

QUESTIONS PRESENTED

I. THE GOVERNMENT RELIED UPON \ IN COURT IDENTIFICATION - OF PETITIONER TO FIND HIM GUILTY, DERIVED FROM \ TAINTED AND IMPROPER POLICE CONDUCT - THAT WAS BOTH \ SUGGESTIVE AND UNNECESSARY - AND POSED A VERY SUBSTANTIAL LIKELIHOOD OF IRREPARABLE MIS-IDENTIFICATION -

(SEE BRIEF IN SUPPORT - MOTION UNDER §2255 - I - PGS. 1-16)

II. THE GOVERNMENT \ KNOWINGLY PRESENTS PERJURED TESTIMONY - AND \ IMPROPERLY TESTIFIES - (VIA GOVT. WITNESSES) KENNETH BELLIDIO AND DUVAL CO., FLA. DETECTIVE T.A. GAGNON -

(SEE II - PGS. 17-33)

III. PETITIONER CONTENDS HE HAS BEEN DENIED HIS RIGHTS TO EFFECTIVE ASSISTANCE OF COUNSEL AT TRIAL AND APPELLATE COURT LEVELS -

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

*NAPUE -V- ILLINOIS, 3 L. Ed 2d 1217, 360 U.S. 264
79 S.C.T. 1173)*

*U.S.-V- AGURS, 427 U.S. 97, 103, 96 S.C.T. 2392
2397, 49 L. Ed. 2d 342 (1976)*

*Smith-V- Sec'y Dept. CORR. 572, F. 3d 1327,
1333 (11th Cir. 2009)*

*"It's pretty easy to identify a defendant
"McCourt" Sotomayer stated, drawing
laughter from the Court Room, "they
sit next to the Defense Attorney"*

*Duncan V- Owens, U.S. No: 14-1516,
argued 1-12-2016*

U.S. Supreme Court Justice Sonia Sotomayer

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CONT Table of Authorities Cited

- MYLAR - V - ALA - 671 F.2d 1299 (11th Cir '82) A
- Lombard - V - LYNAUGH, 868 F.2d 1475 (11th Cir. '89)
- EVITTs - V - LUCEY, 469 U.S. 387, ~~105~~ S. CT., 830, 8
L. Ed 2d 821 (1985)
- ANDERS - V - CALIF., 386 U.S. 738, 744, 87 S. CT. 139,
1400, 18 L. Ed 2d 493 (1967)
- PENSON - V - Ohio, 488 U.S. 75, 109 S. CT. 346,
350, 102 L. Ed 300 (1988)
- ROE - V - FLORES ORTEGA, 528 U.S. 470, 476-77, 484
120 S. CT. 1029, 145 L. Ed 985 (2000)
- DUNCAN - V - OWENS, 2/ S. No: 14-1516, ARGUED
1-12-2016,
2/ S. SUPREME COURT JUSTICE
SONIA SOTOMAYER —

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fifth AMENDMENT 21.S.C.
SIXTH AMENDMENT 21.S.C.

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+B 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 C 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 JULY 9-2019.

☐ 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: SEPT. 9-2019, and a copy of the order denying rehearing appears at Appendix B.

☐ 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 _____.
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

JOHN E. CORN JR., the Petitioner, was indicted ON MAY 16-2013, AND CHARGED WITH 2 CTS. Hobbs Act Robberies, 2 CTS. ATTEMPTED Hobbs Act Robbery AND 1 CT. of possession AND BRANDISHING A FIRE ARM IN FURTHERANCE OF A CRIME OF VIOLENCE IN VIOLATION OF 18 U.S.C. § 1951 (a) AND 18 USC § 924 (C)(1)(A) Doc. 1 —

The Hobbs Act Robbery Alleged AS CT. WAS DISMISSED PRE-TRIAL ON MOTION by the GOVERNMENT, AND PETITIONER PROCEEDED TO TRIAL BEFORE A JURY ON THE REMAINING COUNTS — (DOC 49, 54)

THE DISTRICT COURT RESERVED THE DECISION ON HIS MOTIONS FOR JUDGMENT OF ACQUITTAL MADE AT THE CONCLUSION OF THE GOVERNMENT'S CASE AND AGAIN AT THE CONCLUSION OF ALL THE EVIDENCE — (DOC 117 — DAS-364, 391) (FED. R.C.P. 29(a)(b)) —

THE JURY FOUND PETITIONER GUILTY ON ALL COUNTS — (DOC 96, DOC 118 pg 489)

