No. 18-8778

IN THE

SUPREME COURT OF THE UNITED STATES

Fred Huffman,
PETITIONER

RULE 14.1

vs.

Warden @ Jame t. Vaughn Corl Ctr & et al,
RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Third District Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Fred Huffman

1181 Paddock Rd.

Smyrna, De.

N/A

ORIGINAL

U.S. Supreme Court Writ of Certiorari 2018-11-27

question(s) presented / RULE 14.1 (A)

[1] **Absent a constitutional amendment** promulgated by the U.S. Congress, under what circumstances {if any} does a legislative body have a lawful right to amend/improve the U.S. Constitution's Article 1, sections 9 & 10 ex-post facto law {which in it's literal syntax provides for no alternate meaning or ambiguity} **retroactively so-as to extend an active time bar?**

[2] What protects criminally convicted Defs/Ptrs with **dyslexia/dementia** from judicial {S.C.} and prosecutorial vindictiveness culminating in impediment of constitutional protections as-with protections afforded via "**The Americans with Disabilities Act**"?

[3] By what lawful authority is any court {be that federal or state} empowered to violate criminally convicted Defs/Ptrs constitutional protection(s) of equal justice, due process and redress of grievance?

[4] At what point is a victim of a criminal offense held accountable for laches resulting in double jeopardy initiated by victim molestation of the offender?

[5] Does a S.C. have a lawful right to retroactively override it's own statute so-as to resentence criminally convicted Defs/Ptrs {beyond the legislated **rule *35c's* 7 day window /time-bar**} culminating in a more onerous punishment ?

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RULE 14.1 (B)

List of additional {el al} parties

Parties not appearing in the caption in the case on the cover page are as follows {et al}:

Deputy Attorney General for the State of Delaware

"Carolyn S. Hake"

820 N. French St.

Wilmington, De. 19802

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PART 1 OF 2

ARTICLE I, SECTIONS 9 & 10 > SEE STATEMENT @ PGS. 2, 4, 8, 9, 10, 14 & QUESTION #1

DUE PROCESS & DOUBLE JEOPARDY > SEE STATEMENT @ PGS. 12 & 13. ALSO SEE
APPENDIX "A" EXHIBIT: SEHC-5
" " " "E" " "(S); SO-1, 2, 3, 5 & 6 & 18-2

15TH AMENDMENT RIGHT TO VOTE > "TAXATION WITHOUT REPRESENTATION"
SEE STATEMENT @ PG. 17
SEE APPENDIX "C" EXHIBIT 15 DELC

1ST AMENDMENT REDRESS OF GRIEVANCE IMPEDIMENTS >
SEE STATEMENT @ PGS 16, 17, 18, 19 & 20
SEE APPENDIX "A" EXHIBITS: SEHC 4, 5, 10, 11 & 20
" " " "B" " " : MA-2, 3, 5, 6 & 8

28 USC 2254 D > EXEMPTION(S) FOR PROCEDURAL DEFAULTS & UNEXHAUSTED REMEDIES INCLUSIVE OF BUT NOT LIMITED TO "AMERICANS WITH DISABILITIES" ACT.
SEE STATEMENT @ PGS. 17 & 18
SEE APPENDIX "B" EXHIBITS: MA 2, 3, 5, 6 & 8
SEE "QUESTION" #2

RULE 32(C)(3) AS WITH 11: DEL.C.4335 > DENIED ACCESS TO MATERIALLY SUBSTANITIVE ELEMENTS OF PSI REPORT.
SEE STATEMENT @ PGS. 21, 27 & 29
SEE APPENDIX "C" EXHIBIT: B-2
SEE APPENDIX "D" EXHIBIT: SCD-PC

RULES 35(A) & (C) > ANYTIME CORRECTION OF AN ILLEGAL SENTENCE (A)
7 DAY WINDOW COURT MAY CORRECT IT'S SENTENCE (C)
SEE STATEMENT @ PG 12, 13 & 20
SEE "QUESTION" #5
SEE APPENDIX "A" EXHIBIT: VI.
"B" EXHIBIT: MA 2, 3, 5, 6 & 8
"E" EXHIBITS: R-35, 18-1 & 2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PART 2 OF 2

11: DEL. C. 3901 (c) > DEFICIENT TIME-SERVED CREDIT DURING/FOR PERIOD OF PROVISIONAL (BAIL) LIBERTY.

SEE STATEMENT @ PG. 17 ITEM# 4
SEE APPENDIX "E" EXHIBITS: B + B-2

11: DEL. C. 8513 + 4322 > PROTECTED CRIMINAL HISTORY PROHIBITS SORNA FROM AGGESSIVE COMMUNITY NOTIFICATION AND MARKETING OF SUCH.

SEE STATEMENT @ PG. 11
SEE APPENDIX "C" EXHIBIT: 606-9

11: DEL. C. 4121 (M) > PROHIBITS ANY LEGISLATION THAT CONTRANCTS THE IMPLEMENTATION OF A STATUTE BARRING SUCH SORNA'S COMMUNITY NOTIFICATION BARRED BY 8513 + 4322 STATUTES ABOVE.

8TH AMENDMENT > SENTENCING COURT'S "NO CONTACT" OF PTR'S NON-VICTIMIZED OWN BIOLOGICAL OFFSPRING BECAUSE SAME OFFSPRING ARE STEP-SISTER AND BROTHER OF VICTIM U.S. C. + U. P.

SEE APPENDIX "D" EXHIBIT SCH#2

SEE W. OF H.C. CASE# 17-1026-LRS ITEM# 15

SEE APPENDIX "A" UNDER: "U.S. THIRD CIRCUIT" SUBTITLE "ARGUMENT" @ PG. 14

2018-11-27

Supreme Court Writ of Certiorari

TABLE OF AUTHORITIES CITED

CASES **Statement Pg(s)**

Statutes and rules

VT

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 UNKNOWN; 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

[ ] reported at UNKNOWN; 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

[ ] reported at 60L4094234; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the DELAWARE SUPERIOR court appears at Appendix B "C" to the petition and is

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

JURISDICTION

[X] For cases from **federal courts:** CASE # 18-2031

The date on which the United States Court of Appeals decided my case was SEPT. 06, 2018.

[X] 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).

[X] For cases from **state courts:** 2017-06-21 (3) 2017-02-27 (2) 2015-07-06 (1)

The date on which the highest state court decided my case was 2015-07-06 (1). A copy of that decision appears at Appendix B.

[X] A timely petition for rehearing was thereafter denied on the following date: TWICE → NEVER RESPONDED [redacted], 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).

U.S. Supreme court Writ of Certiorari **Jurisdictional grounds pursuant to rule 14.1 (e)**

In sum, both U.S. District and the 3rd Circuit court's have asserted petitioner's {hereinafter; "Ptr" or "Ptr's"} claims are:

- Jurisdictionally barred predicated upon Ptr's failure to exhaust all available remedies, failure to file a direct appeal and comport with procedural rules.

The court's further assert in sum Ptr failed to meet the requisite showing of "cause", prejudice and/or miscarriage of justice in denying Ptr's claim of qualified exemption pursuant ***28USCA2254(d)*** so-as to overcome procedural defaults.

Ptr asserts a plethora of irrefutable evidence was presented to both federal courts as-with both state courts that exceed the requisite criteria for showing of ***"cause"*** pursuant to ***28USCA2254(d)*** {see statement of facts @ page 17 for specifics}.

Among {but not limited to} ***28USCA2254(d)*** qualifying exemptions was/is Ptr's asserted ***mental health impairment of [a] dyslexia [b] early stage dementia*** in addition to the state government's attorney's overt obstructions of justice and U.S. Constitutional violations compounded by the court's complicity.

U.S. Supreme court Writ of Certiorari **Jurisdictional grounds pursuant to rule 14.1 (e)**

{continued}

The jurisdictional grounds upon which this W. of C. is premised has to do with Ptr's ongoing jurisdictionally time-barred imprisonment {six and a half years as of this writing} stemming from the court's:

- ***falsified indictment <> refusal to enforce the U.S. Constitution's article 1, sections 9 & 10 wherein the courts have consistently upheld "stretching" {creating new constitutional law absent a requisite constitutional amendment <> extorting Ptr's 15th amendment right to vote as a condition of a plea agreement <> consistent denial of Ptr's Constitutional protection barring "double jeopardy" <> subjected to "cruel punishment" <>denied "equal justice" all under color of law.***

In sum, the courts as-with the state legislators are ripping apart the U.S. Constitution's Article 1, sections 9 & 10 {ex-post facto law} stitch by stitch with blatant impunity and malfeasance without any oversight or constitutional safeguards.

