

No. _____

19-6969

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

LEUTTICUS A. SWIFT

(Your Name)

— PETITIONER FILED

SEP 23 2019

VS.

OFFICE OF THE CLERK
SUPREME COURT, U.S.

THE STATE OF GEORGIA

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF GEORGIA

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

PETITION FOR WRIT OF CERTIORARI

LEUTTICUS A. SWIFT, 970593

(Your Name)

CENTRAL STATE PRISON

(Address)

MACON, GEORGIA 31208

(City, State, Zip Code)

NIA

(Phone Number)

QUESTION(S) PRESENTED

PURSUANT TO THE FOURTH AMENDMENT; IS PROBABLE CAUSE FOR THE ISSUANCE OF AN ARREST WARRANT ESTABLISHED WHEN THE EVIDENCE OBTAINED AND PRESENTED TO THE MAGISTRATE INSUFFICIENT TO PROVE PETITIONER COMMITTED THE ALLEGED OFFENSE?

IS THE INDICTMENT IN THIS CASE VALID WHEN IT WAS NOT RETURNED BY A GRAND JURY?

IN A CRIMINAL TRIAL; IS IT REVERSIBLE OR PREJUDICIAL ERROR - GROUNDS FOR OVERTURNING PETITIONER'S CONVICTION WHEN THE "JURY COMPOSITION..." AFRICAN AMERICANS WERE UNDER-REPRESENTED IN THE JURY COMPOSITION?

DOES THE TRIAL COURT JUDGE PROTECT HIS CONSTITUTIONAL OATH OF OFFICE BY SENTENCING PETITIONER TO LIFE IMPRISONMENT WHEN THE PROSECUTION PRESENTS EVIDENCE THAT PETITIONER DID NOT COMMIT THE CRIME FOR WHICH HE IS CONVICTED?

IS IT CONSTITUTIONAL FOR THE PRESIDING JUDGE IN A CRIMINAL CASE, WITH THE DISTRICT ATTORNEY, AND PETITIONER'S TRIAL AND APPELLATE COUNSEL TO BE MEMBERS OF THE SAME BAR ASSOCIATION... CONFLICT OF INTEREST?

PETITIONER WAS CONVICTED INTER ALIA FELONY MURDER; IS THE CONVICTION WITHIN THE REIMS OF THE CONSTITUTION WHEN THE STATE'S STAR WITNESS PROVIDES EVIDENCE TO THE CONTRARY?

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:

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A *LEVITICUS A. SWIFT V. THE STATE, (S19A1596)*

APPENDIX B *STATE OF GEORGIA V. LEVITICUS A. SWIFT, CASE NO: 80-CR-3932-7*

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

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 A to the petition and is

[] reported at A/1A; 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 A/1A to the petition and is

[] reported at A/1A; 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 NEW YORK v. SWIFT & CO.; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the SUPERIOR court appears at Appendix B to the petition and is

[] reported at SUPERIOR COURT OF DELAWARE CITY; 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 *OCTOBER 1, 2019* (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 *8/19/2019*. A copy of that decision appears at Appendix .

[] A timely petition for rehearing was thereafter denied 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. *N/A A N/A*.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S.C.A. CONST. AMEND. I V,

U.S.C.A. CONST. AMEND. V.

U.S.C.A. CONST. AMEND. VI,

U.S.C.A. CONST. AMEND. XIV,

CHESSMAN V. TEETS, 354 U.S. 156 (1957)

REASONS FOR GRANTING THE PETITION

THE PETITION SHOULD BE GRANTED DUE TO THE TESTIMONY OF THE STATE'S WITNESS AT TRIAL THAT CLEARLY SUPPORTED PETITIONER'S ASSERTION THAT HE DID NOT COMMIT FELONY MURDER.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Davidson Swift

Date: 11/20/2019

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

ILLINOIS V. GATES, 462 U.S. 213 (1989).
GIORDENELLO V. U.S., 357 U.S. 480 (1958).
UNITED STATES V. D'AMELIO, WL 1688470.
UNITED STATES V. KELLER, 916 F.2d 628 (11th Cir., 1990).
UNITED STATES V. MILLER, 471 U.S. 130 (1985).
UNITED STATES V. SALMONASE, 352 U.S. F.3d 608, 620 (2nd Cir., 2003).
EX PARTE BAIN, 121 U.S. 1 (1887).
MILLER, SUPRA, AT 471 U.S. 141.
RUSSELL V. UNITED STATES, 369 AT 770-771, 825 S.C.T. 1050-51.
NO. 99-145 V. SMITH, 539 U.S. 574, 123 S.C.T. 2527.
FAY V. NOIA, 372 U.S. 391 (1963).

