

ORIGINAL

NO. 19-5633

FILED  
AUG 02 2019

OFFICE OF THE CLERK  
SUPREME COURT U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

JOHNSON, JAMES - PETITIONER  
(Your Name)

Court Services vs.  
AND Offender Supervisory Agency, et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Appeals Court for the District of Columbia  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JAMES F. JOHNSON  
(Your Name)

2007 Maryland Ave, N.E. #102  
(Address)

Washington, D.C. 20002  
(City, State, Zip Code)

202 779 8113  
(Phone Number)

**QUESTION(S) PRESENTED**

IN THE UNITED STATES SUPREME COURT  
OF THE UNITED STATES OF AMERICA

ISSUES PRESENTED FOR REVIEW

1. DID THE COURT BELOW WAIVE IT'S POLICY OF NOT TO REVIEW OR OVERTURN ANY DECISION RENDERED BY AND FROM THE APPEALS COURT OF DISTRICT OF COLUMBIA IN CASE NUMBERED USCA 19-5009 ?
2. IN IT'S SWORN TO OBLIGATIONS , AND ACCEPTENCE OF JURIST JUDGESHIP , AND TO THE CONSTITUTION OF THE UNITED STATES AND IT'S ARTICLES , SHOULD ANY UNITED STATES COURT CORRECT ANY INJUSTICE AND OR MISCARRAIGE OF JUSTICE AND LAW WHICH IS PRESENTED BEFORE IT'S TRIBUNAL AND OR COURT , FOR REVIEW ?
3. DID OR HAS ANY OF THE COURTS BELOW , ANSWER DIRECTLY TO THE CHARGED COUNT OF RAPE AND SEX OFFENDER REGISTRATION IN CRIMINAL CASE F-33483 AS IT PERTAINS THE CHARGED CRIMINAL CASE F-33483 D -76 , WHEN PRESENTED FOR REVIEW BY THIS APPELLANT ?
4. DID , OR DOES THE RECORDS IN IT'S ENTIRETY , SUPPORT A FINDING OF GUILTY FOR THE CRIMINAL CHARGE OF RAPE AS PER COUNT "D" IN CHARGED INDICTMENT F-33483-76?
5. DID , BOTH , THE DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS , AND THE FEDERAL BUREAU OF PRISONS , BOTH , IN IT'S SUPERVISORY CONTROL OF CUSTODIAL AUTHORITIES TO , HOLD , MAINTAIN , KEEP AND INCARCERATE THIS APPELLANT , FAIL TO ADHERE TO THEIR INHERENT POWERS TO TREAT , SUSTAIN , PREPARE AND REGISTER THIS APPELLANT AS AN SEX OFFENDER , PER ORDER OF A COURT OF LAW , AS IT PERTAINS TO SEX OFFENDER CONVICTIONS , WHICH REQUIRE THEM TO HAVE ANY OFFENDER TO REGISTER AS AN SEX OFFENDER( BEFORE ) RELEASE FROM AND DURING THE ENTIRE PERIOD OF INCARCERATIONS FROM 1976 THROUGHOUT 2003 , WHERE APPELLANT WAS RELEASED , NOT ONLY FROM THE CRIMINAL INDICTMENT IN F-33483 -76 ( WHICH WAS DULY EXECUTED AND RELEASED VIA PAROLE 1N 1982 ) BUT YET AND ENTIRELY DIFFERENT AND SEPARATE CONVICTION IN 1984 FOR DRUG RELATED CRIMINAL CHARGED CONVICTION , TO WHICH THIS APPELLANT WAS EVENTUALLY RELEASED TO PAROLE IN 2003 AND WHERE ONLY THEN WERE THE SEX OFFENDER RELATED

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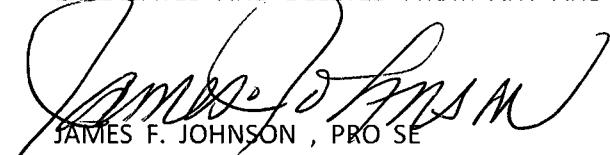
REGISTRATION WAS THEN ORDERED TO BE ENFORCED , NEARLY 30 YEARS AFTER THE PROPOSED RAPE CONVICTION ?

