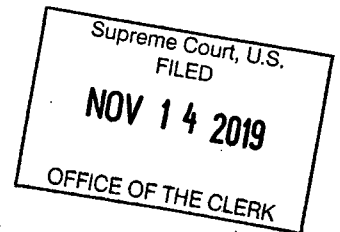


No. 19-7037

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



SHANNON BRADLEY, PRO-SE — PETITIONER  
(Your Name)

VS.

SUPREME COURT OF GEORGIA, ET AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

SHANNON BRADLEY, G.D.R.# 1127989  
(Your Name)

SMITH STATE PRISON, P.O. BOX 726  
(Address)

GLENVILLE, GEORGIA 30427  
(City, State, Zip Code)

N/A

(Phone Number)

## QUESTION(S) PRESENTED

- 1). FOR THE TRIAL COURT TO PROVE, HOW IT LAWFULLY OBTAINED ITS JURISDICTION TO BE HEARD? BECAUSE THE WARRANTLESS ENTRY INTO THE RESIDENT WAS UNLAWFUL AND UNREASONABLE, WHICH LED TO AN UNLAWFUL SEARCH AND SEIZURES.
- 2). FOR THE TRIAL COURT TO PROVE, HOW IT LAWFULLY OBTAINED ITS JURISDICTION TO BE HEARD? BECAUSE THERE WAS NO PROBABLE CAUSE ESTABLISHED TO ARREST PETITIONER.
- 3). FOR THE TRIAL COURT TO PROVE, HOW THE EVIDENCE PROVIDED AGAINST PETITIONER OF A TWO DOLLAR BILL USED TO CONVICT WAS NOT Tainted AND ADMISSIBLE DUE TO THE VOID, INVALID AND ILLEGAL ARREST? WHICH NONE OF THE OFFICERS/WITNESSES TESTIFIED STATING THEY RECOVERED ANY EVIDENCE FROM PETITIONER.
- 4) FOR THE TRIAL COURT TO PROVE, HOW IT OBTAIN SUBJECT MATTER JURISDICTION BY PROVIDING PROOF OF RECORD OF THE MINUTES, TRANSCRIPTS OF THE BRINGING OF THE INDICTMENT BY THE GRAND JURORS?

## 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:

SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA. STATE V. BRADLEY,  
CASE NO. DBSC 64772, (JUDGMENT DENIED ON NOVEMBER 21, 2017).

COURT OF APPEALS OF GEORGIA, BRADLEY V. STATE, CASE NO. A19A0090,  
(JUDGMENT DENIED ON AUGUST 23, 2018).

COURT OF APPEALS OF GEORGIA, BRADLEY V. STATE, CASE NO. A19A1100,  
(JUDGMENT DENIED ON JANUARY 18, 2019).

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ONCE STATE AND FEDERAL JURISDICTION HAS BEEN CHALLENGED IT MUST BE PROVEN (MAIN V. THIBAUTOT, 100 S.C.T. 2502 (1980)).

THE COURT BELOW SHOULD HAVE SET ASIDE ITS JUDGMENT ALTHOUGH THE TERM IN WHICH IT WAS ENTERED EXPIRED (HAZEL-ATLAS GLASS CO. V. HARTFORD-EMPIRE CO., 88 LEd. 1250, 322 U.S. 238-271 (1944)).

THERE IS NO JURISDICTION TO IGNORE LACK OF JURISDICTION (JOYCE V. U.S., 474 2d. 215).

COURT MUST PROVE ON THE RECORD ALL JURISDICTION FACTS RELATED TO THE JURISDICTION ASSERTED (LANTANA V. HOPPER, 102 F.2d 188); (CHICAGO V. NEW YORK, 37 F. SUPP. 150).

A COURT LACKING JURISDICTION CAN NOT RENDER JUDGMENT, BUT MUST DISMISS THE CASE AT ANY STAGE OF PROCEEDING IN WHICH IT BECOMES APPARENT THAT JURISDICTION IS LACKING (U.S. V. SIVIGLIA, 686 F.2d 832 (1981)).

COURT WITHOUT PERSONAL JURISDICTION OVER THE DEFENDANT IS VOID, IT IS A NULLITY (SRAMEK V. SRAMEK, 17 KAN. APP. 2d 573, 576-77, 840 P.2d 553 (1992) REV. DENIED 252 KAN. 1093, (1993)).

