18-8802

No. 18A647

ORIGINAL

Supreme Court, U.S.
FILED
APR 08 2019
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

washington DC

ELI VERNON,III — PETITIONER
(Your Name)

vs.

THE STATE OF TEXAS — 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

ELI VERNON III
(Your Name)

TDCJ-BETO UNIT 1391 FM 3328
(Address)

Tennessee Colony,TX 75880
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1) DOES THE FIRST PRONG IN DUREN V MISSOURI, 439 U.S. 357, 364, 99 S.Ct.664, 668, 58 L.E.d.2d 579 (1979), IF MET ESTABLISH A SYSTEMATIC EXCLUSION FOR COUNSEL TO OBJECT?

2) DOES ALL PRONGS IN DUREN HAVE TO BE MET BEFORE COUNSEL NEEDS TO OBJECT?

3) AND IF SO HOW CAN A DEFENDANT MEET PRONG 2 AND 3 WITHOUT ESTABLISHING PRONG 1 BY OBJECTING? AND WHEN THE STATE COURT AGREES THAT PRONG ONE IN DUREN HAS BEEN ESTABLISHED, SHOULDN'T PRONG 1 IN STRICKLAND BE ESTABLISHED?

4) IS THE DUREN V MISSOURI ANALYSIS BEING USED BY TRIAL COURTS AS A GATEWAY FOR PROSECUTORS TO BYPASS THE BASTON V KENTUCKY ANALYSIS WHERE THIS COURT HELD THAT USING A PEREMPTORY CHALLENGE TO REMOVE A VENIRE PERSON BECAUSE OF RACE HAS BEEN DECLARED A VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE UNITED STATES CONSTITUTION?

LIST OF PARTIES

[✓] All parties appear in the caption of the case on the cover page.

[x] 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:

LORIE DAVIS, Director,
Texas Department of Criminal
Justice, Correctional
Institutional Division,

Ms.Casey Leigh JacKson Solomon

Eli Vernon III

TABLE OF AUTHORITIES CITED

CASES — PAGE NUMBER

SUPREME COURT CASES

FEDERAL COURT CASES

STATUTES AND RULES

OTHER

TABLE OF CONTENTS

INDEX TO APPENDICES

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 _____ 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[ ] is unpublished.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 B to the petition and is

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[X] is unpublished.

The opinion of the State Habeas Court court appears at Appendix _____ to the petition and is

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[X] is unpublished.

JURISDICTION

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 4/03/2018.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 11/13/2018, and a copy of the order denying rehearing appears at Appendix _____.

[X] An extension of time to file the petition for a writ of certiorari was granted to and including 4/12/2019 (date) on 12/20/2018 (date) in Application No. 18 A647.

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

[X] For cases from **state courts**:

The date on which the highest state court decided my case was 7/29/2015. A copy of that decision appears at Appendix D.

[ ] A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following statutory and constitutional provisions are involved in this case.

U.S. CONST., AMEND. VI

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 previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

U.S. CONST., AMEND. XIV

Section 1. 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 the laws.

28 U.S.C. §2254

(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State count only on the ground that he is in custody in viola-

tion of the Constitution or laws or treaties of the United States.

(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that --

(A) the applicant has exhausted the remedies available in the courts of the State; or

(B)(i) there is an absence of available State corrective process; or

(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

CERTIFICATE OF APPEALABILITY

Rule 11

(a) Certificate of Appealability. The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue. If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. 2253(c)(2).

If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from , the parties Appellate Court of Appeals under Federal Rule of Appellate Procedure 22.

28 U.S.C. 2254

(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

6th Amendment Fair Cross Section Requirement

In Order to Establish a Prima Facie Violation of the Sixth Amendment Fair Cross Section Requirement, the defendant must show that: 1)the group alleged to be excluded is a distinctive group in the community; 2)the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community; and 3)this underrepresentation is due to systematic exclusion of the group in the jury selection process. Duren v.Missouri, 439 U.S. 357, 364, 99 S.Ct.664, 668, 58 L.E.d.2d 579 (1979); also see Berghuis v.Smith, 559 U.S. 314, 130 S.Ct. 1382, 176 L.E.d.2d 249, 259-60 (2010).

