

No. 19-6996

ORIGINAL

FILED

DEC 18 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Myron L. Johnson, pro se — PETITIONER  
(Your Name)

vs.

Darren Settles, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals For The Sixth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Myron L. Johnson-#142308

(Your Name)

South Central Correctional Facility, P.O. Box 279,

(Address)

Clifton, Tennessee 38425

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION PRESENTED

DID THE LOWER COURTS ERR IN THEIR DISPOSITION OF PETITIONER'S CASE?

## 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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APPENDIX E	Decision Of The Tennessee Court Of Criminal Appeals Affirming The Trial Court's Denial Of Post-Conviction Relief. The Tennessee Supreme Court Denied Petitioner's Application For Discretionary Review On April 21, 2017.

TABLE OF AUTHORITIES CITED

CASES: Sames as those previously submitted by petitioner in both the Federal and State Courts.

STATUES AND RULES: None.

OTHER: None.

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 \_\_\_\_\_; 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☒ is unpublished.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 B to the petition and is

☒ reported at 2019 WL 367197; 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☐ is unpublished.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 D/E to the petition and is

☒ reported at 2010 WL 521028; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the Tennessee Criminal Appeals court appears at Appendix D/E to the petition and is

☒ reported at 2017 WL 1427254; 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 September 25, 2019.

☒ 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 N/A (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).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Sixth Amendment Of/To The United States Constitution.
2. Fourteenth Amendment Of/To The United States Constitution.
3. No Statutory Provisions Involved.



## STATEMENT OF THE CASE

A Davidson County Grand Jury indicted Petitioner for one count of first-degree premeditated murder, one count of first-degree felony murder, and one count of especially aggravated robbery. A jury convicted Petitioner as charged. The trial court merged the conviction for felony murder into the conviction for first-degree premeditated murder and imposed a life sentence. The trial court imposed a sixty-year sentence for the conviction for especially aggravated robbery. The trial court aligned the sentences consecutively for an effective sentence of life imprisonment plus sixty years.

On direct appeal, the Tennessee Court of Criminal Appeals affirmed Petitioner's convictions. *State v. Johnson*, No. M2008-02-CCA-R3-CD, 2010 WL 521028 (Tenn. Crim. App. Feb. 12, 2010). The Tennessee Supreme Court declined discretionary review of this decision. (Tenn. May 12, 2010).

Petitioner timely filed a pro se petition for post-conviction relief, along with a supporting memorandum. The post-conviction court appointed counsel, who filed an amended petition. While represented by first appointed counsel, Petitioner filed an amended petition for post-conviction relief. First appointed counsel subsequently filed a consolidated petition for post-conviction relief.

Petitioner filed a motion to remove first appointed counsel. Petitioner filed a motion for leave to file pro se pleading. He then filed a second pro se amended petition and supporting memorandum. The post-conviction court appointed a new attorney (second appointed counsel), who filed an amended petition for post-conviction relief. Petitioner made an oral motion requesting a new attorney, which the post-conviction court granted. The post-conviction court appointed new counsel (third appointed counsel), who filed an amended petition for post-conviction relief. Third appointed counsel filed a supplemental petition for post-conviction relief. While represented by third appointed counsel, Petitioner filed a third pro se second amended petition for post-conviction relief. Third appointed counsel subsequently filed a supplemental petition for post-conviction relief.

The post-conviction court granted an agreed order of substitution of counsel, and a fourth attorney ("post-conviction counsel" began representing Petitioner. Post-conviction counsel filed three supplemental petitions for post-conviction relief. Post-conviction counsel also filed a notice of petitions to be consolidated for post-conviction relief, identifying which of the numerous previous pleadings Petitioner wanted the post-conviction court to consider. The State filed a response addressing each of Petitioner's previous filings. Following an evidentiary hearing, the post-conviction court entered an order denying post-conviction relief.

On post-conviction appeal, the Tennessee Court of Criminal Appeals affirmed the denial of post-conviction relief. *Johnson v. State*, No. M2016-01361-CCA-R3-PC, WL 1427254 (Tenn. Crim. App. Apr. 21, 2017). On Aug. 16, 2017, The Tennessee Supreme Court denied Petitioner's application for permission to appeal.

While Petitioner's lengthy post-conviction proceedings were ongoing, he filed a petition for writ of state habeas corpus. The trial court summarily dismissed the petition. On appeal, the Tennessee Court of Criminal Appeals affirmed the summary dismissal of the petition. *Johnson v. State*, No. M2013-02314-CCA-R3-HC, 2014 WL 3696261 (Tenn. Crim. App. July 24, 2014). The Tennessee Supreme Court denied discretionary review of this decision, on Nov. 21, 2014.

Petitioner filed a Petition for Habeas Corpus Relief, on Feb. 2, 2018. On April 2, 2018, the Court ordered Respondent to file a response to the petition.

On January 30, 2019, Federal Court Judge, Aleta A. Trauger, United States District Court, Middle District of Tennessee, Nashville Division, denied petitioner's petition for habeas corpus relief and dismissed the action with prejudice.

Petitioner filed a timely Notice of Appeal/Certificate of Appealability seeking appellate review of the Court's Order and Memorandum Opinion in which the Court denied his Petition for Writ of Habeas Corpus.

On Sept. 25, 2019, the United States Court of Appeals, for the Sixth Circuit denied Petitioner's Request for Certificate of Appealability.

## REASONS FOR GRANTING THE PETITION

The Decisions of the lower Courts:

1. Resulted in a decision that is contrary to, or involved an unreasonable application of clearly established law as determined by the Supreme Court of the United States.
2. Resulted in a decision that is based on an unreasonable determination of the facts in light of the evidence presented in the State Court Proceedings.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Myron Johnson

Date: Dec. 12 2019