6.

SHOULD THE DEFENDANTS IN THE INSTANT APPEAL CONTINUE , ANY LAWFUL CUSTODIAL CONTROLS OVER THIS APPELLANT AFTER SOME 50 YEARS OF COMPLETE COMPLIANCE WHERE NOT AN INKLING OF SEX OFFENSE(S) HAS EVER BEEN REPORTED ?

7.

SHOULD THIS HONORABLE COURT , WITHIN IT'S SUPERVISORY POSITION , WITHIN THE CONSRVATIONS OF PRESERVING THE INTEGRITY OF THE UNITED STATES CONSTITUTION AND THE FAIRNESS OF JUSTICE FOR ALL , ORDER THAT THIS APPELLANT BE RELEASED FROM THE CUSTODIAL CUSTODIES OF THE COURT SERVICES AND OFFENDER REGISTRATION AGENCY AND ALL CORRESPONDENCE RELATING TO A CONVICTION OF RAPE IN THE INDICTMENT AND CRIMINAL CASE NUMBERED F-33483-76 , BE HEREIN ERADICATED AND DELETED FROM ANY AND ALL PUBLIC RECORDS , IT IS SO MOVED!



JAMES F. JOHNSON , PRO SE

## 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:

IN THE UNITED STATES SUPREME COURT  
OF THE  
UNITED STATES OF AMERICA

PETITION FOR WRIT OF CERTIORA

JAMES F. JOHNSON

APPELLANT , PRO SE

VERSUS

DIRECTOR , COURT SERVICES AND OFFENDER

SUPERVISORY AGENCY (CSOSA ) et al el a.;

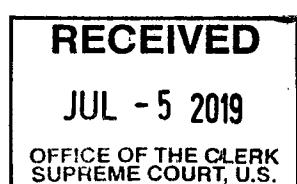
APPELLEE .

NO. 19-5009 ( UNITED STATES APPEALS COURT )

1: 18-cv- 01972 – UNA

filed on June 14 , 2019

Brief for Appellant



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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 See ATTACHED; 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

See ATTACHED

[ ] 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 *See attached*

[ ] 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: *See attached*, 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).

## **STATEMENT OF THE CASE**

## APPELLANT'S OPENING STATEMENT

## CASE IN CHIEF

After sentencing in criminal case F-3348376 , the court placed this Appellant , in the custody of the district of Columbia Department of Corrections , whom were under the direct authority of , both , the United States Department of Justice and the Federal Bureau Of Prisons. Appellant was sentenced to serve the prison term of Not less than Six years , and not more than Thirty years.

After service of the minimum term of six years , this Appellant was processed and released to Parole via District of Columbia Community Corrections Center , the year 1982.

After being paroled and released to the Halfway House , in the year 1984 , this Appellant was rearrested on Federal Narcotics criminal charges and sentenced to imprisonment to serve a term of not less than Four years and not more than Twelve years. Appellant was again released to an Community Corrections Halfway House via Parole , the year of release was 2003.

After being released from the Halfway House on the Narcotics criminal convictions, this Appellant reported to his Parole Officer on or about October , 2003. This Parole Officer then stated to this Appellant that he was enrolling him in some Sex registration Program as an D.C> Sex Offender. Appellant refused , stating that he had been released from the F-3348376 convictions in 1982 and their was no such requirements.