These are the grounds upon which Ptr brings this matter before this honorable U.S. Supreme Court.

U.S. Supreme Court Writ of Certiorari {2018-11-27}

Statement of the case

Retroactive extension of "active" time bar {Statute of limitations}

In review of "*F.Wharton Criminal proceedings and practices 316^{p} 210 (8th edition 1880)* it espouses in sum: "A constitution that permits such an extension by allowing legislator's to **pick and choose** when to act retroactively risk arbitrarily and potentially vindictive legislation".

Moreover, in *Miranda V Arizona, 384 U.S. 436$_{p}$ 491* asserts in sum: "Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them".

Both *Miranda* and *Wharton* substantiate the will and intent of the constitution's Article 1, sections 9 & 10 unequivocally where in it asserts "no bill of attainder or ex-post facto law shall be passed". Therein exist **no exemption or alternate meaning nor ambiguity!** Yet and still, not just the state T.C. but also the S.S. Ct. followed by both federal courts insist emphatically, "the state's jurisdictional time bar does not violate ex-post facto law {paraphrased}"

Anecdotally, the state of Delaware's legislative body on or about July 15, 1992 took it upon itself to add and/or create new meaning to ex-post facto law thus overreaching the requisite mandate of a constitutional amendment for doing so!

Ptr asserts at no place within the constitution's Article 1, sections 9 and/or 10 is such a distinction or wavier exist regardless of good intent or public outrage/support. All punitive retroactively applied legislation is ex-post facto be that civil or criminal and thereby constitutionally flawed!

U.S. Supreme Court Writ of Certiorari {2018-11-27}

Statement of the case

Retroactive extension of "active" time bar {Statute of limitations} cont'd from page 2

Norton v Shelby County, 118 U.S. 425[P] 442

"An unconstitutional act is not law. It confers no rights; it imposes no duties; affords no protections {contrary to opinions expressed by both state and federal court in the instant matter now before this court}.

U.S. District Court bases it's averment of Delaware's S.S.Ct. as-with it's T.C. upon the following constitutionally defective case histories:

Hoennicke v State, 13 A.3D 744 <and> *Stogner v California, 539 U.S. 607 (2003)*

In "*Stogner*", the U.S. Supreme Court ruled: "A statute merely alters penalty provisions accorded by the grace of the legislature violates the ex-post facto clause if it is both retrospective and more onerous than the law in effect on the date of the offense". **It is effect** {emphasis added}, **not the form** of the law that determines ex-post facto. **Changing the [redacted] quantum of punishment is retroactive which can be constitutionally applied to Ptr *only* if it is not to his/her detriment!** The ban also restricts governmental power by restraining arbitrary and potentially vindictive legislation".

Fed Key 2473, 109 pg. 313, Bartky EB (Mich 2012) and N.D Fla (2006)

State's emphatically: **Court's function is to apply statutes** to carry-out the expressions of legislative will that is embodied in them, and **not to improve statutes by altering them**.

U.S. Supreme Court Writ of Certiorari (2018-11-27}

Statement of the Case

Retroactive extension of "active" time-bar {Statute of limitations} cont'd from page 3

By virtue of all prior court orders/rulings, the message being conveyed is: "in the absence of Article 1, sec's 9 & 10 **not** specifically stating retroactive extension of unexpired time-bars are prohibited", the state erroneously assumes it has a lawful right to add, amend or delete constitutional law so-as to "fit" it's purpose. Ptr asserts such to be an infringement of **contemporaneous-construction doctrine**; merely metaphysical or colorable.

This is analogous to saying: "just because I added arsenic to the meatloaf, it's perfectly legal because the recipe {statute} never said I couldn't". an alternate analogy is where an attractive lady standing at a bus stop chooses to ignore man's sexual comment. The assailant in turn assumes victim's silence to be an approval/authorization to assault her.

In the same manor as in the above hypothetical scenario, the state has opted to interpret Article 1, sec's 9 & 10 as having approved extending unexpired time bars in the absence of verbiage that specifically prohibits such.

Most disturbing, both federal court's proceeded to affirm the state court's overreach of long standing, clearly defined unambiguous ex-post facto law in it's literal context thus usurping their sworn oath of office to uphold the integrity of our Federal constitution.

Acceptance of responsibility is not limited to criminal defendants whom have fallen from grace. When I became aware of a criminal complaint having been lodged against myself, I had already moved to Africa" and could have remained there and gone off the grid. I opted instead to take responsibility for my lapse in judgement dating back two decades prior to my returning to the U.S. and manning-up. why won't my government man-up.

U.S. Supreme Court Writ of Certiorari {2018-11027}

Statement of the case

Retroactive extension of "active " time bar {Statute of Limitations} ***cont'd from page 4***

The government as-with both federal courts have demonstrated repeatedly it/they has/have absolutely no compunction whatsoever as to overreaching statutory and/or constitutional law so-as to impede Ptr's right to redress of grievance, equal justice, due process, "qualified" right to legal counsel pursuant to Ptr's first P.C.R.M. {RULE 61} which followed T.C.'s sentencing order under pretext of improper challenge and protection from double jeopardy.

These acts were perpetrated via deliberate indifference of Ptr's legal counsel compounded by T.C.'s systemic denial of Ptr's motions requesting relief and replacement of Ptr's complacent, unmotivated, cavalier, and confrontational legal counsel who had absolutely no interest in advocating for Ptr's constitutional rights of which Ptr argued repeatedly!

The accumulation of such culminated in obstructing Ptr's compliance with procedural rules through no fault of Ptr in that such matters are beyond Ptr's skill-set where the court should have interceded in the interest of justice and fundamental fairness.

As supported by U.S. Supreme Court's order pursuant to "*Stogner*" (2003), the arrest warrant in and of itself was {D.O.A.} jurisdictionally barred at it's inception! For the lower courts to approve retroactive extension of such is/was an non-debatable overreach of Article 1, sections 9 & 10 which provides for no creative interpretation!

U.S. Supreme Court Writ of Certiorari (2018-11-27}

Statement of the Case

Retroactive Extension of "active" time bar {Statue of limitations} cont'd from pg. 5

In *Stogner"*, the U.S. Supreme Court in Certiorari asserts with clarity, "The California State Supreme Court **improperly stretched** *{emphasis added}* it's reference to former justice *"chase's"* case history *Calder v Bull, 386 l led 648> yr. 1798}* ruling so-as to "**fit**" *{emphasis added}"* the California statue by:

[A] Departing from well-established precedent.

[B] Misapprehended the purpose of the constitution's ex-post facto prohibition.

The Supreme Court went on to say {in sum}, "It is well settled that ex-post facto prohibition bared the resurrection of time barred prosecution". In the matter now before this honorable court, the state of Delaware's legislative body has unilaterally adapted a constitutionally defective statute with impunity!

The state court, the U.S. District Court as-with the U.S. 3rd Circuit Court has taken it upon themselves to **assume** an extension of an unexpired "active" time-bar is constitutionally compliant so-as to "**fit**" *{emphasis added}* it's M.O..

Ptr asserts the absence of specificity **does not vouchsafe** legislators a right to create their own altered version/meaning so-as to ameliorate the constitution's unambiguously clear syntax as evidenced via *Stogner*!

U.S. Supreme court Writ of Certiorari {2018-11-27}

Statement of the Case

Retroactive extension of "active" time bar {Statute of limitations} cont'd from page 6

The state of Delaware has taken it upon itself to embellish Article 1, sections 9 & 10 predicated upon "*Honnecke*" and "*Stogner*" of which both citing's were constitutionally defective from the onset. This is a "textbook example" of overly zealous vindictive legislators in their unrelenting quest to diminish and/or more pointedly "eradicate" ex-post facto law citing such constitutionally defective case histories over a sustained period of time, such malfeasance has taken on a prima facie appearance of credible precedent as axiomatic.

The U.S. District Court's order {2018-04-23} at appendix "A", pg. 5, at lines 3 & 4 indicate "S.J." attempts to trivialize the significance of both the victim's as-with the official arrest warrant's date of the offense {hereinafter: D.O.O.} by asserting such is/was predicated upon the investigator's initial narrative.

The inference to BE drawn is to imply the vic's sworn statement is/was an error as further evidenced by the government's complete omission of vic's asserted D.O.O. from the subsequent indictment and "switched" plea agreement.