THE BURDEN SHIFTS TO THE COURT TO PROVE JURISDICTION (ROSEMOND V. LAMBERT, 469 F.2d 1026).

### STATUTES AND RULES

D.C.G.A. §§ 9-12-16; 17-9-4; THE JUDGMENT OF A COURT HAVING NO JURISDICTION OF THE PERSON OR SUBJECT MATTER, OR VOID FOR ANY OTHER CAUSE, IS A MERE NULLITY AND MAY BE SO HELD IN ANY COURT WHEN IT BECOMES MATERIAL TO THE INTEREST OF THE PARTIES TO CONSIDER IT.

D.C.G.A. § 9-11-60 (A), (B), (D) (1) (2) (3), (F); STATES IN PART: (A) A JUDGMENT VOID ON ITS FACE MAY BE ATTACKED IN ANY COURT BY ANY PERSON. (B) A JUDGMENT MAY BE ATTACKED BY MOTION FOR A NEW TRIAL OR MOTION TO SET ASIDE. (D) A MOTION TO SET ASIDE MAY BE BROUGHT TO SET ASIDE A JUDGMENT BASED UPON: (1) LACK OF JURISDICTION OVER THE PERSON OR THE SUBJECT MATTER; (2) FRAUD, ACCIDENT, OR MISTAKE OR THE ACTS OF THE ADVERSE PARTY UNMIXED WITH THE NEGLIGENCE OR FAULT OF THE MOVANT; OR (3) A NON-AMENDABLE DEFECT WHICH APPEARS UPON THE FACE OF THE RECORD OR PLEADINGS UNDER THIS PARAGRAPH, IT IS NOT SUFFICIENT THAT THE COMPLAINT OR OTHER PLEADING FAILS TO STATE A CLAIM IN FACT EXISTED. (F) MOTIONS TO SET ASIDE JUDGMENTS MAY BE SERVED BY ANY MEANS BY WHICH AN ORIGINAL COMPLAINT MAY BE LEGALLY SERVED IF IT CAN NOT BE SERVED AS ANY OTHER MOTION. A JUDGMENT VOID BECAUSE OF LACK OF JURISDICTION OF THE PERSON OR SUBJECT MATTER MAY BE ATTACKED AT ANY TIME. OTHER

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 C to the petition and is

☒ reported at SUPREME COURT OF GEORGIA, BRADLEY V. COX, NO. S19C0743; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the COURT OF APPEALS OF GEORGIA court appears at Appendix A to the petition and is

☒ reported at BRADLEY V. STATE, NO. A19AC090, A19A1100; 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 SEPT. 3, 2019.  
A copy of that decision appears at Appendix C.

☐ 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

UNITED STATES CONSTITUTION IV, V, VI AND XIV AMENDMENTS.

O.C.G.A. § 5-6-33 (a) (1), RIGHT TO APPEAL.

O.C.G.A. § 17-9-4: JUDGMENT OF A COURT HAVING NO JURISDICTION OF THE PERSON OR SUBJECT MATTER, OR VOID FOR ANY OTHER CAUSE, IS A MERE NULLITY AND MAY BE SO HELD IN ANY COURT WHEN IT BECOMES MATERIAL TO THE INTEREST OF THE PARTIES TO CONSIDER IT.

O.C.G.A. § 9-11-60 (a), (b) (d) (1) (2) (3), (f); A JUDGMENT VOID ON ITS FACE MAY BE ATTACKED IN ANY COURT BY ANY PERSON. (b) A JUDGMENT MAY BE ATTACKED BY MOTION FOR NEW TRIAL OR MOTION TO SET ASIDE. (d) A MOTION TO SET ASIDE MAY BE BROUGHT TO SET ASIDE A JUDGMENT BASED UPON: (1) LACK OF JURISDICTION OVER THE PERSON OR SUBJECT MATTER, (2) FRAUD, ACCIDENT, OR MISTAKE OR THE ACTS OF THE ADVERSE PARTY UNMIXED WITH THE NEGLIGENCE OR FAULT OF THE MOVANT; OR (3) A NON-AMENDABLE DEFECT WHICH APPEARS UPON THE FACE OF THE RECORD OR PLEADINGS UNDER THIS PARAGRAPH, IT IS NOT SUFFICIENT THAT THE COMPLAINT OR OTHER PLEADING FAILS TO STATE A CLAIM IN FACT EXISTED. (f) MOTIONS TO SET ASIDE JUDGMENTS MAY BE SERVED BY ANY MEANS BY WHICH AN ORIGINAL COMPLAINT MAY BE LEGALLY SERVED IF IT CAN NOT BE LEGALLY SERVED AS ANY OTHER MOTION. A JUDGMENT VOID BECAUSE OF LACK OF JURISDICTION OF THE PERSON OR SUBJECT MATTER MAY BE ATTACKED AT ANY TIME.

