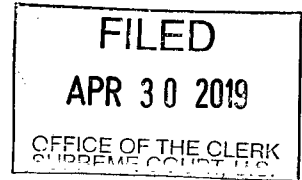


19-5035 ORIGINAL

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Calvin James — PETITIONER
(Your Name)

VS.

Judge William Moore — RESPONDENT(S)
Asst. U.S. Attorney Jennifer Kirkland
ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. District Court for the Southern District Savannah Division TRIAL
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) COURT

PETITION FOR WRIT OF CERTIORARI

Calvin James
(Your Name)

1074 Carl Griffin DR
(Address)

SAVANNAH, GA 31405
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1.) Do officers need Consent to SEARCH PRIVATE PROPERTY?, and without A SEARCH WARRANT?
- 2.) From my understanding the Probable Cause / Evidence / witness hearing is A VITAL PART of the Judicial Process they skipped my hearing and Forced me TO TRIAL Is that Legal?
- 3.) From my understanding you can be Arrested without A WARRANT For 72 hours, after that the detainment becomes Unlawful, They forced me TO TRIAL Long After 72 hours without A WARRANT so how is my detainment and Conviction Lawful?
- 4.) The Law of Double Jeopardy states A person can't be twice Put in Jeopardy for the same offense Correct? Well I was on Pre-trial with state officials for the same offense prior to my Indictment by the feds doesn't that Violate the Law of Double Jeopardy?
- 5.) By Law I'm Legally able To Represent myself Pro'ss Correct? Well, me and my Public Defender were having some serious Client-Attorney Issues, I spoke with magistrate Judge and told him Could I have new Counsel he Plainly Stated no on Jan 17, 2019 he would not Appoint me new Counsel and since I don't have a degree I can't and Shouldn't Represent myself.
- 6.) From the outside looking It doesn't this Behavior seem Prejudice and Unlawful?

QUESTIONS PRESENTED CONT.

Page

CAN THE STATE USE A WITNESS WHOSE STATEMENT IT DID NOT DISCLOSE TO YR DEFENSE PRIOR TO TRIAL?

WOULDN'T ALL THESE VIOLATIONS OF THE CONSTITUTION SEEM A BIT BIAS OR PREJUDICE?

5/14/2019

DEAR COURT CLERK,

I RECEIVED A LETTER ABOUT THIS PETITION STATING IT WAS RECEIVED APRIL 30, 2019 BUT RETURNED FOR THE FOLLOWING REASONS: THE CASE MUST FIRST BE REVIEWED BY A UNITED STATES COURT OF APPEALS.

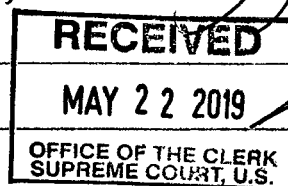
RULE 11 OF THIS COURT STATES A CERTIORARI CAN BE REVIEWED ON A CASE PENDING IN THE UNITED STATES COURT OF APPEAL SHOWING THAT THE CASE IS OF SUCH IMPERATIVE PUBLIC IMPORTANCE TO JUSTIFY DEVIATION FROM NORMAL APPELLATE PRACTICE TO REQUIRE IMMEDIATE DETERMINATION IN THIS COURT.

AS I NOTED THERE WAS SOME PREJUDICE BEHAVIOR IN MY CASE OR DOES THIS HAD TO BE MADE PUBLIC FIRST?

RULE 10 OF THIS COURT STATES, HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS AS TO CALL FOR THIS COURT'S SUPERVISORY POWER. (AS NOTED MY CASE WAS NOT MOVED PROPERLY THROUGH THE COURTS.

I ASK WITHIN RESPECT OF THE COURTS THIS PETITION BE FULLY REVIEWED.

CALVIN JAMES (PO410308)
1074 CAXL RIFTH DR.
SAVANNAH, GA 31405



[Signature]
CALVIN JAMES

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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Black V. STATE,	281 GA. App. 40, 43 2006
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STATUTES AND RULES

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Rule 10 of this Court	
G.A LAW 1 st tier - 2 nd Tier Encounter	
Model of Proceedings Error	
Hot Pursuit	

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ 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 _____ to the petition and is

☐ reported at _____; 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 _____ 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 _____ 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 JAN 31, 2019.

☒ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

Constitutional Violations of the 4th, 5th, 6th, 8th and 14th Amendments of the United STATES Constitution.

MONROE VS. BLACKBURN 607 F. 2d 148 (5th Cir 1979) (Failure To disclose witness' Prior statement Violated Due Process)

O.C.G.A § 17-16-7 (1994) moves the Court to Provide the defense At LEAST 10 DAYS Prior to the first Pre-Trial Hearing, with any and All Statements the STATE Intends to call At Any Pre-Trial Hearing or Trial.

TERRY V. Ohio 392 U.S. 1, 21 (1968) In Georgia, it has been recognized that there are three tiers of Citizen Police Encounters: first-tier encounters (Consensual), second-tier encounters (brief investigatory stops), and third-tier encounters (arrest requiring Probable Cause).

Black V. STATE, 281 Ga. App. 40, 43 (2006) As A first-tier encounter is Completely Consensual, The Citizen is free to ignore and disregard the Police, and even walk or run away, without being subject to Penalties.

People V. Kelly (2005) mode of Proceedings Error. Error that go to the ESSENTIAL Validity of the Process Are so fundamental that the Entire Trial is IRREPARABLY Tainted, As Also stated In Rule 10 of this Court.