6th Amendment Right To Assistance of Counsel

The Landmark Case of Strickland v.Washington,466 U.S.668 (1984), also establishes that ineffective assistance of counsel ("IAC") claims require two showings: (1) Deficient Performance and (2) Prejudice

STATEMENT OF THE CASE

Applicant, Eli Vernon, III a/k/a Eli Mims, was indicted for the felony offense of evading arrest or detention with a vehicle (which the Texas Court found to be a deadly weapon)in the 43rd Judicial District Court of Parker County, Texas, in cause number CR13-0053 on January 24, 2013.(C.R. at 5-6). Trial was held June 10-12 2013. Appellant was found "guilty" and the jury/court found that the vehicle the Appellant was driving was a deadly weapon, because it was used during the commission of avading arrest. See State's Reply to Applicant's Application for Writ of Habeas Corpus at 1-2.

Thereafter found the enhancement allegations "true," and assesed his punishment at fifty (50) years" confinement in the Texas Department of criminal Justice.(C.R.pp. 13-34; R.R. IV, pp. 30-31; R.R.V, p. 59).7B.J Ellis testified that, on the afternoon of November 14, 2012, he was at a gas station in Weatherford when Appellant approached him and tried to sell him jewelry. Appellant showed Ellis receipts from Gordon's jewelers in an attempt to prove that the jewelry was purchased with a stolen credit card and that he was willing to sell the jewelry for "pennies on the dollar." Ellis called 911 and reported that Appellant attempted to sell him a stolen credit card. Ellis stayed on the phone with dispatch while following the Appellant the police detained Appellant and the 911 call was played in front the jury.

Applicant's conviction was affirmed on direct appeal by the eleventh Court of Appeals in an opinion dated September 25, 2014. Vernon v. State, No. 11-13- 00218-CR, 2014 WL 5151631 (Tex.App.-Eastland 2014, pet.ref'd) (not designated for publication). Applicant's petition for discretionary review was denied See PD-1453-14 on February 4, 2015.

Applicant filed his Writ of Habeas corpus on June 3, 2015.The Duren claim was presented but, the State Habeas-corpus application was denied by The Texas Court of Criminal Appeals without a hearing based on the findings of the trial court. (Id., Writ Rec'd & Action Taken, ECF Nos. 9-20 & 9-22,) The Appellant next filed his 2254 which was denied and a certificate of appealability was not issued on April 13, 2017. Signed by United States District Judge Terry R.Means. See Mims v Davis No.4:15-CV-855-Y. Thereafter The Fifth Circuit Court of Appeals denied Appellant's COA on April 3, 2018.See 5th Circuit No. 17-10460. On November 13, 2018 Appellant's Petition for Rehearing En Banc was Denied. This Court Granted the Petitioner to and including April 12, 2019 in which to file his Writ of Certiorari.

The Federal Court held that the State Court's rejection of the Duren Claim was reasonable in light of the evidence, and in line with Supreme Court precedent on the issue. Opinion at *9. And further held Petitioner"failed to introduce any evidence establishing that the representation of African Americans on Parker County venires is not fairly and reasonably related to the number of such persons in the community who are qualified to sit on a jury. Duren does not require that "juries actually chosen must mirror the community." The Court sites to Taylor, 419 U.S. at 538.

Thereafter, held that counsel was not ineffective when applying the appropriate deference to the state courts' implied factual findings, and having independently reviewed Petitioner's claims in conjunction with the state court records, it does not appear that the state courts' application of Strickland was objectively unreasonably unreasonable. There was no legal basis for counsel to object to the composition of the jury pool or the sufficiency of the indictment or request an instruction under article 38.23(a). Counsel is not required to make frivolous or futile motions or objections. Citing Green v. Johnson, 160 F.3d 1029, 1037 (5th Cir.1988). See Opinion at *20.

REASONS FOR GRANTING THE PETITION

1) DOES THE FIRST PRONG IN DUREN V.MISSOURI IF MET, ESTABLISH A SYSTEMATIC EXCLUSION FOR COUNSEL TO OBJECT?