O.C.G.A. § 9-11-44, LACK OF OFFICIAL RECORD.

O.C.G.A. § 17-2-2, JUDGMENTS VOID BECAUSE OF WANT OF JURISDICTION.

O.C.G.A. §§ 15-7-41; 17-8-5, THE CLERK OF THE SUPERIOR COURTS ARE REQUIRED TO KEEP REGULAR MINUTES OF THE PROCEEDINGS FROM DAY TO DAY.

FEDERAL RULE CRIMINAL PROCEDURE; RULE: 6 (e) (3) (E) (II), AT THE REQUEST OF A DEFENDANT WHO SHOWS THAT A GROUND MAY EXIST TO DISMISS THE INDICTMENT BECAUSE OF A MATTER THAT OCCURRED BEFORE THE GRAND JURY.

ALL EVIDENCE OBTAINED BY SEARCHES AND SEIZURES IN VIOLATION OF THE FEDERAL CONSTITUTION IS INADMISSIBLE IN A CRIMINAL TRIAL IN A STATE COURT (MAPP V. OHIO, 367 U.S. 643 (1961)).

FRUITS OF AN ILLEGAL ARREST ARE NOT ADMISSIBLE EVIDENCE IN A CRIMINAL TRIAL (STATE V. BISHOP, 188 GA. APP. 891 (1988)).



## STATEMENT OF THE CASE

ON JANUARY 18, 2008, THE CRIMINAL PROCEEDING STARTED WITH A WARRANTLESS ENTRY BY KICKING IN THE RESIDENT LOCK DOOR WITHOUT PROBABLE CAUSE, CONSENT, OR EXIGENT CIRCUMSTANCES, WHICH WAS UNREASONABLE. WHICH LED TO AN UNLAWFUL SEARCH AND SEIZURE, SAID FRUITS OF THE UNLAWFULNESS WAS USED AT TRIAL TO CONVICT PETITIONER WHICH EVIDENCE WAS NEVER LAWFULLY PROVEN RECOVERED FROM PETITIONER. NONE OF THE OFFICERS TESTIFIED STATING THEY RECOVERED ANY OF THE EVIDENCE FROM PETITIONER WHEN QUESTIONED BY THE STATE AND DEFENSE. AFTER PETITIONER WAS PLACED IN HANDCUFFS HE WAS ALLEGEDLY SEARCHED AND SAID EVIDENCE WAS CONSIDERED SEIZED FROM HIS PERSON WITHOUT LAWFUL PROOF OF FACT BEFORE BEING CHARGED FOR SAID CRIMES ARRESTED FOR. WHILE WAITING FOR THE LEAD INVESTIGATOR RICKS, TO ARRIVE, WHOM WAS THE ARRESTING OFFICER WHOM CHARGED PETITIONER FOR ARMED ROBBERY BECAUSE HE WAS NOT AT THE APPREHENSION SCENE HE WAS AT THE CRIME SCENE WITH THE VICTIMS. AFTER INVESTIGATOR RICKS, ARRIVED AND SAW FOUR SUSPECTS ALREADY IN HANDCUFFS HE LEFT AND CAME BACK TO THE APPREHENSION SCENE WITH FOUR OF THE VICTIMS TO DO A SHOW-UP IDENTIFICATION. PETITIONER WAS NOT IDENTIFIED BUT INVESTIGATOR RICKS, THE ARRESTING OFFICER WAS LOOKING FOR FOUR SUSPECTS, SO HE WENT AHEAD AND MADE THE ILLEGAL ARREST CHARGING PETITIONER WITH ARMED ROBBERY WITHOUT PROBABLE CAUSE KNOWING PETITIONER WAS NOT IDENTIFIED. WHICH BY LAW MUST BE PROVEN TO JUSTIFY THE ARREST AND TO UPHOLD THE CONVICTION. SAID TAINED INADMISSIBLE EVIDENCE OF A TWO DOLLAR BILL WAS CONSIDERED AGAINST PETITIONER AND WAS UNLAWFULLY USED TO CONVICT. NONE OF THE EVIDENCE PROVIDED AT TRIAL LINKED PETITIONER TO IT. TRIAL COURT LACKED PERSONAL AND SUBJECT MATTER JURISDICTION TO HAVE HEARD THIS CASE, THE JUDGMENT AND CONVICTION IS VOID.

