

No. _____

19-5169

IN THE

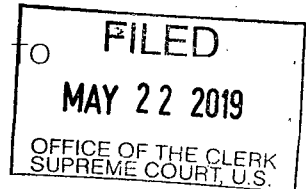
SUPREME COURT OF THE UNITED STATES

TIMOTHY W. STRATTON — PETITIONER
(Your Name)

vs.

MISSISSIPPI — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO



MISSISSIPPI SUPREME CT.

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

PETITION FOR WRIT OF CERTIORARI

TIMOTHY W. STRATTON
(Your Name)

P.O.B.

1419 LEAKEVILLE

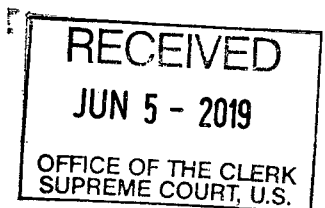
(Address)

LEAKEVILLE MS 39451-1419

(City, State, Zip Code)

(601) 394-5600

(Phone Number)



QUESTION(S) PRESENTED

ISSUE NO: 1 WHETHER THE TRIAL COURT
FAILED TO INSTRUCT THE JURY ON ALL
ELEMENTS OF THE CRIME (IN THIS CASE
VENUE) AS ACCORDING TO SCREWS V. UNITED
STATES, 325 U.S. 91, 107, 65 S. CT. 1031, 89 L. ED.
1495 (1945).

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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APPENDIX B *EN BANC ORDER (SERIAL: 223119)*

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APPENDIX D *N/A*

APPENDIX E *N/A*

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

SCREWS V. UNITED STATES, 325 U.S. 91,
107, 65 S.Ct. 1031, 89 L.Ed. 1495 (1945)

STATUTES AND RULES

N/A

OTHER N/A

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 N/A; 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☐ is unpublished.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 N/A to the petition and is

☐ reported at N/A; 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☐ is unpublished.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 A to the petition and is

☒ reported at 2016-M-00217; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the MS. S.C.T. (ORDER) court appears at Appendix B to the petition and is

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☐ is unpublished.

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was N/A.

☐ 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: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (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 2/25/14.
A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: AUGUST 6, 2018, and a copy of the order denying rehearing appears at Appendix C. ALSO 3/28/2019 REHEARING

☐ An extension of time to file the petition for a writ of certiorari was granted to and including NONE (date) on NONE (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- VIOLATION OF RIGHT TO DUE PROCESS
- FUNDAMENTAL ERROR

STATEMENT OF THE CASE

STRATTON HAS RAISED THIS ISSUE MULTIPLE TIMES, BUT THE COURT HAS FAILED TO PROPERLY RESPOND IN SIGHT OF SCREWS V. UNITED STATES, 325 U.S. 91, 107, 65 S. CT. 1031, 89 L. ED. 1495 (1945) THE COURTS HAVE TOTALLY IGNORED THIS ISSUE OF CONSTITUTIONAL MAGNITUDE WHICH VIOLATES STRATTON'S DUE PROCESS RIGHTS AND IS FUNDAMENTAL ERROR. VENUE WAS NOT PUT BEFORE THE JURY AS A ESSENTIAL ELEMENT OF THE CRIME SO THEREFORE IT WAS NOT CONSIDERED BY THE JURY AND FOUND BEYOND A REASONABLE DOUBT TO BE COMMITTED IN LEE COUNTY.

REASONS FOR GRANTING THE PETITION

STRATTON CONTENDS THAT BECAUSE THE IMPORTANT ELEMENT OF VENUE WAS LEFT OUT OF THE JURY INSTRUCTIONS AND CLEARLY VIOLATES LONG-STANDING PRECEDENT OF SCREWS; HIS CASE MUST BE REMAND TO LEE COUNTY COURT FOR A NEW TRIAL WITH PROPER INSTRUCTION(S) ON ALL ELEMENTS OF THE CASE, OTHERWISE IT CONTINUES TO BE A FUNDAMENTAL DUE PROCESS RIGHT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Timothy W. Stratton
~~May 16, 2019~~

Date: May 16, 2019