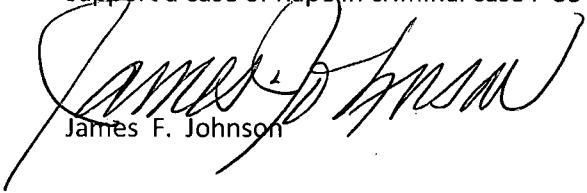
After being cited to be returned to imprisonment as refusing to obey an directive by the Paroling authorities, Appellant petitioned the District of Columbia Superior Court . Here Judge Lopez determined that the law required him to register or face reimprisonment. Appellant registered , but under stern protesting and commenced a series of court actions....to no avail.

At no point did any court determine the facts of the Indictment and Jury return findings that the Rape count in criminal case F3348376 , count "D" , was ruled Not Guilty , Case Dismissed.

At no point did the District of Columbia Department of Corrections , during the custody periods from and during 1976 through 1982 , was this Appellant informed , nor directed to register as an D.C. Sex Offender

After his re arrest in 1984 , through 2003 on the Federal Narcotics criminal case , there was no mention or information regarding this Appellant to register and or join and or engage in any form of any Sex

Offender Registration, through out the Four to Twelve year imprisonment term. It was after his release from the Halfway House to the Custody of the Parole Supervision , that the information was brought to his attention. This action resulted as the end of many years of attempting to show that his only experience with the Sex Offender Registration should , legally , been as an who " Attempted to have sex with the complaining witness, whom then testified that this Appellant had " No sexual Penetration with her!" Nor was there any Medical , DNA , or any other such evidence presented which could or would support a case of Rape in criminal case F-3348376.



James F. Johnson

#### STATEMENT OF FACTS

While the Indictment clearly shows where the Government charged and Indicted this Appellant for Rape, as Count " D " illustrates, the Trial's Jury Foreperson's returned jury form clearly and emphatically shows that Count " D " is not listed as an item under the Guilty Verdicts!

The District of Columbia , in receiving its' jury verdict and instructions from the United States Department of Justice, did execute and have and maintained custodial jurisdiction over this Appellant from 1976 through 1982 , where it found no records to improvise the instruction to have this Appellant to Register as a Sex Offender , as the Law required!

Program Statement; OPI: CPD/CPB

Number 5110.17

#### NOTIFICATION REQUIREMENTS UPON RELEASE OF SEX OFFENDERS ,VIOLENT OFFENDERS, AND DRUG TRAFFICKERS.

This policy prescribes procedures requires by 18 U.S.C. 4042, regarding the Notification of Release of Prisoners.

Title 18 U>S>C> 4042© requires that the Bureau provide release and specified registration information to state, tribal , and local law enforcement and registration officials at least five calendar days prior to release of offenders who are released from prison and required to register under the Sex Offender Notification and Registration Act of 2006 (SORNA).

Policy and procedures regarding notifications as they apply to the Fifth Circuit Court of Appeals decision," Henrikson v. Guzik."

Appellant was convicted , as per " count " C " , F-33483-76 , Charge : DOC – 0202 – DOC – ATTEMPT

RAPE; Case#: 33483-76C

Court: SUPERIOR COURT

Offense Date: 08/25/1976

Date Charged: 08/25/1976

Count: N/A

Disposition: 1- SENTENCED AND SERVING

This Appellant was never presented before a Board for determination as to a program plan , which level of Registration was warranted , duration , if any , to program as Registrant , and or if this Appellant was the proper person to be placed in Sex Registration Program, because of various degrees of Sex Offender registration;

The Appellant believes that the Government in the instant case and registration , has legally , waived it's right and or obligations to register this Appellant as a Sex Offender , especially so , as an Registered Sex Offender for Life! Noting that as a criminal convicted of ATTEMPT RAPE that registration requirements could not be for Life.

#### APPELLANT'S ARGUMENT

The law and United States Constitution is very clear in it's founding purposes and grounds in the protections of the rights and safe guards for citizens of the United States of America. Clearly herein , the protections , safe guards , and equal protections of this Appellant was not guaranteed and fully protected by the Government.