Constitutional law 512- equal protection clause- criminal statutes- selective enforcement 10a, 10b.

Prohibits selective enforcement

U.S. Supreme court Writ of Certiorari {2018-11-27}

Statement of the Case

Retroactive extension of "active" time bar {Statute of limitations} cont'd from page 7

Ptr further asserts:

1> **It is not within the "S.J.'s" purview** {nor the state's legislative body} to decide **what it wants vic's own asserted D.O.O. to be!**

2> S.J.'s rationale is materially misleading as-to infer vic's D.O.O. being irrelevant in that prior to the government's "D.O.A." jurisdictionally time-bared warrant, the government **enjoyed 371 days** in which it had to amend/correct or **"tweak"** it's subsequent arrest warrant. In their arrogance and historical overreach of ex-post facto law reliance upon a constitutional defective amended *"11:del.c.205e"* statute, they proceeded assuming there would not be a credible challenge to such nefarious antics which unlawfully authorized extending an "active" unexpired jurisdictional time-bar.

Sadly, all four {T.C., S.S.Ct., District court and Third Circuit court} court rulings failed to uphold the constitution's Article 1, sections 9 & 10 as delineated herein.

They have been allowed to violate ex-post facto law for so long, they truly believe it to be lawful; sort of like telling a lie for so long, it takes on a life of truthfulness.

U.S. Supreme Court Writ of Certiorari (2018-11-27}

Statement of the case

Retroactive extension of "active" time bar {Statute of Limitations} cont'd from page 8

This concludes part "1" of *"ex-post facto"* violations pursuant to U.S. Constitution's Article 1, sections 9 & 10.

At this point, Ptr asserts it is self-evident that Ptr's liberty is/was **unlawfully restrained.**

Six years of Ptr's life has been spent in time-barred bondage that can never be undone! This is not to say or infer Ptr lacks remorse for his atypical lapse in judgement dating back two decades to victim's reporting of the offense. Ptr has merely asked the court(s) to uphold his constitutional rights even when it may not be politically expedient or popular as in the instant case.

The founding fathers of our constitution got it right from the onset wherein at it's core the intent was to provide a counter-balance to punishment comprised of **compassion & fundamental fairness** which is effectively "**true law**". This was incorporated so-as to eschew an overly zealous and/or vindictive government. The instant case is a text-book example of how and when our constitution is to function.

Assuming this honorable court acknowledges Ptr's constitutional rights barring ex-post facto criminal prosecution has been maliciously and/or repeatedly violated, the remainder of Ptr's claims espoused herein {going forward} will be appropriately deemed moot culminating in Ptr's conviction being quashed, with prejudice.

Otherwise, Ptr now moves forward to part "2" {SORNA} ex-post facto segment of Ptr's grievance/claim(s).

U.S. Supreme Court Writ of Certiorari (2018-11-27}

Statement of the case

Part "2" of Ex-post Facto violations pursuant to SORNA legislation

First and foremost, Ptr wishes to remind the court Ptr's offense pre-dates the implementation of **SORNA** legislation thereby rendering such to be jurisdictionally {ex-post facto} barred from the onset! Ptr asserts the {sentencing court} "T.C." retroactively appending a SORNA mandate to it's sentencing order was/is an unambiguously clear Article 1, sections 9 & 10 constitutional violation.

Unilaterally, for all of the reasons espoused in part "1" of this document, the state government here again has opted to create it's own version/understanding of ex-post facto law wherein such retroactivity is/was constitutionally prohibited, also apply here!

In the instant case, the government mandate of SORNA compliance is misplaced in that the court(s) were/are well aware of SORNA's non-existence at time of Ptr's offense.

The U.S. District Court's 2018-04-23 order asserts Ptr's claim of ex-post facto application of SORNA {and/or parts thereof} was procedurally barred. Legislators in an attempt to undermine/eschew the appearance of overreaching U.S. Constitution's "double jeopardy" and "Article 1, sections 9 & 10" prohibitions, have argued SORNA legislation is not punitive and thereby not constitutionally barred.

Ptr asserts an illegal {constitutionally barred} act cannot be procedurally barred. Moreover, as previously noted this U. S. Supreme Court's ruling of "***Stogner***" {at page "3", part "1"} asserts {in sum} "**It is the effect {*emphasis added*} not the form of the law that determines ex-post facto!** Retrospective legislation culminating in a more onerous/punitive legislation, is an ex-post facto illegal act and cannot become law!"

U.S. Supreme Court writ of certiorari {2018-11-27}

Statement of the case

Part "2" of Ex-post Facto violations pursuant to SORNA legislation cont'd from pg. 10

In ***"Doe v Pataki",*** The court ruled in sum: Regulatory violations transformed into felony criminal penalties either in purpose or effect culminate in a ***double jeopardy*** violation. Moreover, in the instant case now before this court, Ptr was denied ***"fair notice"*** pursuant to ***17 Key pleading 48*** as with State of Delaware's own ***11:del.c. 201*** and ***Fed rule 8(e)(a)28USCA***

Ptr further asserts instances where the "notification" component of ***SORNA*** violate ***11:del.c. 8513 & 4322*** supported by ***11:del.c.4121m's*** bar prohibiting legislation contrary to or overreach of existing statues. Theses statues were established to protect offender's criminal histories apart from courts, D.O.J. officials, and/or their assignees. Non adherence, opens the door to ***C.&U.P***, via aggressive marketing of ex-offender's criminal histories to the general public thus impeding offender's successful assimilation upon returning to the community upon release.

The government has previously argued such information is already available to the public. Ptr asserts that such an argument is at minimum disingenuous in that there is ~~A~~ difference between a passive search verses aggressive community {marketing} notification; the later creates fearmongering, irreparable public shaming and disgrace under {pretext} color of law far exceeding ex-offender's having paid his/her debt to society.

Fact of the matter is, the government's own statistics have repeatedly and consistently proven ex-sex offenders **rarely re-offend** as compared to all other serious felony offender's.

Our federal court's have thus far appear to have proven to lack the requisite intestinal fortitude to defend Ptr's constitutional protection {8th amendment} barring C. & U. P. in favor of not offending popular opposition!

U.S. Supreme Court writ of certiorari {2018-11-27}

Statement of the case

Part "3" of Ex-post Facto {punitive} resentencing

Both the U.S. District court and the 3rd Circuit Court in their rulings appear to have exhibited deliberate indifference as to their judicial mandate of executing the government's legislative will which prohibits embellishments or creative interpretations of constitutional law. In the instant case, the T.C. took it upon itself to overreach the state's own rule **35c's 7 day window** {time-bar} in which it has to correct/amend it's own sentence.

In the instant case, Ptr filed an independent Writ of H. C. stemming from the T.C.'s jurisdictionally time-barred resentencing {as-with the state's Supreme Court's affirmance of such} at the behest of the state's attorney 2 yrs. 8 months post sentencing so-as to retroactively withdraw and replace the T.C.'s **non-tis** sentencing order with a more onerous/punitive TIS sentencing order {see: ***appendix "A", exhibit: SFHC-5***}.

The T.C. was well aware of the plea agreement's TIS provision at time of sentencing, however within the court's wide latitude of sentencing discretion, the court is/was not obligated to abide by the terms of the plea agreement. ***The court opted to apply non-tis sentencing*** in the instant case as evidenced by it's sentencing order not once, or twice but three time re-iterated post sentencing over the following 15 or so months {see: ***appendix "E", exhibits: so-1, 2 & 3***}. This was not an error as the T.C. and state of Delaware's Supreme Court has since inferred by asserting the T.C. response to Ptr's motion was "well-reasoned" predicated upon the indictment's TIS date of offense which differs from victim's sworn non-tis D.O.O.. Delaware's Supreme Court's assertion of "well-reasoned" does not usurp the court's obligation to uphold the legislated statute barring a more onerous/punitive retroactive resentencing beyond the statute's 7 day time bar.

U.S. Supreme Court Writ of Certiorari {2018-11-27}

Statement of the Case

Part "3" of ex-post facto {punitive} resentencing cont'd from pg. 12

The U.S. District Court via it's 2018-04-23 order errored when it refused/failed to address/remand the state court's willful **violation of it's own** lawfully legislated ***Rule 35c's 7 day {window} time-bar*** provided to the court so-as to correct it's own sentencing error; this act also violates the constitution's **double jeopardy** protection.

