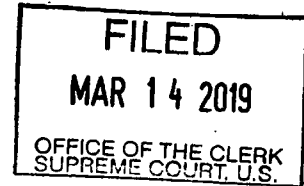


No. 19-8301



IN THE
SUPREME COURT OF THE UNITED STATES

Jerry W. Jenkins — PETITIONER
(Your Name)

vs.

United State of America RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United State Court of Appeals for the 8th Circuit - St. Louis
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jerry W. Jenkins 20570045
(Your Name)

PMB 1000
(Address)

TALLADEGA, AL 35160
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- Ground 1.[#] Whether MR. JENKINS Rights to THE UNITED STATES CONSTITUTION WERE VIOLATED When THE GOVERNMENT Introduced the testimony OF Michelle GORDON. IN VIOLATION OF HIS rights to DUE PROCESS.
- Ground 2.[#] Whether MR. JENKINS Rights to THE UNITED STATE CONSTITUTION WERE VIOLATED When THE GOVERNMENT INFRINGED UPON HIS RIGHTS TO BE PRESUMED INNOCENT When HIS Prior CRIMINAL History was Introduced AT TRIAL With out testifying.
- Ground 3.[#] Whether MR. JENKINS sixth Amendment rights to THE UNITED STATE CONSTIT WERE VIOLATED When TRIAL COUNSEL FAILED TO CONDUCT, PRE-TRIAL INVESTIGATION AND PREPARE, SAID CASE FOR BOTH, TRIAL AND sentencing
- Ground 4.[#] Whether MR. JENKINS Rights to THE UNITED STATE CONSTITUTION WERE VIOLATED When THE TRIAL COURT ABUSED its Discretion AND Allowed Ms. Michelle GORDON Testimony By Presented To THE JURY OVER MR. JENKINS, OBJECTION

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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8. GROOMS. AT TRIAL MRS GORDON DID NOT EXPLAIN WHY SHE GAVE AN INCONSISTENT STATEMENT TO OFFICER WELLS, THE COURTS DID NOT GIVE MRS. GORDON THE OPPORTUNITY TO DENY OR EXPLAIN HER PRIOR INCONSISTENT STATEMENT, MRS GORDON TESTIMONY SHOULD HAVE BEEN IMPEACHED ON A COLLATERAL MATTER BY USE OF EXTRINSIC EVIDENCE OF HER PRIOR INCONSISTENT STATEMENT. PAGE 27#

9. GROOMS

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11. HOUSTON

12. IVORY - NO DEOXYRIBONUCLEIC ACID OF MR. JENKINS D.N.A. THE FIREARM FOUND IN SOME ONE ELSE HOUSE, THE COURT NEVER PROVED A NEXUS THAT MR. JENKINS SHARED THE HOME WITH ANYONE RELATING TO THE CIRCUMSTANTIAL EVIDENCE OF THE FIREARM. PAGE #18

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16. LANGLEY. BY LETTING MRS MICHELLE GORDON'S TESTIMONY IN, THE PREJUDICIAL IMPACT OF HER STATEMENT TO A JURY PROVOKES AND TAINTS THE MINDS OF THE JURY TO PUNISH ON AN INCIDENT THAT WAS NO ESTABLISHED PROPOSITION RELATING TO THE NOVEMBER 26, 2006 SHOOTING. PAGE #17

17. LESKO.

18. MS CRADY. MRS GORDON TESTIMONY SHOULD HAVE BEEN IMPEACHED ON A COLLATERAL MATTER BY USE OF EXTRINSIC EVIDENCE OF HER PRIOR INCONSISTENT STATEMENTS. PAGE #27

19. MS CRADY

20. NOVACK. PAGE 19-20. HOWEVER, TO DO SO, IT WILL BE NECESSARY TO CONDUCT AN EVIDENTIARY HEARING, TO MAKE INQUIRY AND TO MAKE A DETERMINATION IF (1) COUNSEL WAS INEFFECTIVE, AND (2) IF ~~COUNSEL~~ COUNSEL WAS INEFFECTIVE RE-SENTENCE DEFENDANT BY THE PROPER FEDERAL GUIDELINES. THE DEFENDANT MR. JENKINS CONTENTS THAT COUNSEL'S PERFORMANCE BEFORE THE COURT WAS, PER SE, DEFICIENT AS A REASONABLE ADVOCATE. PAGE #20

21. NOVACK-

22. OWEN - PAGE 8th. It has been ruled by the 8th circuit to APPROVE the Admission of evidence of similar crimes that may OCCURRED A decade BEFORE the charged crime. The terms of RULE 404(B) draws no distinction between A crime that may have happened BEFORE the subsequent Acts charge in MR. JENKINS indictment on NOV. 26, 2003. RATELLE - PAGE 23th. Had counsel thoroughly INVESTIGATED MR. JENKINS PRIOR state CONVICTIONS, All the Facts of the underlying cases CONCERNING All the Facts of the Predicted Prior CONVICTIONS would have FORMULATED AND OUTCOME OF MR. JENKINS CASE in A quite different MANNER

24. SANDERS - COUNSEL TOOK AT FACE VALUE the Government's Position THAT the FIVE Predicates were valid, this is what CAUSED MR. JENKINS NOT to take the stand in his own defense because the JURY was Already TAINTED AS A result of the UNCHALLENGED decision By COUNSEL'S Actions. This is tantamount to NO Assistance At All. And MR. JENKINS lost At the INEFFECTIVE Assistance of COUNSEL throughout the case At Bench.

