

SEP 19 2018

OFFICE OF THE CLERK

No. \_\_\_\_\_

\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

James Ferguson #60446 PETITIONER  
(Your Name)

vs.

Pelicia Hall — RESPONDENT(S)  
Commissioner, Mississippi Dept. of Corrections:  
ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

James Ferguson #60446  
(Your Name)

P.O. Box 1889  
(Address)

Woodville, Ms. 39669  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

**ORIGINAL**

QUESTION(S) PRESENTED

Court Appoint public defender, ask for a continuance for client. After client inform attorney he would not sign Waiver of Preliminary, Because he wanted to have hearing. He was charge with stabbing his girlfriend and he hadn't stab anyone. Counsel went before the court alone and had client hearing postpone. Defendant Effective Assistance of Counsel. Petitioners believe if he had had preliminary hearing it would have been Exposed Victim Suffer NO Stab Wounds...

Defendant Receive NO Notice he would be tried for causing INJURIES to Victim with Curling IRON, Hair Dryer, and Radio. Indictment Reads; Stab Victim with knife. At trial prosecution introduce these three items, said, defendant beat Victim UNCONSCIOUS, show photographs of Victim Swollen Face. The prosecution Amend Indictment. Defendant was tried for Acts he was NOT charge with. Defendants have a Right to be inform of the Nature of the Charge. To be able to Prepare a Defense...

## 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:

First Judicial District of Harrison County, Mississippi  
Circuit Court No: B-2401-2011-838; August 2012  
Found Guilty by Jury...

February 2014 Supreme Court affirmed Conviction.

April 10, 2014 Motion For Rehearing Denied.

Application for Leave to Proceed in the trial Court denied.

November 13, 2017, United States District Court of Southern District of Mississippi, Southern Division Denying Petition for Writ of Habeas Corpus...

United States Court of Appeals, The Fifth Circuit.

James Ferguson #60446 Mississippi PRISONER, motion for a certificate of Appealability is Denied...  
No: 17-60808, August 2, 2018.

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE.....	
REASONS FOR GRANTING THE WRIT.....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A	Decision of Federal District Appeals Court.
APPENDIX B	Memorandum Opinion and Order.
APPENDIX C	Proposed Finding of Facts and Recommendation.
APPENDIX D	Order; The Supreme Court of Mississippi
APPENDIX E	
APPENDIX F	

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
STRICKLAND vs. Washington (1984)	Pg. 7
Gideon vs. Wainwright (1963)	Pg. 7

## STATUTES AND RULES

## OTHER

Fourthteenth Amendment  
Sixth Amendment

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 Ferguson vs. Peletia Hall, No: 17-60808; 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 Ferguson vs. Fisher No: 1:15-cv-261; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

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

The opinion of the highest state court to review the merits appears at Appendix D to the petition and is

reported at Ferguson vs. Mississippi, 131 So. 3d 240 (Miss. 2014); or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ 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**:

The date on which the United States Court of Appeals decided my case was August 2, 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: \_\_\_\_\_, 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).

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

The date on which the highest state court decided my case was February 2014. A copy of that decision appears at Appendix D.

[ ] A timely petition for rehearing was thereafter denied on the following date: April 10, 2014, and a copy of the order denying rehearing appears at Appendix D.

[ ] 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**

*Sixth and Fourteenth Constitutional Amendments*

STATEMENT OF THE CASE

Petitioner has been denied due process of law. Fundamental Fairness, Fourteenth Amendment the Sixth Amendment guarantee of Counsel, is the Right of effective Assistance of Counsel. Petitioner's Court Appointed Attorney denied Petitioner his Right to Effective Assistance of Counsel and the Right to a preliminary hearing. The Court Appoint Attorney Dawn Stough, Requested defendant to Sign Waiver form for preliminary hearing. I told her I wish to have hearing that there was no stabbing. She went before the court and ask for a continuance. The following week the Court Appoint Attorney postpone preliminary hearing a second Time. Petitioner never had preliminary hearing Counsel to deprive defendant of the Right to Effective Assistance. Simply by failing to Render Adequate Effective Assistance. Dawn Stough took advantage of a

## REASONS FOR GRANTING THE PETITION

Detective Kamien testify before grand jury, Medical Records documented, that Victim Suffer Multiple stab wounds to her face. When the fact is Medical Records does not state that information. Detective Kamien testify before the grand jury. Petitioner claim, if he had had a preliminary hearing, it would have been exposed that Victim Suffer no Stab Wounds. Petitioner challenge the procedure where counsel has the authority and ability to speak for client, client should be present before the court to confirm counsel request in clients behalf. Counsel Request was against client interest. Defendant did not want to postpone hearing. Defendants should be required to stand beside counsel when defense counsel present

Anything before the Court that concern the defendant. The Court can ask defendant do they understand.

Petitioner was denied Due process of Law, Fundamental Fairness.

#### CONCLUSION

Constitutional Rights Violation

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James Ferguson

Date: March 28, 2019