The District of Columbia Department of Corrections , after carefully reviewing this Appellants' records and sentencing verdict , considered him for Community Corrections Halfway House Placement , even prior to his release to an approved parole plan. This then illustrates that the records were , or should have been carefully reviewed , by several groups, or boards, and further, re considered for an approved parole plan , which failed to include any Registration into any Sex Offender Registration " required program!"

Even so , the Federal Bureau of Prisons, retained custody of this Appellant nearly ten years after the convictions in F-33483-76 , this charge was under the Federal Narcotics Act in 1984. Here , this Appellant was convicted of related drug chrges and sentenced to serve a prison term of Four to Twelve years imprisonment. Appellant wa again release to the Community Corrections Center , prior to release to

an approved parole plan, and again, no mention of being registered in an approved Sex Offender Registration Program as an District of Columbia Sex Offender!. Clearly , as the Sentencing Court failed to enter this Appellant as a Sex Offender, the District of Columbia Department of Corrections , and subsequently , two review Community Corrections Halfway House Boards , and two separate Boards of Parole, one local and the other Federal, none of these agencies recognized that this Appellant was convicted under the Sex Offender Act Statute and should be " required " to register and enter a planned program under the requirements of the Sex Offender Act , especially so , after some twenty –eight years of custodial supervision under Halfway Housing and Parole. Appellant was fully release from the F- 33483-76 criminal trial and convictions when he was ordered , under threat of being returned to prison should he not register, but rather, under sentence and custody of the United States Federal Parole Authority for a separate Narcotic Drug Conviction in 1984 and noted then after his parole release in 2003!

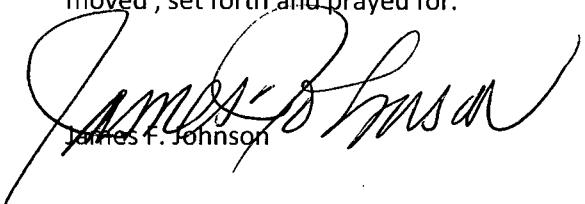
When this Appellant began investigations into this entire matter, filing Mandamus's and other noted Pleas for recognitions of this farce , the Parole Officer was transferred to another " unknown " jurisdiction and any and all subsequent pleadings filed by this Appellant were " denied."

Appellant also , finally , contend , that the Government in the instant pleadings " waived " it's right to deny Appellants' latest appeal herein to this honorable United States Supreme Court.

The United States Court of Appeals below, after acceptance and then reviewing the entire records, then ordering , both this Appellant and the Government to file its' responses in the required timing as set by said Appels Court , and when the Government failed to respond at or during or before the timing set forth by the Court below, the Appeals Panel " denied " this Appellant's petition , stating.." This Appeals Court , by policy , does not overturn decisions as ruled upon by the Appeals Court for the Superior Court of the District of Columbia!" (quotations added)

Appellant contends that the United States Appeals Court " well knew , or should have known "...well in advance of review , and it's demands for parties to submit written arguments , especially so , since then the Government failed to meet its' obligation to timely file its' response and " should " have instilled that ruling " well in advance" of its' later finding, those questioning

the ' best integrity of the Appeals Court. Appellant moves that the Appeals Court below, consequently " waived " it's right to employ it's ruling policy and Appellants' Petition for Writ of Mandamus should prevail and his requirements for Sex Offender Registration be waived and or vacated here in . It is so moved , set forth and prayed for.



James F. Johnson

**REASONS FOR GRANTING THE PETITION**

Soontashed

To be removed from Defendants  
Custody / Injunction

To be removed from Sex Offender  
Registry  
DamnedPawer

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APPELLANTS' CLOSING STATEMENT

Appellant duly contend , that as an citizen of these United States of America, that he is still and continuously under the guidance , protections and securities of the United States Constitution .

Moreover , this honorable has the jurisprudence , power , authority , and the mandate from the same Constitution and Articles of , by and from the United States Constitution to uphold it's contents and protections , and safe guards, and in this Courts' corrective powers , it must apply justice to any and all deserving parties , regardless of race , creed , and or color!