The District Court's view of Habeas must be based on the record before it, By a"looking through" procedure. Marion Wilson v Eric Sellers Warden, 138 S.Ct.1188: 200 L.E.d.2d 530; 2018 U.S.Lexis 2496; 86 U.S.L.W 418; 27 Fla.L. This court held that "a federal court may conclude that the presumption is rebutted where counsel identifies convincing alternative arguments for affirmance that were made to the States highest court, or equivalent evidence such as an alternative ground that is obvious in the State-Court record." In case at bar the Federal court failed to identify anywhere in the record before it where counsel had a convincing argument for his failing to object. The State court agreed that the Petitioner met prong (1) in Duren. This Duren v Missouri analysis is not the correct analysis to Judge a ineffective assistance of counsel claim as done so in this case. Petitioner asserts that counsel was ineffective to the point of reaching prong one of Strickland .The State conceded that Applicant established prong one in Duren. See State's reply at 4. This is in essence establishes deficient performance on the part of counsel's failure to object. Without going into prejudice. The State and Federal court both held that counsel's objection to the jury pool because no blacks/ african americans were present would have been a futile or frivolous objection. Petitioner needs this court to clarify whether this holding is correct. It is important to our society as a whole beca-

use a defendant in a court of law in Texas is not entitled to " hybrid representation." Meaning if a defendant has counsel he cannot object in a court of law nor file any motions, it is counsel who must do so. If counsel fails to Object to a clear fact that his client a(black male)has "zero" peers of his race in a jury pool. It can never be said that a Duren analysis has been met because it is counsel who must establish the prongs of Duren through objection and that establishment starts at prong one being met. Before you can get to two on a Duren claim one must be established, unlike the analysis in STRICKLAND where there is no order for the prongs to be met. For the reasons above question One should be reasons for granting the Petition.

2• DOES ALL PRONGS IN DUREN HAVE TO BE MET BEFORE COUNSEL NEEDS TO OBJECT?

The State Court regarding the Petitioner's claim of ineffective assistance of counsel claim that counsel was ineffective for failing to object to the racial makeup of the jury stated: " Applicant

essentially contends his attorney was ineffective for all of the reasons making up his other grounds for relief. The State submits that trial counsel could not have been ineffective for not challenging the racial makeup of the jury because there is no evidence that such was a systemic problem; therefore, no change in outcome could have resulted from counsel making such an argument.

The federal court in turn met the State court's decision stateing: This court will infer fact findings consistent with the state courts' disposition and, absent any evidence that incorrect standards were applied, assume that the state courts applied correct standards of federal law as determined by the Supreme Court. Order at 7. The Federal court began there review by firstly addressing the Fair Cross-Section claim. *7. The Court cites Taylor v.Louisiana

, 419 U.S. 522, 526-38 (1975) but fail to apply it has instructed by this court. The County officials in Parker County (Petitioner's county of conviction) have an affirmative duty under the Sixth and Fourteenth Amendment to develop and use a system that will result in the placement of a fair cross-section of the community on jury rolls. Id.

After the Court batted down the Petitioner's claim by going prong for prong (prong 2 & 3) it simply held counsel's objection to such would have been a futile act because the Petitioner could not establish all three prongs from a prison cell pro se without any help from an lawyer. However, the pro se Petitioner was able to support his argument with documentation (which the federal court wholly failed to consider) that Parker County is about 2% African American, on average out of the 200 potential jurors the State Court claims to summon each week, (4) of them should be african american, this is a underrepresentation of African Americans. The State admitted that it is common practice for NO African-Americans to appear in the venire. When only 26.5% of those summoned appeared for jury duty, 53 out of 200 is the number the State Court submitted to the Texas Court of Criminal Appeals and the Federal Court whom claimed to have independly LOOKED THROUGH THE RECORD: INFERED FACT FINDINGS CONSISTENT WITH THE STATE COURT'S DISPOSITION overlooked the ParKer County Pool Listing (Appendix F) The State Court provided no record proof that they did summon any African Americans. And the federal habeas court's review is limited to the record before them . WalKer v Martel, 709 F.3d 925;2013 9th Cir.

The Petitioner found that the State Court provided incorrect inf-

ormation regarding the number of potential jurors that where in fact summoned. While the State Court stated that 200 potential jurors were summoned each pool, the Petitioner discovered that only (181)one hundred and eighty one potential venire members where summoned.

In what is titled "State's Reply to Applicant's Application for Writ of Habeas Corpus," at 5 the State Court held in part:

> Some "two hundred citizens" are summoned for jury jury duty by ParKer County Sheriff as set forth by law for every jury weeK from list prepared by the District ClerK.