25. SHALALA - PAGE 28th. There should only be ONE Fact to SUPPORT her statement as being SUBSTANTIAL and it WAS NOT Adequate With OFFICER Well's testimony to SUPPORT A FACTUAL Finding OF Guilt that MR. JENKINS Possessed A FIREARM.

26. SMITH - PAGE 27/28th. A PRIOR INCONSISTENT statement CONTAINS COLLATERAL MATTER and is therefore INADMISSIBLE if the Facts REFERRED to in the statement ARE CONTRADICTED, OFFICER Well's testimony is shown in evidence For the PURPOSE of A independent FACT MRS. G^r "Don" I did NOT see NO GUN. MRS. GORDON statement At trial is a CONTRADICTION, which is MORE PREJUDICIAL than PROBATIVE.

27. STRICKLAND PAGE 19# THE UNITED STATE SUPREME COURT ESTABLISHED A TWO-PRONG TEST WHICH TO EVALUATE INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS. DEFENDANT MUST PROVE (I.) THAT COUNSEL'S PERFORMANCE FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS, AND (II.) THAT BUT FOR COUNSEL'S UNPROFESSIONAL ERRORS AND OR OMISSIONS, THE RESULTS OF THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT.

28. STRICKLAND.

29. SULLIVAN PAGE 26 & 27. OFFICER WELLS TESTIMONY CONCERNING MRS. GORDON'S STATEMENT WAS NOT SIMILAR IN KIND OR REASONABLY CLOSE IN TIME TO THE INSTANT CHARGE, A REVIEW SHOULD BE LIMITED TO DETERMINE WHETHER THERE IS SUBSTANTIAL EVIDENCE BASED ON THE ENTIRE RECORD TO SUPPORT THE FACTUAL FINDINGS. OFFICER WELLS TESTIMONY WAS CONSISTENT WITH MRS. GORDON'S STATEMENT IN THE JENKINS MATERIAL THAT "I DID NOT SEE THE GUN. SUBSTANTIAL EVIDENCE MEANS SUCH RELEVANT EVIDENCE AS A REASONABLE MIND MIGHT ACCEPT AS ADEQUATE TO SUPPORT CONCLUSION."

30. SULLIVAN

31. SLPPA

32. SWANSON PAGE 22 & 23. AS SUCH, THIS DUTY INCLUDING, BUT NOT LIMITED TO, PROTECT THE CHALLENGE OF THE DEFENDANT'S CONSTITUTIONALLY INVALID PRIOR CONVICTIONS, AS COUNSEL WAS SUPPOSE TO BE TRAINED TO DO, BUT FAIL TO DO SO. SEE U.S. VS. SWANSON 943 F.2D 1070. THE COURT HELD THAT DEFENSE ATTORNEY WHO SO "UTTERLY FAILS TO SUBJECT THE PROSECUTION TO A MEANINGFUL ADVERSARY TESTING."

33.

WHITE. PAGE 25[#] EXTRINSIC evidence of prior inconsistent statements may not be used to impeach a witness under Federal rules of Evidence 613(B) unless the witness is given the opportunity to explain or deny the statement.

34. WILLIAMS PAGE 24. In MR. JENKINS CASE, the Grand Jury never charged a crime of violence that MR. JENKINS was shooting at another person. MR. JENKINS should have not be charged with 924(E), the ARMED CAREER CRIMINAL ACT.

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 DECEMBER 17TH 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 MAY 23, 2019 (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

ON DECEMBER 4TH 2007 MR. JERRY W. JENKINS, here in AFTER (PETITIONER) WAS INDICTED FOR ONE COUNT OF UNLAWFUL POSSESSION OF A FIREARM BY A CONVICTED FELON, IN VIOLATION OF TITLE 18 U.S.C. § 922(G)(1), AND ONE COUNT OF UNLAWFUL POSSESSION OF AMMUNITION IN VIOLATION OF TITLE 18 U.S.C. § 924(E)

ON JUNE 23, 2008 PETITIONER PROCEEDED TO JURY TRIAL. (PRESENTENCE INVESTIGATION REPORT HEREFTER (PSI AT 4) PETITIONER THEORY OF THE DEFENSE WAS THAT ON OR ABOUT NOV. 29TH 2006 THE DATE OF THE CHARGED OFFENSE, PETITIONER DID NOT POSSESS EITHER A FIREARM NOR AMMUNITION. THE COURT FAILED TO DO FINGERPRINT ANALYSIS ON FIREARM AND AMMUNITION, LEADING TO PETITIONER BEING WRONGLY CHARGED.

IN THIS SUPREME COURT APPEAL PETITIONER ARGUES THAT ANY TESTIMONY CONCERNING MRS. MICHELL GORDON CONCERNING THAT PETITIONER HAD POSSESSION OF A FIREARM ON NOVEMBER 26, 2006 A DATE WHICH IS NOT OTHER THAN THE DATE RETURNED BY THE GRAND JURY OF THE CHARGED OFFENSE, WAS INADMISSIBLE AND PREJUDICIAL TO PETITIONER'S RIGHT TO A FAIR TRIAL WHICH CREATED A 327 TERM OF IMPRISONMENT FOR PETITIONER.

REASON FOR GRANTING THE PETITION

I JERRY W. JENKINS PRAY THE SUPREME COURT OF THE UNITED STATES, TO GRANTING THE PETITION. FOR THE LAST FEW YEARS THE DISTRICT COURT BEEN DECIDE MY CASE. THIS IS MY LAST CHANCE FOR JUSTICE TO BE SERVICE.

THANK YOU,

JERRY W. JENKINS
20590045
Jerry W. Jenkins

07-18-2019

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jerry W. Jenkins

Date: ~~██████████~~ 07-17-2019