The Appellant merely seeks the justice awarded through a jury of his own peers, as the law allows, and further , after more than forty years of being supervised by an Governmental Agency which " well knew , or should have known " , the full contents of the Jurys' verdict form , the Not Guilty , Case Dismissed by the Jury's Foreperson , and the non-response to Not Notify the REQUIRED Notification , by Both , the U.S BOP and the District of Columbia Boards of Parole, and the agencies thereto which process , daily , all-sentenced prisoners Judgment and Commitment Orders, that something was " surely wrong " in this Appellants' case and cause , and flags should have been " highly raised " prior to this petition for Supreme Court's intervention.....but in the name of justice , to insure the inherit integrity of this honorable Court , I hereby move that the Custody of the Court Services And Offender Supervisory Agency , be herein Ordered to release this Appellant from it's custody immediately and remove any and all such records pertaining thereto, it is so moved!



James F. Johnson

CERTIFICATE OF SERVICE

I, James F. Johnson , the Appellant herein , do so certify , under penalty of perjury , that the full contents of this petition to the United States Supreme Court are true to the best of my ability , and that I believe I am entitled to the redress I seek , and further, that I have mailed the original and copies to the Chief Clerk of this Court for proper service upon any and all due parties known as parties hereto , on this 28<sup>th</sup> day of June, 2019, via regular U.S. Postage.



James F. Johnson  
2007 Maryland avenue, NE #102  
Washington , DC 20002

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FACTUALL BACKGROUND

During the 1975-1976 era , the United States Attorney and the District of Columbia , brought about criminal charges against James F. Johnson , Criminal Case F-33483-76.

The Indictment consist of criminal charges alphabetically arranged as 33483-76 A, B, C, D, E, F, &G.

AFTER A TRIAL BY JURY , THE VERDIT FORM READS AS FOLLOWS; Case Number 33483-76 A,C,E,G,

Charge: DOC- GRAND LARCENY.

Case#: 3348376F

Court : SUPERIOR COURT

Offense Date: 08/25/1976

Date Charged: 08/25/1976

Count: N/A

Disposition: A - NOT GUILTY - DISMISSED

Charge : DOC – 0200 - DOC – RAPE.

Case#: 3348376D

Court: SUPERIOR COURT

Offense Date: N/A/

Date Charged: 08/25/1976

Count: N/A

Disposition: A - NOT GUILTY - DISMISSED

Charge: DOC – 0501 - DOC – 1<sup>ST</sup> DEGREE BURG. FELONY

Case#: 3348476A

Court: SUPERIOR COURT

Offense Date: 08/25/1976

Date Charged: 08/25/1976

Count : N/A

Disposition: 1 – SENTENCED AND SERVING

Charge: DOC – 0501 - DOC 1<sup>ST</sup> DEGREE BURG. FELONY

Case#: 3348376B

Court: SUPERIOR COURT

Offense Date: 08/25/1976

Date Charged: 08/25/1976

Count: N/A

Disposition: A – NOT GUILTY – DISMISSED

Charge: DOC – 0202 - DOC ATTEMPT RAPE

Case#: 3348376C

Court: SUPERIOR COURT

Offense Date: 08/25/1976

Date Charged: 08/25/1976

Appellant was convicted , as per " count " C " , F-33483-76 , Charge : DOC – 0202 – DOC – ATTEMPT RAPE; Case#: 33483-76C  
Court: SUPERIOR COURT  
Offense Date: 08/25/1976  
Date Charged: 08/25/1976  
Count: N/A  
Disposition: 1- SENTENCED AND SERVING

This Appellant was never presented before a Board for determination as to a program plan , which level of Registration was warranted , duration , if any , to program as Registrant , and or if this Appellant was the proper person to be placed in Sex Registration Program, because of various degrees of Sex Offender registration;

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James F. Johnson

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Date: \_\_\_\_\_