TRIAL COURT ALSO LACKED PERSONAL AND SUBJECT MATTER JURISDICTION TO BE HEARD DUE TO THE LACK OF RECORD, MINUTES, TRANSCRIPTS OF THE BRINGING OF INDICTMENT. A NON-AMENDABLE DEFECT APPEARS ON THE FACE OF THE INDICTMENT, DUE TO THE LACK OF PROOF SHOWING THAT THE INDICTMENT WAS LAWFULLY RETURNED IN OPEN COURT BY A LEGALLY QUALIFIED GRAND JURY. PETITIONER LAWFULLY REQUESTED FOR THE MINUTES/TRANSCRIPTS OF THE PROCEEDINGS PERTAINING TO THE BRINGING OF INDICTMENT ACCORDING TO THE RULES TO NO AVAIL. MISCARriages OF JUSTICE HAS OCCURRED IN VIOLATION OF THE U.S. CONST. IV, V, VI AND XIV AMENDS. STATE AND FEDERAL LAW.

RELIEF SOUGHT IS IMMEDIATE RELEASE FROM UNLAWFUL PRISON RESTRAINTS.

## REASONS FOR GRANTING THE PETITION

THIS PETITION SHOULD BE GRANTED BECAUSE OF THE LACK OF PERSONAL JURISDICTION, VOIDNESS, AND MISCARRIAGES OF JUSTICE THAT HAS OCCURRED ~~AND~~ WHICH HAS GONE UNCORRECTED IN THE LOWER COURTS. WHICH STARTED FROM AN UNLAWFUL WARRANTLESS ENTRY INTO A RESIDENT WHERE THE PETITIONER WAS IN BEHIND LOCK DOORS SITTING ON THE SOFA AS STATED TO TRIAL COUNSEL BEFORE ANY OF THE COURT PROCEEDINGS BEGAN. SEE: (TRIAL TRANSCRIPT P. 780, 7-12. AND MOTION FOR NEW TRIAL TRANSCRIPT P. 12, 14-15) AND ALSO ARGUMENTS FILED NOVEMBER 7, 2017, IN THE SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA, STATE V. BRADLEY, NO. DBSC64772, MOTION IN ARREST OF JUDGMENT, WHICH WAS DENIED ON NOVEMBER 22, 2017. PETITIONER HAS BEEN DEPRIVED OF HIS LIBERTY WITHOUT PROBABLE CAUSE TO ARREST BECAUSE OF THE FALSE STATEMENT REPORT STATING PETITIONER WAS IDENTIFIED BY THE VICTIMS DURING THE SHOW-UP IDENTIFICATIONS, WHICH WAS MADE BY THE ARRESTING OFFICER INVESTIGATOR RECKS. WHICH AT TRIAL NONE OF THE FIVE VICTIMS TESTIFIED STATING THAT THEY IDENTIFIED PETITIONER DURING THE SHOW-UP IDENTIFICATIONS FOR THE INVESTIGATOR RECKS, TO GAIN PROBABLE CAUSE TO ARREST FOR ARMED ROBBERY. BEFORE THE ILLEGAL ARREST OCCURRED AND BEFORE THE ARRIVAL TO THE APPREHENSION SCENE BY INVESTIGATOR RECKS, THE RESIDENT DOOR WAS UNLAWFULLY KICKED IN WITHOUT WARRANT, CONSENT, EXIGENT CIRCUMSTANCES, OR PROBABLE CAUSE. IT WAS NOT YET DETERMINED IF THESE WERE THE ACTUAL ONES WHOM COMMITTED THE CRIMES. UPON ENTERING THE HOME PETITIONER WERE PLACED IN HANDCUFFS WITH THREE OTHER DEFENDANTS, A SEARCH AND SEIZURE OF THE HOME TOOK PLACE AND ALLEGED SEIZURES