

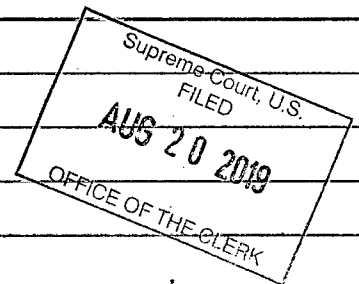
19-6169

In the
Supreme court of the
United States

ORIGINAL

Anthony Brawner - petitioner

v
District of Columbia
Appeals court

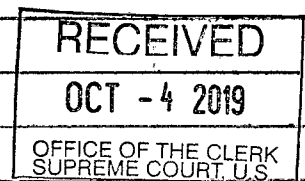


Writ of mandamus / prohibition

Superior court of D.C.
(Name of last court to rule on merit)

Anthony Brawner #34855-007
Name

U.S.P. Coleman II, po. Box 1034,
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Address



Question(s) presented

1. Does the District of Columbia superior court have subject-matter-jurisdiction over crimes that happen in the State of Maryland.

2. Does the petitioner have the sixth Amendment right to be tried in the state in which his crime's were committed.

III

List of parties to the proceeding
pursuant to Rules 14.1(b) and 29.1

pursuant to supreme court Rule's,
The petitioner certifies that the
names of all parties to this proceeding
appear in the caption of this petition
for Writ of Mandamus

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Appendix A; "Brief for Appellee" which gives the factual background of this case provided by the United State's Attorney, proof the crime took place in Maryland. (page 3 of brief).

Appendix B; Warrant filed by state of Maryland to bring petitioner to justice for same Armed carjacking charged by D.C.

Appendix C; Detainer filed by state of Maryland, Fbop notice that petitioner Armed carjacking sentence by Maryland expires 06-22-2024

Appendix D; judgment sheet. The issue of concern.

Appendix; Charge summary, Charge's in Maryland. Clearly shows carjacking was also charged by the State of Maryland

Statement of jurisdiction

United States supreme court Rule 20. Issuance by the court of an extraordinary writ authorized by 28 U.S.C. § 1651 (a) is not a matter of right, But of discretion sparingly exercised. The petitioner now will seek review of this matter of clear important

This petition is in aid of the court's Appellate jurisdiction.

The traditional use of the writ in Aid of Appellate jurisdiction has been to confine (the court against which is sought) to a lawful exercise of its prescribed jurisdiction. Id at 380 (quoting Roche v. Evaporated Milk Ass'n, 319 U.S. 21, 26, 63 S.Ct 938, 87 L.E.D. 1185 (1943)). This petition is for such use and in Aid of the court's jurisdiction.

VIII.

Constitutional provisions

U.S. const. Art III, U.S. const
Amend. VI "The right to be tried
in the state where the crimes were
committed."

Statement of Case

The case underlying this petition is a action to prevent the superior court from unlawfully assuming jurisdiction over the matter of Armed Carjacking (And lesser included offenses) which clearly took place in the State of Maryland, Outside the geographical boundaries of the District of Columbia. See; D.C. code 11-923, District of Columbia Reorganization Act of 1970.

In this Action the petitioner has asked the District of Columbia court of Appeals to take back his plea of guilty, A indisputable claim, which is owed to the petitioner. The petitioner has the sixth Amendment right to be tryed in the State in which the crimes were committed.

Summary of Arguement

The instant case involves an action that is now pending in the District of Columbia court of Appeals. The superior court of the District of Columbia have charged the petitioner with a Armed carjacking that originally took place in the State of Maryland, Outside of their jurisdiction. See; D.C. code 11-923, D.C. reorganization Act of 1970.

The superior court have held in this matter that "A single criminal Act maybe only a part of the crime as much as it may have culminated." Adair v United States, 391 A.2d 288, 290 (D.C. 1978). This Honorable court can understand that it is a clear violation of the petitioner's rights for him to be tryed by a court which lacked jurisdiction over the matters charged.

This Honorable court has expressed the need of the lower courts to look to statute's provided by congress to define were congress considered place of commission to be locus Delicti; United State's v. Bleckor (1981, (CA4 VA), 657, F.2d 629 29 CCF 81838 (1982) 454 U.S. 1150, 102 S.Ct 1016, 71 L.F.D. 2d 304.

In the instant case were the petitioner pulled a gun on the victim and forced her into the trunk of her car, And drove away gaining the immediate possession of the motor vehicle, Clearly shows the superior courts lack of jurisdiction. Even more evidence to this violation is that the State of Maryland also charged the petitioner for the same carjacking.

Does the petitioner have the sixth Amendment right to be tried in the State in which his crime's were committed?