Weeks V. United STATES The Exclusionary Rule says that Evidence seized by the Police Illegally may not be Introduced In the Criminal Trial of the Victim of the UNREASONABLE SEARCH & SEIZURE. NO WARRANT FOR ARREST OR SEARCH

STATEMENT OF THE CASE

Page 4

On September 10, 2018 I was Indicted by Federal officials for Possession of A FIREARM by A Felon, CASE NO: CR418-205. On October 12, 2018 I went to A Bond HEARING OR FIRST APPEARANCE AS they call it, was denied bond on that date and WAS Told my Appointed Counsel would keep me updated on my hearings OR IF A PLEA is offered. my Appointed Counsel then came to visit me at the Jail 2-3 weeks AFTER my first APPEARANCE And tried to get me to PLEAD guilty, did not come with A PLEA offer didnt even show concern whether I was Innocent, I kindly Ask for new Counsel and on Nov 29, 2018 went to A hearing only to Appoint new Counsel And nothing else. On December 7, 2018 my new Counsel came to visit me, asking me questions about what happen in my case, I stated Arent you the Attorney you should know what is going on If you trying to Represent me. He stated He would Return on December 12, 2018 with my motion of Discovery to talk over my case, In turn he didnt. He Returned Jan 10, 2018 talking about the scheduled TRIAL, still did not HAVE my motion of Discovery, but yet WAS trying to offer me A WAIVER of speedy TRIAL, I stated That we didnt HAVE A Preliminary/Probable Cause hearing, I Also stated that I did not HAVE A WARRANT for Arrest or Detainment And That I WAS on PRE-TRIAL with the state for the same charges which by Law is Double Jeopardy. For the Record I Also stated this to the Judge so the Records should show I Also stated That I filed A Civil Claim for those Constitutional

STATEMENT OF THE CASE

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Violations. My then Appointed Counsel stated they are the Feds they can do that in LITIAL terms so on Jan 10, 2018 I told him about the Procedural Skipping and that I would like Another Counsel. I was then scheduled for a meeting to Appoint New Counsel on Jan 17, 2019 in Magistrate Court. I plainly told the Judge this new Counsel is not worthy of Representing me. The Judge of Magistrate Court plainly stated I'm going to have to deal with Counsel and he wouldn't was not going to Appoint me ANY NEW Counsel And he would not let & like the fact of me Representing myself. So the following week around Jan 22-26 Counsel came to visit I plainly stated he still was not expected to defend me that I was not in possession of a gun they went in someone's Private Property And found that he still didn't seem concerned of my Case only getting me to plead guilty. So on JANUARY 31, 2019 my scheduled trial date Politely Ask Trial Judge William T. Moore that I would like to Represent myself Prose Records will show that I was my own Counsel from that Day Jan 31, 2019 til this Present Date. The Jury came back with a guilty verdict that same day and the Judge told me I had 14 days to file An Appeal. But I was not yet sentenced so on Feb 1, 2019 I wrote U.S District Court

STATEMENT OF THE CASE

Page 6

Clerk asking for the Legal documents to file my Appeal since I WAS POSE and the Judge only gave me 14 days to this current Date April 19, 2019. On Feb 13, 2019 I sent A Notice of Appeal that I received from the Trial Law Library to US District Court and GA Supreme Court because I was Advised to send to the higher Court GA Supreme Court wrote me back saying they Court But US District Court Never Responded, I then sent Notice to U.S Supreme Court and received Response but still no Response from U.S District Court Clerk. So finally April 8, 2019 I was scheduled for sentencing which seemed awkward being I want to TRIAL so they sentenced me to the MAX sentence for the Charge. And Judge William T. Moore stated Again to file Another for the sentence I stated as the records will show I have to file An Appeal for A Conviction And sentence 2 separate Appeals, Judge Moore stated That first Appeal that I said file was not Relevant even though he told me I had 14 Days to file that on After the Jury Conviction Records show I stated you didn't even Respond to my first Appeal what sense does it make to file Another one And that I would rather Continue my Habeas Proceeding that I filed for on March 15, 2019 Case No: CV19-062. So I Am still currently POSE as Rule 11 of this Court state Showing that such Imperative Importance

STATEMENT OF THE CASE CONT.

Page 7

as to justify deviation from normal Appellate Practice and require immediate determination in this Court 28 U.S.C § 2101 (e). It should also be noted that I was not indicted before trial as to who or what was going to be used against me like witnesses etc., neither was I offered any plea or deal before trial. They only ask why did I run, I stated LAW says I can run if I do or don't feel threatened. It seems they were using Prejudice or Bias that I did not want to plead guilty and that I was choosing to represent my self which is my legal right.

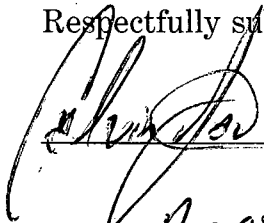
REASONS FOR GRANTING THE PETITION

- 1) has so far departed from the Accepted and usual course of Judicial Proceedings, as to call for an exercise of this Court's Supervisory Power. Rule 10 of this Court.
- 2) Such Imperative Importance as to Justify, to require Immediate determination in this Court. Rule 11 of this Court
- 3.) mode of Proceedings error
- 4) Denied Access to Court, U.S District Court Clerk NEVER responded to Appeal.
- 5.) Substantial Denial of Constitutional Rights.
- 6.) Indictment did not protect from Double Jeopardy
- 7) They/prosecution used witness statement who wasn't disclosed to the defense.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: April 21, 2019