Further compounding the T.C.'s unlawful withdrawn **non-tis sentence**, at no point was Ptr afforded an opportunity a hearing **{due process}**. Additionally, within the T.C.'s jurisdictionally time-barred resentencing order, the court unlawfully **increased Ptr's monetary assessment by $100.00** {see: *appendix "E", exhibit: so-5 & 6 as-with IS-2*}.

These matters were p[resented to the U.S. District court via Ptr's W. of H. C.{*case number 17-304-LPS & 17-1026-LPS*} however both habeas cases were administratively closed {see: *appendix "A", exhibits: 17-1026-v-1 & 17-314-v-1}* premised upon such being part and parcel of Ptr's then pending W. of H. C.{00680-LPS}. As it stands, the U.S. District appears to have ignored or forgotten to address this matter ~~in~~ in it's order. If this were to remain as is, any sentencing order is subject to being resentenced over and over again which is effectively perpetual {double} jeopardy.

The core of the matter is were the state's attorney has opted to "**double-down**" on it's nefarious M. O. by omitting {obstructing justice with impunity} Vic's undisputed {**NON-TIS**} D.O.O. from it's indictment only to replace such with an ambiguous embellished {and factually false} D.O.O. as if Vic's sworn D.O.O. never existed, is nothing short of malfeasance equating to a **criminal fraud** perpetrated by the government!

U.S. Supreme Court Writ of Certiorari {2018-11-27}

Statement of the Case

Ex-post facto {Article 1, sections 9 & 10} summary

In sum, ex-post facto violation(s) pursuant to the this instant case was unequivocally clear wherein the the U.S. District Court upheld the state court's overreach of Articles 1, sections 9 & 10 under color of law.

Among other things, both state courts have asserted the official arrest warrant as-with the vic's sworn D.O.O. were not time-barred predicated upon a constitutionally defective "**stretch**" of Articles 1, sections 9 & 10.

The State Supreme court as affirmed by the U.S. District Court's 2018-04-23 order also asserts "Ptr was aware of the offense date as evidenced by his plea agreement {paraphrased}". What the state courts have continuously eviscerated from that stated position is/was:

[i] Ptr at time of colloquy {yr. 2012} was extremely naïve as-to the legal ramifications or nexus associated with documented D.O.O. such as "non-tis verses tis sentencing". Accordingly, Ptr being a man of his word, saw no reason to challenge/protest the state attorney's manipulation and/or omission of the offense date.

[ii] Ptr was totally reliant upon his legal counsel for appropriate and effective advocacy which fell significantly below the "Strickland" or common sense standard. Further exacerbating matters, Ptr's counsel concealed a 1 year non provisional plea proposal from his client {Ptr}. Said counsel arbitrarily side-stepped numerous procedural rules that have adversely impacted Ptr's ability to correct misdeeds of said counsel as-with the government to which the courts now cite so-as to impede Ptr's ability to redress grievances of gross misconduct perpetrated by both the state's attorney and the courts.

U.S. Supreme Court <> Writ of Certiorari {2018-11-27

Statement of the Case

Ex-post facto {Article 1, sections 9 & 10} summary cont'd from pg. 14

[iii] Ptr was denied "**fair notice**" as-to the plea agreement's mandated *SORNA* compliance of which was jurisdictionally {not procedurally} time-barred and non-existent at it's inception.

[iv] In sum, before destroying a man's life, *{estoppel by misrepresentation}* D.O.J. officials owe the accused an opportunity to be heard/interviewed. If for no other reason, to avoid the appearance of an impropriety and assure Ptr's constitutional right of equal justice is upheld.

The government proceeded with it's case ~~predicated~~ unaware that victim provided numerous embellishments and hearsay stated as facts absent an unbiased witness or polygraph and most importantly, a statement provided by the offender.

An analogy is where the recent appointment "**Justice Brett Kavanaugh**" was challenge in that his former acquaintance "**Professor Christine B. Ford**" accused **Justice Kavanaugh** of serious sexual misconduct. In an effort to assure her integrity and veracity were not questioned, she had the courage and decency to voluntarily submit to a polygraph.

On the other hand, **Justice Kavanaugh** would have no part of it. It was if his character was above reproach or he feared being exposed. An honest man/woman has no reason to fear a polygraph exam. **Justice Kavanaugh's** inaction spoke volumes!

I now ponder who's offense is more repugnant, mine or a U.S. Supreme court justice in the person of **Justice Kavanaugh**. Perhaps **he** should be placed on the sex offender's registry. I say no because his offense like mine predates the implementation of *SORNA* legislation; This Ptr only ask for equal protection unless that's reserved for the privileged.

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Statement of the Case

Constructive abandonment and procedural defaults

Apart from what was unknown or non-existent post-sentencing, Ptr presented or attempted to present to the court all/any grievances concerning statutory or constitutional violations to the attention of his legal counsel. In his {legal counsel's} haste to dispose of Ptr's case as expeditiously as possible, he fail[redacted] to advocate for his client {Ptr}[redacted] as if he were so repulsed by Ptr's offense, his representation was bare minimum as if Ptr's life was worthless and not deserving of effective representation!

As I best recall, I notified the T.C. via motion(s) on 3 occasions requesting {replacement} relief to no avail in that the court consistently denied Ptr's request. Unbeknownst to Ptr, this set in place a plethora of procedural defaults and failure to exhaust all state remedies through no fault of Ptr. The court's denial of repeated request to replace Ptr's deliberately indifferent legal counsel in effect contributed to Ptr's procedural defaults.

During the actual sentencing, the court summarily dismissed 3 or 4 other materially substantive motions that were statutory and/or constitutional at it's core. Immediately following sentencing, Ptr's spouse engaged Ptr's counsel and inquired: "is there anything more that you can do" to which he replied "NO", totally indifferent to Ptr's asserted grievances; totally indifferent to Ptr's time-sensitive 30 day window in which a direct appeal must be filed.

Ptr's conviction and sentence violated numerous statutory and/or constitutional laws worthy of appeal such as:

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Statement of the Case

Constructive abandonment and procedural defaults cont'd from Pg 16

(1) Jurisdictionally time-barred {ex-post facto} warrant at point of issue.

(2) Willful and wonton **omission of victim's non-tis** asserted D.O.O. from the government's indictment so-as to enhance Ptr's min/man imprisonment from 2 yrs. to 10 yrs.

(3) Denied Ptr unfettered access to the materially substantive portions of Ptr's PSI report {see: *appendix "A" exhibits: DC-12-2 <and> HC-12-2-H*}.

(4) Denied Ptr complete time served credit for periods of provisional release pursuant to ***11:del.c.3901c*** {see: *appendix "A" exhibits: DC-12-2 <and> HCM-3d*}.

(5) Ptr's legal counsel refused to address the government's unlawfully withdrawn 1 year non provisional plea proposal {see: *appendix "A" exhibit: DC-12-1 <and> SFHC-11-Y. Also see: appendix "C" exhibit: "P"* }.

(6) Jurisdictional time-barred *SORNA* mandate {see: *appendix "A" exhibit: SFHC-10*}.

(7) Constitutionally prohibited {***15th amendment***} revocation of Ptr's protected right to vote and second amendment right to bear arms {see: appendix "E" exhibit: IS-2}.

Ptr further asserts both federal courts have consistently asserted Ptr's reasoning {in sum} doesn't "fit" the exemption criteria set-forth in **28 USC 2254d.** Ptr asserts the court(s) erroneously denied Ptr exemptions to Procedural defaults and exhaustion of all state remedies in that a person of reason would find that Ptr does meet or exceed the exemption requirements of **28 USC 2254d**.

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STATEMENT OF THE CASE

CONSTRUCTIVE ABANDONMENT + PROCEDURAL DEFAULTS (CONT'D)

ATTRIBUTING TO THIS MANIFEST MALFEASANCE IS THE COURT'S ABUSE OF PTR'S (THEN) NAIVITY, POWERLESSNESS AND RELIANCE UPON HIS DELIBERATELY INDIFFERENT LEGAL COUNSEL COMPOUNDED BY THE COURT'S CONSISTENT DENIAL OF PTR'S MOTIONS REQUESTING SUCH COUNSEL BE REPLACED CITING MATERIALLY SUBSTANTITIVE CONFLICTS OF INTEREST AND "CAUSE".

MOREOVER, BOTH THE U.S. DISTRICT COURT'S W. OF H.C. AS-WITH THE U.S. 3RD CIRCUIT COURT (ON APPEAL) PURSUANT TO A REQUEST FOR CERTIFICATE OF APPEAL WERE MADE AWARE OF THE STATE COURT'S CONSTITUTIONALLY DEFECTIVE ORDER THUS IMPEDING PTR'S CONSTITUTIONAL RIGHT TO REDRESS OF GRIEVANCE, EQUAL JUSTICE, EFFECTIVE LEGAL COUNSEL AS-WITH PTR'S LONG STANDING MENTAL IMPAIRMENT ASSOCIATED WITH DYSLEXIA AND EARLY STAGE DEMENTIA.