All prongs in a Duren Claim is impossible to be met without the effective assistance of counsel...

3. AND IF SO HOW CAN A DEFENDANT MEET PRONG 2 AND 3 WITHOUT ESTABLISHING PRONG 1 BY OBJECTING? AND WHEN THE STATE COURT AGREES THAT PRONG ONE IN DUREN HAS BEEN ESTABLISHED, SHOULDN'T PRONG 1 IN STRICKLAND BE ESTABLISHED?

The method the State Court used or claimed to have used is incorrect. This Court requires, in maKing the prejudice analysis under StricKland, that the reviewing court consider all of the evidence in the record, both that which was admitted at the trial and that which is developed at the post-conviction stage. Strickland v.Washington, 466 U.S 668, 687-88 (1984). Rompilla v Beard, 545 U.S.374 (2005).This Court requires that at the lawyer's overall conduct of the defense must have fallen below "an objective standard of reasonableness.. under prevailing professional norms." For the Petitioner to have overcame the presumption the federal court placed on him by the AEDPA and StricKland, the Petitioner must identify the acts and or omissions of counsel that are alleged not to have been the result of reasonable professional judgment."

Then, the court will determine whether" in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance." Id at 689-90. In Taylor v Louisiana, This court held the defendant had a standing to object to the exclusion of women and that the jury wheels,pools of names,panels, or venires from which juries are drawn must not systematically exclude distinctive groups in the community and thereby fail to be reasonably representative thereof. Id 419 U.S at 538, 42 L.E.d.2d at 703.
In Berghuis v Smith 176 L.E.d .2d 249, 559 U.S.314 Counsel objected to panel's racial composition. At voir dire in the Kent County Circuit Court trial of Smith, an african american, the venire panel included between 60 and 100 individuals, only 3 of whom, at most were African-American at that time, African Americams constituted 7.28 of County's jury eligle population and 6%of the pool from which potential jurors were drawn. The court rejected Smith's objection to the panel's racial composition, and an all white jury convicted him of 2nd degree murder and felony firearm possession, and the court sentenced him to life in prison with the possibility of parole...

It was because of the objection lodged by counsel that this case became a Supreme Court holding. Minus that objection there would be no holding. The wayy that the case at bar was judged it places a burden on the applicant/petitioner that is not lawful, this court has not held that a defendant must establish all prongs/analysis in a standard of review to argue his counsel performed deficiently to have asserted a StricKland claim.And if the State Court agrees that the petitioner has satisfied at least one prong in an analysis needed to prev-

ail to the second in order for the entire matter to be resolved shouldn't prong one (deficient performance) be established?

For these reasons this court should Grant Review.

4• IS THE DUREN V MISSOURI ANALYSIS BEING USED BY TRIAL COURTS AS A GATEWAY FOR PROSECUTORS TO BYPASS THE BASTON V KENTUCKY ANALYSIS WHERE THIS COURT HELD THAT USING A PEREMPTORY CHALLENGE TO REMOVE A VENIRE PERSON BECAUSE OF RACE HAS BEEN DECLARED A VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE UNITED STATES CONSTITUTION?

This Court in Baston held that using a peremptory challenge to remove a venire person because of race has been declared a violation of the equal protection clause of the United States Constitution since 1880 and reaffirmed in 1965. There is a three-part process for evaluating claims that a prosecutor used peremptory challenges in violation of the equal Protection Clause. 1) a defendant must make a prima facie showing that a peremptory challenge has been exercised on the basis of race. 2) if the prima facie showing has been made, the burden of production shifts to the State to articulate a race-neutral reason for its strike. 3) if the State tenders a race-neutral explanation, the trial court must then decide whether the defendant has proved purposeful racial discrimination.

In assaying the record, the reviewing court should consider the entire record voir dire; it need not limit itself to arguments or considerations that the parties specifically called to the trial court's attention so long as those arguments are manifestly grounded in the appellate record.

In another case by this court Duren came about in 1979. And In order to establish a prima facie violation of the fair-cross sect-

ion requirement, the defendant must show 1) that the group alleged to be excluded is a distinctive group in the community; 2) that the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community 3)that the under representation is due to systematic exclusion of the group in jury selection process.

