

19-6396

ORIGINAL

No.

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JUN 14 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Charles Jordan — PETITIONER
(Your Name)

vs.

State of South Carolina — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

4th Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

(Your Name)

(Address)

(City, State, Zip Code)

(Phone Number)

(7)

here

QUESTION(S) PRESENTED

Whether UnFair Prejudice or insufficient
Evidence Should Support Civil Commitment?

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:

- 1) Paul Burch
- 2) John McGill
- 3) James Bogle
- 4) McCamerson
- 5) Wilkinson
- 6) MOTZ
- 7) Keenan
- 8) STATE OF South Carolina Dept. of
Mental Health, Wellpath Recovery
Solution Facility
- 9) DAVID C. NORTON

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Green v. Beck Laundry Machine Co. 490 U.S. 504, 109 S.Ct. 1981 (1989).	(15) (16)

STATUTES AND RULES

Rule 609 Amended (1940) Fed R. evid.	(15)
Rule 403	(16)

OTHER

(11)

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 is unpublished.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 is unpublished.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 G 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 is unpublished.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 A 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 is unpublished.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 _____.

[] 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 June 7, 2018. A copy of that decision appears at Appendix G. Fourth Circuit

[] 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

STATEMENT OF THE CASE

On September 21, 2002, the Petitions appeared before a Probable Cause Hearing for Civil Commitment in which the charge of assault with intent to Commit (ASC) on minor did not exist on that date, the charge that, really exist is Assault with intent to Commit (ASC) 1st degree same original charge. The charge Lewd Act on minor is not a lesser offense to Assault with intent is the (same) charge in sufficient evidence that was use to support Civil Commitment that don't sustain a conviction that the Petitioner is being held illegal by Civil Commitment to Address a Behavior that does not exist or Relied.

REASONS FOR GRANTING THE PETITION

Convictions are admissible 10 yrs after release under Rule 609 Fed. R. Evid. involve dishonesty and false statement Rule 403 provides that relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice the likelihood that such conviction never exist under such crime that did prejudice the (petitioner) against a jury of civil commitment of which the crime or/and offense was not excluded from the record that did not have credibility to show that a conviction exist of such offense as to (CR) 1st degree reduced to less act which was not lesser included to the crime, However the (petitioner) was treated with unfairness to this prejudice effect, in which the (petitioner) requested through challenging common pleas court, district court, and court of appeals in return for relief to have such crime/and or offense erased. For matters of entrapment, unfortunately was not granted a hearing regarding the issue at hand, opposition motion/ motion for counsel was filed and pending and left undecided by the same sentencing judge that abuse its discretion to this unfair prejudice by dismissing the PCR, Habeas Corpus. With out a proper hearing being provided.

The Supreme Court ruled that an earlier version of rule 609 was not subject to Rule 403

See *Green v. Beck Laundry Machine Co.*, 440 U.S. 504, 109 S.Ct. 1981 (1989). Under Green, the court had no discretion to exclude evidence of criminal conviction based on concerns about unfair prejudice. Rule 609 was amended in (1990) to change this result, so Green is no longer valid.

Now that the Courts has discretion to exclude evidence of Criminal Offenses based on concerns about unfair prejudice, Petitioner Reserve Record, Petitioner is only seeking fairness through the eyes of this Court to exclude only the issue at hand and that is evidence that don't exist.

CONCLUSION

Petitioner fully requests this Court to use its discretion canvass the facts and exclude evidence of unfair prejudice from the record.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles Jordan

Date: June 5, 2019

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Charles Jordan — PETITIONER
(Your Name)

VS.

State of South Carolina — RESPONDENT(S)

PROOF OF SERVICE

I, Charles Jordan, do swear or declare that on this date, June 5, 2019, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

James G. Bogle, Ass. Attorney General, P.O. Box 11549 Columbia, SC 29211

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2019

Charles Jordan
(Signature)