THESE FACTORS NOT ONLY SUPPORT THE EXCEPTION CRITERIA/STANDARD PURSUANT TO ~~28~~ USC 2254 D, THE COURT'S OWN ASSERTION STATING: "PTR'S CLAIMS ARE REPETATIVE AND CONVOLUTED" SERVES TO AFFIRM PTR'S QUALIFIED EXEMPTION FOR COMPLIANCE WITH PROCEDURAL RULES.

PTR FURTHER ASSERTS BOTH FEDERAL COURTS WERE EITHER OBLIVIOUS OR INDIFFERENT TO/OF PTR'S MENTAL DEFICIENCY AS NOTED HEREIN WHICH IS FEDERALLY PROTECTED UNDER "THE AMERICANS WITH DISABILITIES ACT" (SEE: APPENDIX "A" UNDER HEADING OF "U.S. 3RD CIRCUIT SUMMATIONS @ PG. 23).

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STATEMENT OF THE CASE

CONSTRUCTIVE ABANDONMENT + PROCEDURAL DEFAULTS (CONT'D)

WITHIN THE SPHERE OF PTR'S LIMITED SKILL-SET, PTR EXERCISED "DUE DILLIGENCE". THE BAR FOR COMPLIANCE WITH PROCEDURAL RULES (APART FROM PTR'S ADEQUATE SHOWING OF "CAUSE") AS WITH COURT'S EXPECTATIONS IS SET FAR TOO HIGH FOR UNSKILLED PRO-SE LITIGANTS WHICH IS NOT ONLY UNREALISTIC BUT CRUEL!

ERICKSON VS PARDUS, 551 U.S 89, 93, 127 S.CT. 2197

WERE THIS NOT SO, MANDATORY APPOINTMENT OF LEGAL COUNSEL PER U.S. CONSTITUTION'S 6TH. AMENDMENT WOULD NEVER HAVE BEEN LEGISLATED (SEE: APPENDIX "A" EXHIBITS: 17-3/4, 17-3/4-V-4, DC-12-142).

HAVING SERVED JURY DUTY, IT WOULD HAVE CAUSE A GREAT DEAL OF CONCERN TO GLEAN THAT D.O.J. AND/OR THE COURT PLACES A HIGHER VALUE/PRIORITY ON PROCEDURAL RULES/DEFAULTS THAN THE MANIFEST INJUSTICE(S) AS WITH THE IRREPARABLE EFFECTS/IMPACT TO A CITIZEN'S LIBERTY, DIGNITY & QUALITY OF AND PURSUIT OF HAPPINESS.

"RULES" ARE MANMADE THEREBY SUBJECT TO ERROR, BIAS, VINDICTIVENESS IMMORAL AGENDA! IN THE INSTANT MATTER NOW BEFORE THIS COURT, PTR ASSERTS THE LOWER COURTS HAVE AGRESSIVELY SOUGHT TO DEMANISH/DISCREDIT AND/OR QUASH PTR'S CLAIMS MOSTLY VIA PROCEDURAL DEFAULTS WITH IMUNITY. THE COURT'S HAVE DEMONSTRATED THAT THEY HAVE ABSOLUTELY NO COMPUNCTION AS-TO WILLFULLY SUBTERFUGING STATUTORY OR CONSTITUTIONAL LAW IN PURSUIT OF IT'S BIAS AGENDA!

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STATEMENT OF THE CASE

CONSTRUCTIVE ABANDONMENT / PROCEDURAL DEFAULTS (CONT'D)

PROCEDURAL RULES/DEFAULTS DO NOT NEGATE/USURP AN ILLEGAL SENTENCE! PTR'S CLAIMS/GRIEVANCES ACTUALLY STEM FROM STATUTORIAL/CONSTITUTIONALLY DEFICIENT/ILLEGAL ACTS WHICH ARE EFFECTIVELY OBSTRUCTIONS OF JUSTICE UNDER COLOR (COVER) OF LAW.

PURSUANT TO RULE 35A, AN ILLEGAL SENTENCE MAY BE CORRECTED AT ANY TIME! THE OPPERATIVE TERM/WORD HERE IS ANYTIME WHICH SUPERCEDES ALL PROCEDURAL RULES AND/OR TIMEBARS (SEE: APPENDIX "E" EXHIBIT: R-35).

UNRESOLVED

PTR'S ADDITIONAL W. OF H.C. CASES OF 17-314-LPS & 17-1026-LPS WERE BOTH ADMINISTRATIVELY CLOSED IN THAT THE SUBJECT JUDGE (L.P. STARK) DEEMED SUCH TO BE (IN SUM) PART & PARCEL OF A PENDING W. OF H.C. CASE (#00680-LPS). PTR FILED THE NEW/ADDITIONAL W. OF H.C. CASES BECAUSE THE ELEMENTS/CLAIMS ASSERTED THEREIN OCCURED 2 YRS. 8 M'S POST SENTENCING AND THEREFORE NON-EXISTENT AT TIME OF FILING W. OF H.C. (ORGINAL) CASE# 00680-LPS.

IT APPEARS THAT U.S. DISTRICT COURT'S "LPS" EITHER FORGOT TO RULE ON THE CLAIMS ASSERTED IN CASE#'S # 17-314-LPS & 17-1026-LPS OR COUCHED THEM IN CASE# 00680-LPS AS PROCEDURALLY DEFAULTED WHICH THEY WERE NOT PROCEDURALLY DEFAULTED. SEE: APPX "A" EXHIBIT(S) HC 12-2 & SEHC-5 FOR SPECIFICS

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STATEMENT OF THE CASE

SUMMARY

HAVING NEVER VIEWED THE MATERIALLY SUBSTANTIVE ENTRIES OF PTR'S PSI REPORT AMONG OTHER DOCUMENTS CONCEALED FROM PTR, I FEAR THE CT'S ASSESSMENT OF MY CHARACTER IS MISGUIDED THUS WARRANTING THE FOLLOWING: THE CORE OF PTR'S OFFENSE AS DISCLOSED BY VICTIM IS 75% TRUE. FOR THAT, WITH EVERY OUNCE OF MY BEING, I REGRET MY NOW NEARLY 3 DECADES OLD INAPPROPRIATE BEHAVIOR AND HAVE REGRETED IT EVERYDAY SINCE.

THE CHILD VIC IS/WAS PTR'S LOVING & TRUSTING STEP-DAUGHTER PTR LOVED AND ADORED. FAST FORWARD LACHES TWO DECADES POST OFFENSE, VIC HAD ACQUIRED SKILLS OF DECEPTION AS EVIDENCED BY HER NEEDLESSLY EMBELLISHED ASSERTIONS TO D.O.J. INVESTIGATORS; TO WIT:

VIC'S SISTER-LIKE COUSIN WAS URGED BY FAMILY SENIORS TO APOLOGIZE TO PTR FOR INSULTING HER UNCLE (PTR) STEMMING FROM A FALSE RUMOR. APPARENTLY FEELING COAXED INTO APOLOGIZING, SHE VENTED HER EMBARRASSMENT TO VICTIM. VIC IN AN EFFORT AVENGE HER COUSIN, DECIDED TO HUMILIATE PTR BY EXPOSING PTR'S TWO DECADES OLD OFFENSE TO THE ENTIRE FAMILY DESPITE HAVING HAD AN AMICABLE RELTIONSHIP EXCEEDING A DECADE, ON INTO ADULTHOOD.

AT THE BEHEST OF VIC'S "COUSIN", VIC WAS ENCOURAGED TO USE THE D.O.J. AS A CONDUIT FOR VINDICTIVENESS. ABSENT PTR'S NAUGHTY, THE D.O.J. IS NOT TO BE USED AS VICTIM'S WHIPPING BOARD OR PROXY WEAPON SO AS TO AVENGE FAMILY DISPUTES. THE D.O.J. HAD/HAS A FUDICIARY OBLIGATION TO PROTECT PTR'S CONSTITUTIONAL EQUAL JUSTICE RIGHTS BY VOUCHSAFING PTR AN OPPORTUNITY TO ANSWER VIC'S ASSERTIONS WHICH NEVER OCCURED.