PETITIONER'S POST-TRIAL "RENEWED MOTION FOR JUDGMENT OF ACQUITTAL (DOC 88) AND MOTION FOR NEW TRIAL (DOC 89) WERE DENIED (DOC 98 FED. R.C.P. 29(c)) —

THE DISTRICT COURT SENTENCED PETITIONER TO (20) YEARS IMPRISONMENT AS TO THE Hobbs Act Robbery ALL TO BE SERVED

CONCURRENTLY AND TO (7) YEARS IMPRISONMENT AS TO THE FIREARMS COUNT, TO BE SERVED CONSECUTIVELY TO THE OTHER 3 COUNTS, FOR A TOTAL OF (27) YRS —

A NOTICE OF APPEAL PURSUANT TO 28 U.S.C. § 1291 WAS TIMELY FILED —

PETITIONER / APPELLANT IS INCARCERATED —

ON DEC. 18-2014, WHILE PETITIONER WAS INCARCERATED AT F.C.I. - JESUP, GA., COURT APPOINTED COUNSEL YAZGI FILED A BRIEF OF APPELLANT AND RAISING ONLY (1) ISSUE FOR APPELLATE COURT REVIEW — (NO. 14-14145 - FF).

PETITIONER DID NOT EVEN KNOW AN APPEALS HAD BEEN FILED UNTIL AFTER THE ELEVENTH CIR. COURT OF APPEALS HAD AFFIRMED THE CONVICTION —

COUNSEL YAZGI FAILED TO CONSULT WITH THE PETITIONER AND FAILED TO PROMOTE PETITIONER POSITION BEFORE THE APPELLATE COURT THEREBY DENYING PETITIONER HIS RIGHTS TO A FIRST APPEAL —

(SEE ROE - V - FLORES ORTEGA, 528 U.S. 470, 476-77, 484, 120 S.C.T. 1029, 145 L. Ed. 985 (2000) —

REASONS FOR GRANTING THE PETITION

I - PETITIONER HAS IRREFUTABLY SHOWN THE GOVERNMENT PRESENTED, "KNOWING-
-LY" PRESENTED 'FALSE' TESTIMONY VIA (2.
GOVT. WITNESSES, KENNETH BELLIDIO AND
DETECTIVE T.A. GAGNON — (See EX. III)
BRIEF IN SUPPORT OF
MOTION UNDER §2255

II - PETITIONER HAS BEEN DENIED HIS GUARAN-
-TEED RIGHTS TO DUE PROCESS, FAIR TRIAL
AND EFFECTIVE ASSISTANCE OF COUNSEL,
AND THEREFORE HAS BEEN SUBJECTED TO
A GROSS MIS-CARRIAGE OF JUSTICE,
AND IS SERVING WHAT AMOUNTS TO A SENT-
-ENCE OF DEATH FOR CRIMES HE DID NOT
COMMIT, AND THEREFORE IS BEING CONFINED
IN VIOLATION OF THE UNITED STATES CONSTITU-
-TION — WHICH A FAIR HEARING WILL CLEARLY
REVEAL —

III PETITIONER ASSERTS THAT THE U.S. DISTRICT
CT. MIDDLE DIST. FLORIDA — JACKSONVILLE DIV.
AS WELL AS THE U.S. COURT OF APPEALS FOR
THE ELEVENTH CIR. HAVE ERRED AND HAVE
FAILED TO COMPLY WITH WELL DOCUMENTED
UNITED STATES SUPREME COURT DECISIONS

AND THEREFORE PETITIONER ASSERTS THE U.S. DISTRICT COURT - ERRED AND ABUSED ITS DISCRETION - IN FINDING THAT EACH OF PETITIONER'S CLAIMS FOR RELIEF LACKED MERIT OR HAS BEEN PROCEDURALLY DEFAULTED

AND STATING THAT SAID CLAIMS SHOULD HAVE BEEN RAISED ON DIRECT APPEAL -

- TRUE - PETITIONER AGREES - ALL CLAIMS (CONSTITUTIONAL VIOLATIONS RAISED SHOULD HAVE BEEN - BRIEFED AND ARGUED ON DIRECT APPEAL;

HAD COURT APPOINTED FEDERAL PUBLIC DEFENDER SUSAN GRODE YAZGI - EFFECTIVELY REPRESENTED HIM, AS GUARANTEED BY THE SIXTH AMENDMENT U.S.C. - ;

SHE WOULD HAVE CONTACTED PETITIONER AT F.C.I. JESUP, GA. WHERE HE WAS CONFINED AND OUT OF TOUCH WITH HER;