The jurisdiction of the Criminal Division of the superior court is limited to criminal Acts which occur within the geographical boundaries of the District of Columbia, consistent with the requirement of U.S. const Art. III § 2, cl. 3 and U.S. const. Amend. VI, That criminal offense be prosecuted in the state or District in which they were committed. Clearly the superior court lacked jurisdiction over crimes completed in the State of Maryland.

Statute vesting the superior court with jurisdiction of any criminal case under any law applicable exclusively to the District of Columbia operates to limit the superior court to criminal Acts which occur within the geographical boundaries of the District of Columbia. D.C. code 1981 § 22-2202, James v. United States, 478 A.2d 1083, 1984 D.C. App Lexis 440 (D.C. 1984).

Again, This Honorable court has expressed the need of the lower courts to look to statute's provided by congress to define where congress considered place of commission to be locus Delicti; United States v. Bleckor, (1981, CA4 VA.) 657 F.2d 629 29 CCF 81838 (1982) 454 U.S. 1150, 102 S.Ct 1016, 71 L.E.D 2d 304.

If this Honorable court would look to D.C code E 22-2803, (A statute provided by congress), which clearly defines the crime of Armed carjacking with two elements. The first element being the force, upon which to take the vehicle from the victim. And the second is the immediate possession of the motor vehicle.

In the instant case were the petitioner pulled a gun on the victim and forced her into the trunk of her car, And drove away in the victims car, It is clear that the petitioner had the Actual immediate possession of the motor vehicle. Therefore completing the crime of Armed carjacking.

In the United States Attorney's account of this matter, the petitioner accosted the victim outside of her apartment in Forrestville, Maryland, threw her in the trunk of her car and drove away in her car."

If the Account of the United States Attorney is true, Then the crime of Armed Carjacking clearly took place in the state of Maryland Outside of the jurisdiction of the District of Columbia,

It is clear that D.C. code § 22-2803 (Statute for carjacking) explains that carjacking is an "immediate Action" Once someone obtains the immediate Actual possession of the motor vehicle by means of force the crime has been complete. The petitioner in this matter drove away in the victims car in Maryland. Clearly he had possession of the vehicle.

Reason for granting writ

Common - law writ of mandamus as codified in 28 U.S.C. § 1361, was intended to provide remedy for plaintiff only if defendant owed him clear nondiscretionary duty. *Liverman v. Bush* (2007, CA10 Utah) 213 Fed. Appx 675. The petitioner will now claim that the Appeals court of the District of Columbia owe him a "nondiscretionary duty."

It is clear that in the above case, The superior court of the District of Columbia have charged the petitioner for an Armed carjacking that took place outside their jurisdiction. Service Court's test required mandamus only when the lower court's decision, ruling or conduct is so at variance with any reasonable interpretation of a statute or rule of law as to amount to an arbitrary, capricious, and irresponsible Act. ... "United States v. Bowlden, 16 M.J. 878 (A.F.C.M.R. 1983).

What exceptional circumstances
warrant the exercise of the court's
discretionary power?

This Honorable court should clearly see the dispute between the District of Columbia and the State Maryland, who have both charged the petitioner with the carjacking while Armed. They both claim the crime took place within their jurisdiction. The superior court of the District of Columbia have clearly infringed on the jurisdiction of the State of Maryland, And have violated the petitioner's right to be tried by the state or District where the crime was committed. U.S. const. Art III, U.S const. Ament VI.

Further more two jurisdictions charging the petitioner for the same crime would violate the petitioner's right's against Double jeopardy. These facts can be found in the Appendix by way of indictment and charge summary's.

Why adequate relief cannot be obtained in any other court. (Rule 20.1).

The Above matter is now in front of the Appeals court of the District of Columbia, No other court has the power to compel the Appeals court by way of Mandamus/prohibition. The superior court of the District of Columbia have Acted outside of their jurisdiction, And clearly this honorable court is the only court to interpret the statutes of law provided by congress to show the limitation of the superior court's jurisdiction. The petitioner prays this court can see the effects of the misinterpretation of D.C. code 11-923 has had on his rights And Hopes that this honorable court will Act in the interest of justice.

The petitioner is sure this Honorable court will agree that the superior court charging him with a crime that took place in the State of Maryland is a irresponsible Act And letting this ruling stand would be Arbitrary and capricious. Therefore the Reason for granting this writ would be to Act in the interest of justice, The petitioner pray's for remendy.

Conclusion

petitioner rightfully concludes that his fifth and Sixth Amendment rights to Due process of law, Freedom from Double jeopardy and the right to be tried in the State and District wherein the crime was committed, have been violated in such a way that only equitable remedy is to vacate the sentence and remand the case back to the superior court for the dissmisal of the indictment with prejudice.

11.
~~11~~ pg

The petition for a writ of mandamus should be granted.

Respectfully submitted
Anthony Swanner
Reg: 34855-007