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SUMMARY

PTR WENT SO FAR AS TO REQUEST HIS THEN LEGAL COUNSEL TO ARRANGE AN INTERVIEW WITH D.O.J. OFFICIALS TO NO AVAIL. AS EVIDENCED BY THE D.O.J. NON-RESPONSE, THE D.O.J. OFFICIALS WERE ~~FIXATED~~ MORE FIXATED WITH VIC'S SALACIOUS EXPARTE GRIEVANCE THAN PTR'S CONSTITUTIONAL RIGHT OF EQUAL JUSTICE. WHAT D.O.J. OFFICIALS WERE EITHER OBLIVIOUS OR INDIFFERENT TO WAS VIC'S NEEDLESS EMBELLISHMENTS OR MISGUIDED HEARSAY PASSED ON THE D.O.J. INVESTIGATOR(S) AS FACT. PTR'S INTERVIEW REQUEST WAS MERELY AN EFFORT TO PROVIDE CLARITY AND/OR FILL-IN THE GAPS VIC PURPOSELY OMITTED. CONSIDERING THE LIFE-LONG CONSEQUENCES BESTOWED UPON (AN) ACCUSED SEX OFFENDER(S), VICS WHOM ARE NOT VOLUNTARILY WILLING TO ACQUIESCE TO A POLYGRAPH EXAM (CHILDREN AGE 12 AND UP) MORE LIKELY THAN NOT ARE HIDING MATERIALLY SUBSTANTIVE DETAILS. A TRULY INNOCENT PERSON WILL EMBRACE A POLYGRAPH EXAM AS DID PROF. CHRISTINE B. FORD VS JUSTICE BRETT KAVANAUGH (OCT. 2018). SADLY WE NOW HAVE WHAT APPEARS TO BE A SECOND SEXUAL PREDATOR ON THE U.S. SUPREME COURT AND THE DUBIOUS DISTINCTION OF A "PREDATOR IN CHIEF" DECIDING ISSUES OF LIFE QUALITY, DEATH, AND MORALITY; IS THAT HOW WE MAKE AMERICA GREAT AGAIN?

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STATEMENT OF THE CASE

SUMMARY

PRIOR TO PTR'S COLLOQUY, THERE CAME A POINT OF WHERE THE STATE'S D.A.G. ARTICULATED TO PTR'S (THEN) ATTORNEY: "THE VIC IS BEING VERY DIFFICULT (PARAPHRASED)". IF THIS IS/WAS SO, IT SHOULD HAVE RAISED A RED FLAG (METAPHORICALLY SPEAKING) AND PROMPTED A POLYGRAPH AS EVIDENCED BY VIC'S IMPACT STATEMENT (SEE TRANSCRIPT @ APPENDIX "E" EXHIBIT: B & B1 PGS 4 & 5 LINES 15-23 & 1-3) ESPOUSES HATRED INSULTS & VINDICTIVENESS FOLLOWING MANY YEARS OF TRANQUIL INTERACTION POST OFFENSE. GONE UNNOTICED, VIC'S STATEMENT FAILS TO CITE NOT SO MUCH AS ONE INSTANCE AS-TO HOW PTR'S OFFENSE HAS IMPACTED HER LIFE SUCH AS POOR RELATIONSHIPS WITH MEN, EMOTIONAL OR EMPLOYMENT INSTABILITY, ACADEMIC DEFICIENCY, MENTAL IMPAIRMENT, SEXUAL PROMISCUITY AND SO FORTH. VIC'S ACTIONS BEG THE QUESTION OF "IS PTR AN OFFENDER OR IS HE ALSO A VICTIM (SEE: APPX: "B" EXHIBITS B-1 & B2).

DURING THE D.A.G.'S ORATORY WITH THE SENTENCING COURT, D.A.G. ATTEMPTED TO TRIVIALIZE (DOWNPLAY) VIC'S SEXUAL ANTICS WHICH TRIGGERED PTR'S BASER INSTINCT OF WHICH PTR HAD NO FORETHOUGHT OR INTEREST AS-TO THE OFFENSE SO CHARGED (SEE: APPENDIX "E" EXHIBIT: B-1, LINES 20 & 21). THIS IS NOT TO BE CONSTRUED SO-AS TO BLAME THE VIC AS D.A.G. HAS INFERED, THE EVENTS LEADING TO PTR'S OFFENSE WAS/IS A CULMINATION OF UNINTENDED OCCURANCES I FAILED TO HANDLE APPROPRIATELY; WERE IT NOT FOR VIC'S ANTICS, NO OFFENSE.

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STATEMENT OF THE CASE

SUMMARY

IN LIGHT OF MITIGATING ~~THE~~ FACTORS ESPOUSED HEREIN, CRIMINAL PROSECUTION WAS NOT THE BEST WAY FORWARD PARTICULARLY IN LIGHT OF VIC'S UNEVENTFUL TRANQUIL INTERACTION SPANNING MULTIPLE YEARS POST OFFENSE (INCLUDING VIC GIVING PTR XMAS GIFT). MY (PTR'S) FAMILY WAS WORTH THE EFFORT OF COURT-ORDERED COUNSELING AND/OR RECONCILIATION!

NOT ONLY IS CRIMINAL PROSECUTION NOT A CURE-ALL, THE END RESULT HAS DONE MORE HARM (TO THE VIC'S DELIGHT) THAN GOOD IN THE GRAND SCHEME OF THINGS.

STATE OF DELAWARE SUPREME COURT JUSTICE "LEO STRINE" SUMMED IT UP PRECISELY WHEN HE ASSERTED: "THE STATE USES SOME CRUDE TACTICS". NEED I SAY MORE? BY JUSTICE STRINE'S OWN PRONOUNCEMENT, THE PROPENSITY AND LIKELYHOOD OF PTR'S ASSERTIONS WHEREIN THE STATE COURTS IN THE INSTANT CASE WILLFULLY & WONTONLY, PLAYED (METAPHOR) "FAST & LOOSE" WITH STATUTORIAL & CONSTITUTIONAL (FED.) LAW TO THE DETRIMENT OF PTR UNDER COLOR OF LAW.

YET AND STILL BOTH FEDERAL COURTS HAVE STOOD LOCK-IN-STEP WITH DELAWARE CHIEF JUSTICE L. STRINE'S ACKNOWLEDGED CRUDE TACTICS PERPETRATED BY THE STATE

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STATEMENT OF THE CASE

SUMMARY

TAKING THIS CASE TO TRIAL PREDICATED UPON AN EMBELLISHED 12 COUNT INDICTMENT TOTALING A MIN/MAN 115 YRS VS 7 LIFE SENTENCES (WHICH IS THE PRIMARY REASON WHY OUR NATION, ONE OF APPROXIMATELY 205 THAT HOLD THE DUBIOUS DISTINCTION OF HOUSING 25% OF THE WORLD'S PRISON POPULATION), PTR ACKNOWLEDGE A SUBSTANTIAL LESS LEVEL/DEGREE OF RESPONSIBILITY; ACCORDINGLY PTR ACQUIESED TO THE STATE'S SWITCHED 10 YEAR PROVISIONAL PLEA AGREEMENT, (SEE: APPX: "A" EXHIBIT: HCM-3 FOR DETAILS).

"BLACK MEN HAVE A LIFE EXPECTANCY OF 72YRS" AS EPOUSED BY THE STATE'S ATTORNEY (PARAPHRASED), PTR COMMENCED SERVING A 10 YRS SENTENCE AT AGE 65; IN LESS THAN 30 DAYS OF THIS DOCUMENT'S DATE, WILL HAVE ATTAINED THE AGE OF 72YRS. IT APPEARS THE D.A.G. CRAFTED A MIN/MAN PROTOCOL SO AS TO INSURE PTR WILL DIE IN PRISON MORE LIKELY THAN NOT. CONSIDERING THIS WAS 2 PLUS DECADES OLD OFFENSE PRIOR TO IT'S REPORTING, THE SENTENCE IS OSTENSIVELY A DEATH SENTENCE, THAT WAS ① JURISDICTIONALLY (EX-POST FACTO) TIME-BARRED ② FOLLOWED BY AN UNLAWFULLY WITHDRAWN 1-YR. PLEA PROPOSAL (SEE: APPX "A" EXHIBIT: HCM-3) ③ FOLLOWED BY AN UNLAWFULLY WITHDRAWN NON-TIS SENTENCE 2YRS. 8 MONTHS PAST SENTENCE ALONG WITH AN UNLAWFULLY INCREASED MONETARY ASSESSMENT ($100.00), BOTH MATTERS ARE EX-POST FACTO/RETRO-ACTIVE PURSUANT TO RULE 35c (SEE: APPX "A" EXHIBITS 17-3/4-6 AND DC-12-1) AS WITH CONSTITUTIONALLY BARRED DOUBLE JEOPARDY AND DUE PROCESS DEFICIENT (SEE: APPX "A" EXH'S: SO-1, 2, 3, 5, 6 & 7)

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SUMMARY

(4) PRECEDED BY AN INTENTIONALLY OMITTED 257-DAY TIME-SERVED CREDIT (11 DEC. C. 3901c); SEE: APPX "E" EXHIBIT B-2 LINES 17 & 18.

