5
28 U.S.C.A. § 636(b)(1)(B)	
RULE 407, S.C.A.C.R.: RULE 8.4(b) * CODE 1976 § 19-1-190*	-B.14
TITLE 18, § 1512 * CONCEALING DOCUMENT [F.B.I. TEST REQUIREMENTS] * -B.16, 25/D.12	
COURTS: 15.C. 372 EX PARTE LILLY [JULY 1, 1976]	-B.21-22
OTHER	-E.1-2
EXHIBITS: S.C. CODE § 17-28-30 [D.N.A. TESTING].	
ORIGINAL P.C.R. VIOLATING FLOYD v. STATE, 400 SE 2d 145-146.	
TRIAL COUNSEL'S CLOSING ARGUMENTS.	
*PREVIOUSLY SENT D.N.A. HEARING [B-27-2014]*	
*PREVIOUSLY SENT F.B.I. D.N.A. TEST REQUIREMENTS.*	
APPEAL OF D.N.A. HEARING: S.C.A.C.R. 247 [1 AND 2].	

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) BAILEY, 133 S.C.T. 1031 [\*SUMMERS SEARCH & SEIZURE: SCOPE OF WARRANT] JACKSON, 133 S.C.T. [CRIMINAL LAW 110: NECESSITY AND SCOPE of PROOF\*] → "THE CONSTITUTION GUARANTEES CRIMINAL DEFENDANTS A MEANINGFUL OPPORTUNITY TO PRESENT A COMPLETE DEFENSE [SEE, HOLMES v S.C., 126 S.C.T. 1727]."
- 2) FEDERAL RULES OF EVIDENCE RULE 403, 28 U.S.C.A.  
\*UNFAIR PREJUDICE/CONFUSING THE ISSUES/MISLEADING THE JURY / "UNDUE DELAY"/WASTING TIME/NEEDLESSLY PRESENTING CUMULATIVE EVIDENCE.
- 3) 59<sup>(E)</sup>, 60<sup>(B)</sup> STATUTES OF SOUTH CAROLINA CODES FOR GROUNDS OF APPEALS.
- 4) § 17-23-90 FOR CONSEQUENCE OF NEGLECTING "SPEEDY TRIAL".  
\*PLEADING AND TRIAL P.505 S.C. CONST, ART. I, § 14.\*
- 5) "OBSTRUCTION OF JUSTICE": RULE 56 UNDER "EVIDENCE";  
\*SEE POOLE, 691 F. 3D 624 [5TH CIR. 2012]\*
- 6) DNA EVIDENCE WAS INCONCLUSIVE DUE TO "DEGRADED BLOOD" [TRIAL TRANSCRIPT PP 370-371].
- 7) S.C. CODE § 17-28-10 ACCORDING TO SALLY W. ELLIOTT  
[DEPUTY ATTORNEY GENERAL OF SOUTH CAROLINA].
- 8) 110 CRIMINAL LAW: "DEFICIENT REPRESENTATION AND PREJUDICE":  
SEE, LOUNDS v. STATE, 670 SE 2D 646.

## STATEMENT OF THE CASE

A POST CONVICTION RELIEF APPLICATION IS ENTITLED TO RELIEF BASED ON "INEFFECTIVE ASSISTANCE" OF TRIAL COUNSEL IF HE OR SHE CAN ESTABLISH THAT THIS DEFICIENCY "PREJUDICED" HIS OR HER DEFENSE [WITHHOLDING "PHYSICAL PROOF": FBI REPORT]. SEE, GRIER V STATE, 384 SE 2d 722. ["OBSTRUCTION OF JUSTICE"].

PETITIONER WAS ARRESTED FOR "NUJ" ON NOVEMBER 3RD AFTER CONTINUOUS QUESTIONING ABOUT A MISSING CHILD FROM THE RESIDENCE WE BOTH LIVED IN. THE 4TH AMENDMENT OR THE 6TH AMENDMENT DID NOT EXIST UPON PETITIONER'S ARREST [SEE, JOHNSON V U.S., 135 S.Ct. 2551 [2015]] "DUE PROCESS CLAUSES" "PROHIBITION OF VAGuenESS" IN CRIMINAL STATUTES IS A WELL RECOGNIZED REQUIREMENT, CONSONANT ALIKE WITH ORDINARY NOTIONS OF "FAIR PLAY" AND THE SETTLED LAWS [RULES OF LAWS], AND A STATUTE THAT CLOUTS IT "VIOLATES" THE FIRST ESSENTIAL OF "DUE PROCESS".

THIS ARREST HAD NO COMMITTED CRIME IN MIND - OR SO IT WAS STATED DURING TRIAL: NO ARREST WARRANT, NO SEARCH WARRANT AND NO OTHER MALE OR FEMALE SUSPECTS....

OVERALL, NO EVIDENCE TO CONVICT OUTSIDE OF EMOTIONALISM AND CONJECTURE: "WHAT IF", BUT IT COULD HAVE BEEN LIKE THIS, CASE CLOSED!

PETITIONER NEVER HAD AN INVESTIGATING TEAM TO ESTABLISH A DEFENSE.