STATUTES AND RULES

N/A

OTHER

N/A

IN THE UNITED STATES SUPREME COURT

RECEIVED

OCT 01 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

LEVITICUS A. SWIFT

PETITIONER,

v.

SUPREME COURT OF GEORGIA CASE NO.

THE STATE OF GEORGIA, S19A1596

ET AL.,

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI

COMES NOW LEVITICUS A. SWIFT, HEREINAFTER "PETITIONER",
AND BRINGS BEFORE THIS HONORABLE COURT HIS "PETITION
FOR WRIT OF CERTIORARI", AND SHOWS AS FOLLOWS.

STATEMENT OF THE CASE

PETITIONER WAS INDICTED PURPORTEDLY BY A DEKALB
COUNTY GRAND JURY, AND ON MARCH 16, 2001, A DEKALB
COUNTY JURY RETURNED A VERDICT OF GUILTY FOR INTER-
ALIA MALICE MURDER, FELONY MURDER, AGGRAVATED ASSAULT
AND KIDNAPPING. THE CONVICTIONS "IN CLEAR ERROR" WERE
AFFIRMED IN SWIFT V. STATE, 274 GA 807 (560 SE2d 19) (2002).

STATEMENT OF FACTS

THE EVIDENCE OBTAINED AND PRESENTED TO THE MAGISTRATE FAILED TO SUPPORT PROBABLE CAUSE FOR THE ISSUANCE OF THE WARRANTS FOR PETITIONER'S ARREST. U.S.C.A. CONST. AMEND. I-V.

THE INDICTMENT IN THIS CASE VIOLATES PETITIONER'S CONSTITUTIONAL RIGHT TO A VALID INDICTMENT; THE INDICTMENT WAS NOT RETURNED BY A GRAND JURY AS REQUIRED PURSUANT TO THE CONSTITUTION OF THE UNITED STATES. U.S.C.A. CONST. AMEND. V.

THE "JURY COMPOSITION" VIOLATED PETITIONER'S CONSTITUTIONAL RIGHT TO A FAIR TRIAL, A CONSTITUTIONAL PRINCIPLE, IN THAT AFRICAN-AMERICAN RESIDENTS WERE UNDER-REPRESENTED IN THE JURY POOL, AND "WOULD BE DEEMED REVERSIBLE OR PREJUDICIAL ERROR" - GROUNDS FOR OVERTURNING THE CONVICTION ON APPEAL. U.S.C.A. CONST. AMEND. VI, XI, XIV.

PETITIONER'S SIXTH AMENDMENT RIGHT TO A SPEEDY AND PUBLIC TRIAL "BY AN IMPARTIAL JURY" WAS VIOLATED, AS THE RECORD OF THE CASE CLEARLY SUPPORTS A FINDING THAT PETITIONER DID NOT COMMIT THE ALLEGED OFFENSES FOR WHICH, HE IS CONVICTED.

THE TRIAL COURT JUDGE COULD NOT PROTECT THE "OATH
OF OFFICE REQUIRED BY THE LAWS OF THE STATE OF GEORGIA
AS PROVIDED UNDER (O.C.G.A. § 15-6-6), BY SENTENCING
PETITIONER TO LIFE IMPRISONMENT CONTRARY TO THE
EVIDENCE AND TESTIMONY PRESENTED AT TRIAL.

THE STATE'S STAR WITNESS, CHARLES HARRIS TESTIFIED
AT TRIAL THAT PETITIONER DID NOT COMMIT THE
ALLEGED OFFENSES INCLUDED IN THE INDICTMENT.
SEE TRIAL TRANSCRIPTS (T.T. PG. 404).

THIS COURT HELD THAT THE CONSTITUTION PROHIBITS
THE CRIMINAL CONVICTION OF ANY PERSON EXCEPT UPON
PROOF OF GUILT BEYOND A REASONABLE DOUBT. SEE
IN RE MURKIN, 397 U.S. 358.

PETITIONER, UPON NOTICE OF DOCKETING WILL SUBMIT
A FULL AND DETAILED BRIEF WITH SUPPORTING CITATIONS OF
CONSTITUTIONAL AUTHORITY.

CONCLUSION

RESPECTFULLY SUBMITTED, THIS 23RD DAY OF SEPTEMBER, 2019

x Leviticus A. Swift

LEVITICUS A. SWIFT