THESE ACTS ARE NOTHING SHORT OF "BLACK ROBE CRIME" UNDER PRETEXT OF PROCEDURAL DEFAULTS AND/OR COLOR OF LAW. MY FAITH IN THE FEDERAL HAS BEEN SHAKEN!

FROM THIS EXPERIENCE, I NOW PONDER HOW IS IT THAT WE, A "MORAL NATION" CAN IN GOOD CONSCIENCE CONDEM HUMAN RIGHTS VIOLATIONS ACCROSS THE GLOBE WHILE OUR LEGISLATORS, COURTS AMONG OTHER GOVERNMENT OFFICIALS EMPLOY SUCH NEFARIOUS TACTICS WITH IMPUNITY. THESE ACTS TEND TO ENSNARE MANIPULATE OUR U.S. CONSTITUTION AND IMPEDE ACCESS THERETO AND KILL THE SPIRIT OF THOSE WHOM ARE THE LEAST AMONG US. WILL THIS CASE BECOME THE "POSTER CHILD" THAT WILL EXPOSE THESE JUDICIAL ABUSES?

WE HAVE BECOME A NATION SO FIXATED WITH DISGRACING AND PUNISHING THAT CONSTITUTIONAL ADHERANCE HAS BEEN REDUCED TO A POLITICALLY CORRECT SOUND BYTE, BIAS PROCEDURAL RULES SUPERCEDE COMMON SENSE AND FUNDAMENTAL FAIRNESS, PURSUIT OF OPPRESSION USURPS COMPASSION, IMPRISONMENT IS PREFERABLE OVER FAMILY HEALING IN MATTER OF A FAMILY NATURE (APART FROM MATTERS INVOLVING TERROR OR MATTERS OF IMPERILING THREATS OR ACTS).

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STATEMENT OF THE CASE

SUMMARY

PTR HAS REASON TO BELIEVE HIS PSI REPORT AMONG OTHER CRIMINAL HISTORY DOCUMENTS ARE BEING CONCEALED FROM PTR, CONTRARY TO PTR'S POST PLEA COLLOQUY THROUGH SENTENCING APPOINTED LEGAL COUNSEL HAS ASSERTED TO THE COURT (AS NOTED WITHIN THE SENTENCING TRANSCRIPT @ APPENDIX "C" EXHIBIT: B-2 LINES 14-17), PTR WAS NEVER PROVIDED MORE 5-OR-6 PAGES OF STANDARD PROCEDRAL DOCUMENTS HAND SELECTED BY SAID COUNSEL. PTR WAS NEVER PROVIDED MATERIALLY SUBSTANITIVE DOCUMENTS OF HIS/THE PSI REPORT NOR CRIMINAL HISTORY DOCUMENTS; MANY OF WHICH SEEMED TO HAVE MISINTERPERTED MY OWN WORDS OR MEANING. COUNSEL LIED WHEN HE STATED TO THE COURT THAT HE WENT "DOWN" TO THE LOCK-UP WHEN IN FACT HE MET WITH PTR JUST 5 TO 7 AWAY FROM THE COURT ROOM ENTERANCE (SIDE) DOOR OR LESS THAN 3 MINUTES PRIOR TO ENTERING INTO THE COURT ROOM.

PURSUANT TO RULE 32(C)(3) AS WITH 11: DEL.C. 4335, I WAS TO HAVE HAD ACCESS TO THE COMPLETE (ALLOWABLE AS PER STATUTE) PSI REPORT AT MINIMUM ACCESS 7 DAYS PRIOR TO SENTENCING SO AS TO CHECK FOR ERRORS, MISQUOTES, FALSE ASSERTION AND/OR MISINTERPERTATIONS OF PTR'S OWN STATEMENT. BASED UPON THE COURT'S REACTION AND D.A.G'S, THERE IS/WAS IN ERROR THAT REQUIRED IMMEDIATE ATTENTION IN ADVANCE OF SENTENCING.

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STATEMENT OF THE CASE

SUMMARY

DURING SENTENCING THE STATE'S ATTORNEY AND/OR THE COURT TOUCHED UPON PTR'S MOTION(S) TO WITHDRAW HIS PLEA, PARTIAL ADMISSIONS, REPEATED ADMISSIONS AND MIXED MESSAGES TO WHICH PTR DOES NOT DENY.

PTR NEVER HAVING EXPERIENCED ANYTHING REMOTELY AS LIFE ALTERING AS THIS, WAS CONFUSED, AFRAID AND INADEQUATELY REPRESENTED AS TO WHAT WERE HIS LEGAL RIGHTS AND BEST WAY FORWARD.

WHILE WAITING TO BE SENTENCED (9 MONTHS POST-PLEA COLLOQUY) I RECEIVED A CONSIDERABLE AMOUNT OF MIXED LEGAL ADVISE FROM CAREER CRIMINALS, [redacted] INEFFECTIVE ADVOCACY FROM MY DELIBERATELY INDIFFERENT APPOINTED COUNSEL. THAT ADDED TO MY DISABILITIES OF DYSLEXIA AND EARLY STAGE DEMENTIA COMPOUNDED BY THE COURT'S UNRELENTING DENIAL OF PTR'S MATERIALLY SUBSTANTIVE MOTIONS AND SUBSEQUENT ABANDONMENT OF COUNSEL WHO IGNORED MY TIME-SENSITIVE DIRECT APPEAL CAUSING COLLATERAL CONSEQUENCES GOING FORWARD.

PTR'S STATUTORY AND CONSTITUTIONAL PROTECTION OF "DUE PROCESS" AND "REDRESS OF GRIEVANCE" SEEMS TO HAVE FALLEN BETWEEN THE CRACKS.

I'VE BEEN TREATED AS IF I WAS RACIALLY STEREOTYPED OR PROFILED.

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STATEMENT OF THE CASE

SUMMARY

BOTH STATE AND FEDERAL LEGISLATORS HAVE SYSTEMICALLY SOUGHT TO MANIPULATE/AMEND/ALTER THE SPIRIT AND LITTERAL SYNTAX OF OUR U.S. CONSTITUTION ALMOST SINCE IT'S INCEPTION. LEGISLATORS AND COURTS HAVE BENT AND/OR STRETCHED CONSTITUTIONAL LANGUAGE SO MUCH SO AS TO "FIT" IT'S INSTANT AGENDA, ENFORCEMENT/ADHERANCE THERETO IS PREDICATED UPON WHAT IS POLITICALLY EXPEDIANT (FLAVOR OF THE DAY).

SADLY, PTR HAS BEEN A SUBJECT OF SELECTIVE ENFORCEMENT! THE COURTS HAVE HIDDEN BEHIND DECEPTIVE (SMOKE + MIRROR) LEGISLATION UNDER (PRETEXT) COLOR OF LAW SO AS TO GIVE PRIMA FACIE JUSTIFICATION TO SUCH MANIFEST MALFEASANCE.

FOR ALL OF THE REASONS ASSERTED WITHIN THE TEXT OF THIS "STATEMENT OF FACTS", PTR HUMBLEY ASK THIS COURT TO RESTORE HIM TO HIS SPOUSE OF 29 YEARS PARTICULARY IN LIGHT OF THE GOVERNMENT'S WILFULL DELIBERATE INDIFFERENCE OF PTRS CONSTITUTIONAL RIGHTS AND DECLINING HEALTH (DEMENTIA, DYSLEXIA, HERNIA, ARTHRITIS & CARDIAC ISSUES) ABSENT COLLATERAL PROVISIONS AND WITH PREJUDICE.