FROM EACH PERSON. SAID EVIDENCE OF A TWO DOLLAR BILL WAS CONSIDERED AS EVIDENCE USED AGAINST PETITIONER TO CONVICT, SEE: (COURT OF APPEALS OF GEORGIA, UNPUBLISHED DECISION, BRADLEY V. STATE, NO. A12 A0526, MAY 9, 2012), WITHOUT LAWFUL PROOF ANY EVIDENCE WAS RECOVERED FROM PETITIONER. THE ONLY THING WAS PRESENTED AT TRIAL WAS A HEARSAY TESTIMONIAL STATEMENT MADE BY INVESTIGATOR RECKS, WAS, UPON HIS ARRIVAL TO THE APPREHENSION SCENE HE LEARNED FROM THOSE OFFICERS THAT THE TWO DOLLAR BILL ALLEGEDLY CAME FROM PETITIONER, WHICH ALSO SHOWS SAID EVIDENCE WAS ALREADY Tainted SEE: (TRIAL TRANSCRIPT P. 1025, 17-22). WHICH SAID EVIDENCE IS ALSO INADMISSIBLE DUE TO THE ~~ILLEGAL ARREST WITHOUT PROBABLE CAUSE~~ ILLEGAL ARREST WITHOUT PROBABLE CAUSE. FRUITS OF AN ILLEGAL ARREST IS INADMISSIBLE IN A COURT OF LAW (STATE V. BISHOP, 188 GA. APP. 881 (1988)); (MAPP V. OHIO, 367 U.S. 643 (1961)). DUE TO THE LACK OF PERSONAL AND SUBJECT MATTER JURISDICTION, THE CONVICTION AND JUDGMENTS ARE VOID WHICH REQUIRES RELIEF OF IMMEDIATE RELEASE FROM UNLAWFUL PRISON RESTRAINTS.

THE ILLEGAL ARREST LED TO THE BRINGING OF A VOID INDICTMENT WITHOUT PROOF OF RECORD, MINUTES AND TRANSCRIPTS THAT IT WAS LAWFULLY RETURNED IN OPEN COURT BY A QUALIFIED GRAND JURY WHICH IS PROOF OF LACKING SUBJECT MATTER JURISDICTION; WHICH PETITIONER HAS LAWFULLY REQUESTED FOR AND BROUGHT TO THE LOWER TRIAL COURT OF THE SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA, SEE: (STATE V. BRADLEY, NO. DBSC64772, MOTION TO SET ASIDE JUDGMENT, FILED NOVEMBER 7, 2017, DENIED NOVEMBER 22, 2017). DUE TO THE VOIDNESS AND MISCARRIAGES OF JUSTICE THAT HAS OCCURRED IN THE LOWER SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA, AND

VIOLATIONS OF ESTABLISHED U.S. CONSTITUTIONAL LAW IV, V, VI AND XIV AMENDS. STATE AND FEDERAL LAW. PETITIONER SHOULD BE GRANTED RELIEF OF IMMEDIATE RELEASE FROM UNLAWFUL PRISON RESTRAINTS, UPON A THOROUGH REVIEW OF THE RECORD AND ARGUMENTS PETITIONER HAS BEEN BRINGING TO THE LOWER COURTS ATTENTION TO NO AVAIL. WHICH THESE CHALLENGES CAN BE RAISED AT ANY TIME, AND A SHOWING BY THE LOWER COURT HOW DID THEY LAWFULLY OBTAINED ITS JURISDICTION, AND HOW THE JUDGMENTS ARE NOT VOID, WHICH HAS NOT YET BEEN PROVEN OR SHOWN UPON ITS CHALLENGES.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

SHANNON BRADLEY

Date: \_\_\_\_\_