

No. 20543-0001

IN THE
SUPREME COURT OF THE UNITED STATES

DERRICK L. LEWIS SR. — PETITIONER

VS.

Warden WALTER BERRY — RESPONDENT(S)

AFFIDAVIT OF TIMELY FILING

I Derrick L. Lewis Sr., the undersigned AFFIANT and named Petitioner in the instant action (Lewis v. Warden, USCA11 No. 19-12065), do declare, affirm, and depose the following as a true and factual depiction of actual occurrences regarding the filing of the Writ of Certiorari.

Affiant did in fact deliver his Petition for Writ of Certiorari to the Autry State Prison mailroom window with sufficient postage addressed to the U.S. Supreme Court and a copy to the Attorney General of Georgia, on Friday afternoon, December 20, 2019.

The general policy for the prison mail rooms at Georgia Dept. of Corrections is to make two deliveries of prison mail to the post office on Friday.

RECEIVED

FEB 18 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

(Affiant cannot give direct quote of the policy "S.O.P." because access to the law library has been restricted, essentially nonexistent since the last librarian, Mr. Blocker "transferred" back in early December. He also was the only available Notary Public.)

Affiant knows for an absolute certainty that the mail did not make it out on Friday, after learning that the mail room staff had left early that day.

Affiant at no time during these days repossessed his mail; it remained with the mail room.

Affiant could only presume that the mail would then go out the following Monday, December 23, 2019.

Subsequently, the U.S. Supreme Court sent a notice to Petitioner dated January 8, 2020, which the mail room delivered to Petitioner on January 16, 2020.

Affiant was very upset at the news because he worked hard and did everything he could to be on time. It's not his fault that the postmark wasn't legible. Affiant then went into a frenzy because he knew the circumstances of Autry State Prison would make it difficult to correct the situation.

Prior to recently being informed of the Warden's Secretary Ms. Jenkins now providing Notary services, Affiant was Attempting to get the Chaplain to agree to administer the Affidavit.

Nonetheless, Petitioner now satisfies the request of the Court by Submitting this Affidavit, so that the Writ of Certiorari may be accepted and filed for review.

And let the record show that Affiant is in no way liable for delays with the mail here at Autry State Prison, which is severely understaffed and such delays are far too common.

Moreover, Affiant and other witnesses were able to identify the postmark of "TUE 24, DEC 2019" and submits that any copy of the Service upon the Attorney General would indicate the same.

And I swear by the name of the LORD God Almighty, also declare under penalty of perjury, that the contents herein are factual and amount to the truth.

Affiant further sayeth naught. Amen.

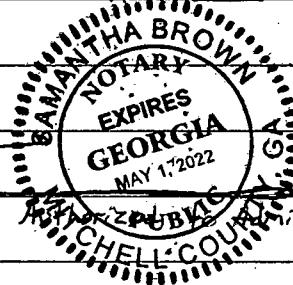
1512 *Derrick L. Lewis*
Affiant, under penalty of Perjury.

2-5-20
Date

Sworn to and subscribed before me this 5th day of Feb
2020.

Samantha Brown

Notary Public or other Person



Administer oaths

[See Attachment: Letter from U.S. Supreme Court recieved Jan 16, 2020]

SUPPLEMENT TO AFFIDAVIT OF TIMELY FILING

Let the face of this Affidavit show that Affiant was not accommodated by Ms. Jenkins as intended, but eventually recieved Notary Services from officer Brown.