IN CLOSING, PTR IS NOT REPLETE WITH VERBAL ELOQUENCE OR LEGAL SAVY. ALTERNATIVELY, I STAND FIRMLY IN TRUETH. MY PAST TRANSGRESSIONS DO NOT DEFINE WHO I AM OR HAD BECOME POST RELEASE. NOR DOES SUCH DEFINE PTR'S NUMEROUS CONTRIBUTIONS TO SOCIETY OF WHICH I HAVE HAD THE HONOR AND PRIVILEGE OF GIVING BACK; BECAUSE THE PSI SEEKS TO ONLY TO DEGRADE AND FIND FAULT, THESE ATTRIBUTES APPEAR TO BE CONCEALED FROM THE SENTENCING COURT(S).

PTR POSES ZERO THREAT TO THE COMMUNITY, RESTORE HIS LIBERTY.

REASONS FOR GRANTING THE PETITION

WIDE SPREAD (MULTIPLE STATE LEGISLATORS AND COURTS) SYSTEMIC ABUSE OF U.S. CONSTITUTION'S ARTICLE I, SEC'S 9 & 10 (AKA: EX-POST FACTO) OVER A PERIOD OF DECADES.

IN THE INSTANT MATTER BEFORE THIS COURT PTR WILL CITE ONLY 5 SPECIFIC INSTANCES WHICH ARE AS FOLLOWS:

A> WHILE A LEGISLATIVE BODY MAY MODIFY, AMEND OR CREATE A STATUTE AS IT SEES FIT, ALL/ANY LEGISLATION MUST BE U.S. CONSTITUTION COMPLIANT. ANY LEGISLATION IS UNEQUIVICALLY EX-POST FACTO WHEN SUCH IS RETROSPECTIVE WITH AN EXCEPTION OF WHERE SUCH LEGISLATION BENEFITS (LESS ONEROUS/PUNITIVE) IT'S RECIPIENT AS INDICATED IN "STOGNER" (SEE STATEMENT @ PGS. 3, 4, 5 & 6).

IN THE INSTANT CASE, LEGISLATORS HAVE UNCONSTITUTIONALLY AUTHORIZED VIA STATUTE TO "STRETCH" OR ADD IT'S OWN INTERPRETATION OF ARTICLE I, SEC'S 9 & 10 SO-AS TO "FIT" IT'S PURPOSE BY EXTENDING AN ACTIVE JURISDICTIONAL TIME-BAR RETRO-ACTIVELY. PTR ASSERTS AT NO POINT, DOES ARTICLE I, SEC'S 9 OR 10 DRAW SUCH A DISTINCTION OR WAIVER! PTR FURTHER ASSERTS — SUCH LEGISLATION THOUGH WELL INTENDED, IS NOTHING MORE THAN [redacted] A NEFARIOUS AND DUBIOUS END-RUN AROUND CONSTITUTIONALLY BARRED EX-POST FACTO LAW!

SUCH LEGISLATION HAS RESULTED IN NUMEROUS CRIMINAL PROSECUTIONS NATION-WIDE THUS CONTRIBUTING TO THE OUTRAGEOUS EXPENSE OF PRISON OPERATIONAL COST ALONG WITH THE DUBIOUS DISTINCTION OF HOUSING 25% OF THE WORLD'S PRISON POPULATION.

REASONS FOR GRANTING THE PETITION
CONTINUED FROM PG. 1

THE GOVERNMENTS ARREST WARRANT WAS JURISDICTIONALLY TIME-BARED AT IT'S INCEPTION; THE STATE'S D.O.J. PROCEEDED WITH IMPUNITY RELIANT UPON IT'S ILL-GOTTEN PRECEDENT NOT ANTICIPATING ANYONE AS DILIGENT AND UNWAVIERING AS MYSELF TO CHALLENGE THIS MANIFEST INJUSTICE ALL THE WAY TO THE U.S. SUPREME COURT AND/OR POSSIBLE IMPEACHMENT. THIS OVERT VIOLATION OF PTR'S CONSTITUTIONAL PROTECTION HAS RESULTED IN 6 YRS OF PTR'S LIBERTY FOREVER LOST FOR AN OFFENSE INVOLVING NO TERROR OR PHYSICAL HARM OR THREAT OCCURING TWO DECADES PRIOR TO IT'S (CACHES) REPORTING AT PTR'S/DEF'S (AGE THEN 65) TWILIGHT OF HOURS OF LIFE. IF THERE EVER EXISTED A PRIME EXAMPLE OF CRUEL AND UNUSAUL PUNISHMENT, THIS ONE QUALIFIES!

B) SORNA REGISTRATION AND COMMUNITY NOTIFICATION IS EX POST FACTO IN THE INSTANT CASE (SEE STATEMENT @ PG. 10). PTR ASSERTS HIS RIGHT TO 10F "FAIR NOTICE" (IN KEY PLEADING AS (AS-WITH) FED RULE 8(E)(A) & 11: DEL. C. 201) NOT EXIST AT TIME OF OFFENSE BECAUSE SORNA ITSELF DID NOT EXIST. THE GOVERNMENT MANDATED COMPLIANCE THERETO IS A VIOLATION OF ARTICLE I, SEC'S 9 & 10 AS DELINIATED IN PART "A" HEREIN (ALSO SEE STATEMENT @ PG. 11 AND SEE APPENDIX "B" EXHIBITS: 2.1, 2.2 & 2.3)

PTR'S OFFENSE OCCURED PRIOR TO THE IMPLIMENTATION OF SORNA LEGISLATION WHICH IS CONSTITUTIONALLY EX-POST FACTO BE THAT A CIVIL OR CRIMINAL MATTER YET & STILL THE GOVERNMENT PERSIST IN STRETCHING ARTICLE I SEC'S 9 & 10'S MEANING ABSENT A CONSTITUTIONAL AMENDMENT!

REASONS FOR GRANTING THE PETITION

CONTINUED FROM PG. 2

C> PTR WAS MORE ONEROUSLY RE-SENTENCED 2YRS 8 MONTHS POST-SENTENCE. RULE 35c PROVIDED THE COURT A 7 DAY WINDOW IN WHICH IT HAS TO CORRECT ITS OWN SENTENCE. NOT ONLY HAS THE GOVERNMENT REFUSED TO HONOR ITS OWN STATUTE, PTR'S "DOUBLE JEOPARDY" CONSTITUTIONAL PROTECTION HAS BEEN VIOLATED AS-WITH PTR'S "DUE PROCESS" IN THAT PTR WAS VOUCHSAFED NOTICE OF THE COURT'S EX-POST FACTO INTENT, (SEE STATEMENT @ PG. 13). THE CONSEQUENCE OF THE GOVERNMENT TIME-BARRED DJ ACTION WAS TWO FOLD: ① WITHDRAWN NON-TIS SENTENCE ② INCREASED MONETARY ASSESSMENT DELAWARE'S SUPREME ON APPEAL AFFIRMS IT'S LOWER COURT'S RULING AS "WELL REASONED" WHICH PTR ASSERTS DOES NOT NEGATE STATUTORY LAW. THE STATE'S SUPREME COURT INFERS "ERROR" HOWEVER THE COURT IS ALSO WELL AWARE THAT "ERRORS" FAVOR THE DEF PER RULE OF LENITY.

D> THE STATE COURT ITSELF IS COMPLICIT IN OBSTRUCTING JUSTICE BY ALLOWING THE GOVERNMENT ATTORNEY TO OMIT VIC'S SCORN DATE OF OFFENSE (NON-TIS) FROM ITS JURISDICTIONALLY TIME-BARRED INDICTMENT AND PLEA AGREEMENT SO-AS TO DENY PTR BENEFIT OF NON-TIS RESENTENCING THUS IN-CREASING MIN/MAN OF 2YRS TO 10YRS. (SEE STATEMENT @ PG. 17).

E> UNLAWFULLY WITHDRAWN 1YR. PLEA PROPOSAL (SEE U.S. DISTRICT COURT RESPONSE TO APPELLE'S MOTION @ APPX. "A" [redacted] PGS. 3,4,9)

2018-11-27

Supreme Court Writ of Certiorari

CONCLUSION

This is a serious national erosion of U.S. Constitution's Article 1, sections 9 & 10. The spirit and literal intent of this Article is to protect citizens from overly zealous & vindictive government; collaterally, double jeopardy.

Retrospective vengeance is cruel. Prohibited ex-post facto legislation is balanced via this Article's fundamental fairness.

Our U.S. Constitution protects citizens of "Caste" from those of "privilege" who seek to oppress the least among us. Privilege dictates, Caste submits, Article 1. sections 9 & 10 protect.

The petition for Writ of Certiorari should be granted.

Respectfully submitted,

Fred Huffman

Fred Huffman {Pro-Se}

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