AND WOULD HAVE - CONSULTED WITH HIM - AND WOULD HAVE PROMOTED HER CLIENT'S POSITION - BEFORE THE ELEVENTH CIRCUIT COURT OF APPEALS, ON DIRECT APPEAL AS REFLECTED BY THE RECORD. SHE FAILED TO DO SO -

AND THEREFORE EFFECTIVELY DENIED

PETITIONER HIS RIGHTS TO A FIRST APPEAL
- PROMOTING HIS POSITION BEFORE THE APPEL-
- LATE COURT, RAISING THE CONSTITUTIONAL
VIOLATIONS PERPETRATED UPON HIM BY THE
RESPONSIBLE JUDICIAL OFFICER'S UNDER COLOR
OF DUE PROCESS AND FAIR TRIAL, RESEARCH-
- ED, BRIEFED AND ARGUED WITHIN HIS
- MOTION UNDER TITLE 28 U.S.C. § 2255,
MOTIONS TO AMEND & SUPPLEMENT

THE FACTS AND LAWS ARE IRREFUTABLE,
PETITIONER HAS MADE A CLEAR SHOWING THAT
HE HAS IN FACT AND BY WELL DOCUMENTED
APPELLATE AND SUPREME COURT DECISIONS
AND CONSTITUTIONAL LAW;

BEEN DENIED; HIS GUARANTEED RIGHTS
TO DUE PROCESS, FAIR TRIAL, RIGHTS TO
APPEAL AND EFFECTIVE ASSISTANCE OF
COUNSEL

SEE MYLAR - V - ALA 671 F.2d 1299 (11th Cir.
1982)

LOMBARD - V - LYNALGH, 868 F.2d 1475 (11th
Cir. 1989)

EVILTS - V - LUCEN, 469 U.S. 387, 105 S. CT.
1396, 1400, 18 L. Ed. 2d 493 (1967)

ANDERS - V - CALIF, 386 U.S. 738, 744, 87
S. CT. 1396, 1400, 18 L. Ed 2d 493 (1967)

SEE *PENSON-V-Ohio*, 488 U.S. 75. 109 S.Ct. 346, 350, 102 L.Ed. 300 (1988).

"EVEN IF APPELLATE COUNSEL DETERMINES THAT THE APPEAL IS FRIVOLOUS, SHE MUST, INTER ALIA, FILE, 'A BRIEF REFERRING TO ANYTHING IN THE RECORD THAT MIGHT ARGUABLY SUPPORT THE APPEAL'."

AND THEREFORE THE U.S. DISTRICT COURT AS WELL AS THE APPELLATE COURT ERRED AND ABUSED ITS DISCRETION IN DENYING PETITIONER'S MOTIONS AND REQUESTS FOR RELIEF, AS WELL AS HIS REQUESTS FOR EVIDENTIARY HEARING AND REQUESTS FOR CERTIFICATE OF APPEALABILITY, AND THEREFORE HAVE SUBJECTED PETITIONER TO A GROSS MIS-CARRIAGE OF JUSTICE AND HAVE ORDERED HIM IMPRISONED UNDER AN ILLEGAL AND UN-CONSTITUTIONAL TERM OF (360 MONTHS).

CONCLUSION

THEREFORE, PETITIONER PRO SE, AN INDIGENT DEFENDANT RESPECTFULLY REQUESTS THIS HONORABLE UNITED STATES SUPREME

COURT,

TO PLEASE AT LEAST REVIEW THE PRESENTED
CLAIMS, POLICE REPORTS, CONSTITUTIONAL LAW & ARGUMENT.

AND IN THE WORDS OF THE WORLD FAMOUS
ORATOR, SIGNER OF THE UNITED STATES
CONSTITUTION AND ONE TIME U.S. PRESIDENT
THOMAS JEFFERSON; UPHOLD

THE SUPREME LAW OF THE LAND
AND ORDER THIS PETITION FOR A WRIT OF
CERTIORARI BE GRANTED;

IT'S PRETTY EASY TO IDENTIFY A DEFENDANT IN COURT, JUSTICE SOTOMAYER
STATED, DRAWING LAUGHTER FROM THE COURT
THEY SIT NEXT TO THE DEFENSE ATTORNEY

DUNCAN-V-OWENS, U.S. NO. 14-1516, ARGUED
1-12-2016;
U.S. SUPREME COURT JUSTICE
SOTOMAYER

NOV. 9th 2019

DEC 26 2019
(REMAILED)

JAN. - 2020

RESPECTFULLY SUBMITTED,
JOHN E. CORN JR.
PETITIONER PRO SE.