\*CASE IN POINT: Ms. SALLEY W ELLIOTT OF THE ATTORNEY GENERAL'S OFFICE STATED AND RETURNED THE DNA EFFORTS TO BE HEARD STATED... MY CONVICTION AND SENTENCING HAD NOTHING TO DO WITH DNA EVIDENCE [4-12-1012].

THIS CASE BEFORE THIS HONOURABLE APPELLATE COURT WAS BASED ON WHO BEST PRESENTED THEIR SIDE OF THE STORY: BAD SET OF RULES AND "A LUBI DEFENSE", NEVER WAS INTRODUCED OR EXPLAINED BY SENTENCING JUDGE TO A JURY WHO FELT PETITION HAD TO PROVE HE WAS INNOCENT OF A CRIME HE HAD NO KNOWLEDGE OF - YET AFTER 4 DAYS OF TESTIMONY, WAS FOUND GUILTY OF CHARGES [WITHOUT MOTIVE OR INTENT] GUILTY IN 53 MINUTES.

## REASONS FOR GRANTING THE PETITION

PETITIONER HEREIN NEVER EXPERIENCED "DUE PROCESS": EXPERIENCED DELIBERATE "CONFLICT OF INTEREST" AND "OBSTRUCTION OF JUSTICE" IN THAT PETITIONER'S LEGAL REPRESENTATION DIDN'T PROVIDE EQUAL PROTECTION UNDER THE LAW.

PETITIONER PROVIDED COUNSEL ADEQUATE PROOF TO RECEIVE THE RETESTING OF SAID CLOTHING WORN DAY OF ALLEGED INCIDENT THAT BLOOD DOES NOT "DEGRADE" IN 24 HRS.

IT WAS STATED DURING TRIAL [SEE PP 370-371] THAT DNA TESTS WOULDN'T PROVIDE ADEQUATE PROOF OF GUILT.

THE TRUTH OF THIS CASE SURROUNDS TESTIMONY OF HYPNOTISED STATE WITNESS SEEING A CRIPPLE CHILD STANDING IN A BUCKET-SEAT WHILE THE 1986 VOLKSWAGON GOLF BACKING INTO A ROAD HEADING IN THE OPPOSITE DIRECTION. [THIS WAS A HARD-TOP NOT A CONVERTIBLE]

THIS WAS SEEN FORMALLY FROM 236 FEET IN DISTANCE FROM WHERE THE STATE WITNESS WAS STANDING [WITHOUT BINOCULARS/78 FOOTBALL YDS.].

THIS HEINOSUS CRIME [OF WHERE THE BODY WAS] ON NOVEMBER 2nd, 1991 WHILE PETITIONER WAS ALREADY IN JAIL [ARREST WAS 4 DAYS PRIOR TO THE BODY BEING FOUND - NOT BY POLICE BUT BY STRAWHATERS].

PETITIONER WAS THE ONLY MALE INVESTIGATED [SEX-KIT TAKEN]; IT [THE STATE INVESTIGATORS] NEVER FOUND PHYSICAL EVIDENCE PLACING PETITIONER THERE WHERE THE BODY WAS DISCOVERED.

\*TWO THINGS IS FOR SURE: ACCORDING TO COURT TESTIMONY; THIS PETITIONER WAS INCARCERATED WHEN BODY WAS FOUND, AND 500 PEOPLE SEARCHED THE AREA WHERE BODY WAS FOUND. AIKEN COUNTY USED HELICOPTERS AND A DOG-TEAM IN SEARCH FOR THIS CHILD - ON 11-2-91 AND 11-3-91 - THEY FOUND NOTHING. THAT WOULD SUGGEST TO ME THAT "SOMEBODY" OTHER THAN PETITIONER WAS BUSY MOVING THINGS AROUND WHILE PETITIONER WAS IN JAIL.\*

IN GOOD FAITH, RESPECTING THE LAWS OF UNITED STATES OF AMERICA,  
PETITIONER FEELS CONFIDENT THAT AFTER HIS BEST EFFORTS TO EXPLAIN  
HAS DONE THE REQUIREMENT OF BEING VACATED OR REMANDED  
THROUGH THE GIVEN REFERENCE OF LAW THROUGH CASES LISTED.

THE RIGHT TO APPEAL WAS A RIGHT PETITIONER WAS DENIED WHEN COUNSEL  
KNEW MY DESIRE TO APPEAL, SEEKING TO ACHIEVE "EXONERATION" OF  
THIS ILL-FATED CONVICTION OVER TWENTY-SEVEN YEARS AGO.

MAY JUSTICE PREVAIL IN THE DECISION OF THIS HONOURABLE COURT.

#### CONCLUSION

THE SOUTH CAROLINA SUPREME COURT RULED AGAINST ANY JUDGE  
AND OR JUDGES THE PRIVILEGE TO RULE UPON A CASE BEYOND THE  
FIRST ENCOUNTER: FLOYD v STATE. 400 SE2D 145 DIDN'T APPLY HERETO.  
The petition for a writ of certiorari should be granted.

Respectfully submitted,

John James Bell

Date: MARCH 14TH, 2019