Petitioner submitts to this court that Duren places no burden on the Court nor the prosecution. This case is the prime case for this argument as stated above the county alleged to have summoned "200" potential jurors only 53 showed and none where of the defendant's race, when evidence shows only "181' where summoned some "19" citizens were not summoned as accoiding to the State were. This percluded 19 potential african americans whom could have been on the Petitioner's voir dire. This system used by ParKer County Texas was designedx by the State and by excluding or reducing the number of summons could reduce the chance of african americans appearing which relieves the prosecutor of the burden this court placed upon them in Baston.

Because if no blacKs/African Americans are present the state won't have to use striKes/peremptory challenges to remove them and explain that it was not based on race. In addititon the Duren analysis maKes it vertially impossible for a pro,se incarcerated Petitioner to pass the prongs, and without the effective assistance of counsel the system that ParKer County,Texas uses will forever be in rotation. What better way to exclude other races, than not to ensure they appear before a jury summons, or to not summon 20% of the juroirs and claim to have summoned them. Because without a pro se litigant having the

,the mostveffective counsel from the 6th Amendment it will rarely be shown that the County failed to summon 20% of the jurors it claimed to have summoned. Petitioner believes that the Duren analysis is being used by trial courts, counties, and prosecutors as a gateway for prosecutors to bypass the notorious BASTØN V KENTUCKY analysis.

A. NATIONAL REGISTRY OF EXONERATIONS REPORT: BLACKS SUFFER MORE FALSE CONVICTIONS

On March 7, 2017, the National Registry of Exonerations published a report that found African-Americans are much more liKely than whites to be wrongfully convicted and spend more time in prison before being exonerated. The report noted that although blacKs represent just 13% of the U.S.population, they constitute 47% of the approximately 2,000 exonerated individuals listed in the National Registry.

The authors of the report said they hoped the data collected by the National Registry of Exonerations will contribute to reforms in the criminal justice system to eliminate the pattern of racial discrimination in arrests,prosecutions and wrongful convictions.

It's no suprise that in this area, as in almost any other that has to do with criminal justice in the U.S, race is the big factor," said University of Michigan law professor Samuel R.Gross, who serves as a senior editor for the National Registry.

B. THE 5th CIRCUIT REFUSED TO FILE EVIDENCE OF STATE'S TAINTED SYSTEM"

The State Court in this case asserted that it's possible that some African-American citizens were summoned for Petitioner's jury trial but did not actually appear in court. Recommendation *6. The State provided no

record proof (unlike Baston they have no Burdens) that they summoned any African Americans. The Federal habeas court's review was limited to the record that was before the State Court. WALKER. The State argued that the Petitioner has only brought forth information relating to the venire in his trial and more is required. Recommendation at 7.

The Petitioner filed a Motion for Rehearing regarding the denial of COA. Showing the Jury pool listing and the state court's assertation that they summoned 200 jurors when they only summoned 181. And the clerKsrefused to file the evidence.(See Appendix F).

The State satisfied the requirement in it's response(that counsel's performance was deficient). Not only is the jury wheel supose to consist of voter registration,driver's licence or valid Id issued by - The Texas Department Of Public Saftey, but the persons cannot be disqualified from jury service under Tex.Govt.Code 62102(1),(2),Or(7).

As explained to the 5th Circuit Court. The Petitioner is a blacK male whom stood trial in ParKer County, TX for a third degree felony offense of evading arrest or detention in a vehicle, after finding that the Petitioner had two prior convictions Petitioner was sentenced to 50 years aggravated in prison. The state found that he was avading arrest using a deadly weapon.(emphasis added). Petitioner is a 54 year old blacK Man and will not be eligible for parole in Texas until he is at least 74 years old. He did not hurt anyone, nobody's in the grave yard as a result of his actions in this matter. Petitioner argues that the District Court's decision was debatable among reasonable jurist, in part the State Court admitted that Petitioner passed the

first prong in Duren (which Petitioner ASK this court)=which establishes deficient performance by counsel. The non-profit Washington, D.C based Sentencing Project released a report in May 2017, titled "Still Life" The report notes that 206,268 people or 13.9 percent of the prison population have life equivalent sentences of at least 50 years. 48.3% of life and virual life sentenced individuals are African,equal one in five blacks overall."

CONCLUSION

For these reasons, a Writ of Certiorari should issue to review the judgment and opinion of the Eight Circuit Court of Appeals.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Eli Vernon III

Date: 3-4-2019