IN THE SUPREME COURT OF UNITED STATES.

INYANG ODUOK	) Supreme Court Case No._____
Applicant	) Supreme Court State of Georgia:
	) Case No. S 19 CO 145
	) APPEAL CASE NO: A18A1022
V.	)
STATE OF GEORGIA	)
Respondent	)
_____	)

APPLICATION FOR A STAY OF REMITTITUR AND EXTENSION OF TIME TO FILE PETITION FOR A WRIT OF CERTIORARI:

COMES NOW Inyang Oduok (Applicant) and respectfully apply to this court pursuant to rule 23 for an order staying the remittitur and the judgment of Georgia Supreme Court in the above entitled action issued on July 2, 2019 (Exhibit "A" and "B") and the extension of time to enable Applicant file a Petition for a writ of certiorari in this court. In support of the application, applicant states as follows:

STATEMENT OF FACTS AND PROCEDURE:

Applicant almost lost his life on February 2, 2016 when one Donesha Green (Green) negligently/reckless operated her vehicle and struck the passenger's side of applicant's vehicle causing the vehicle to spin almost a full circle before it came to a rest.

Applicant was rendered unconscious, suffered head; brain; hip; back; neck; tooth; rib; chest, emotional and psychological injuries. See (Exhibits. "C" "D" "E" and "F"). He was lifted

in an ambulance to Dekalb County Hospital emergency where he was admitted and treated for his injuries while Green rode home with her friend.

Although not at fault, he was wrongfully cited by the responding white police officer who claimed that applicant who was dazed and confused from concussion, brain and head injuries, told him that "Green ran a yellow instead of a red light therefore, he was at fault."

1

WRONG CHARGE:

Applicant was entitled to a perfect charge pursuant to State v. Cohen, 306 Ga. App. 495, 498 (700 S.E. 2d 912 (2010); Bradley v. State, 79 Fla. 651 (84 So. 677, 679 (1920) (holding that before a man can be punished, his case must be plainly and unmistakably within the statute)

Applicant was charged under a wrong statute -OCGA 40-6-71 which governs failure to yield cases in an intersection not controlled by traffic light instead of O.C.G.A. 40-6- 21 which governs failure to yield in intersection controlled by traffic light.

2

RACE BASED MOTIVE INFFECTED THE JURY SELECTION PROCESS:

To secure applicant's conviction, the prosecuting attorney lined up the first 10 white jurors 7 of which were chosen. (Six white jurors and I white alternate). The rest 35 jurors majority of whom were African Americans were stricken. Not one African American out of 42 jurors in the jury venires was in applicant's jury. **The trial judge described the jury selection process as mysterious.** See p 7, lines 14- 15 of motion transcript of August 9, 2017. Applicant had demanded that he be tried by 12 jurors of his peers but instead was tried by six white jurors. The jury was neither facially nor actually neutral as required by law.

3

INSTRUCTIONAL ERRORS:

Erroneous Jury instruction that did not accurately reflect the law was given by the trial court causing the jury to arrive at wrong verdict.

O.C.G.A. 40-6- 71 under which applicant was charged is a wrong statute and does not apply to intersections controlled by traffic light signals as was the case here. See Bailey v. Bartee, 205 Ga. App. 463 (422 S.E. 2d 319 (1992) and Corley v. Harris, 171 Ga. App. 688 (3) (320 S.E. 83)(1984). Therefore, the verdict was erroneous.

The correct law was O.C.G.A 40-6-21 which applies to accidents in an intersection controlled by traffic lights.

Also, applicant challenges the constitutionality of these statute as applied in criminal cases. These two statutes are used in dual context. In civil context, it's used by the State of Georgia to provide compensatory damages to accident victims. In this case, applicant's insurer-state farm paid Green $50, 000.00 because applicant was cited by the police officer and state farm did not want to fight the ticket. Same statutes are used in criminal context to criminalize accident victims.

4

INEFFECTIVE ASSISTANCE OF COUNSEL:

Applicant's counsel Keith Adams was in a murder trial and sent a freshman lawyer to try the case. Said "attorney" was ineffective for failing to file a demurrer challenging the defective accusation.

It was allegedly "agreed between Applicant's alleged attorney and the prosecutor that all African Americans be kept out of the jury." The whole trial transcript is laced with counsel's ineffectiveness.

He did not interpose objections when necessary, several waivers are attributable to him by the trial court and the court of appeals. He was ignorant of the law and did not file a demurer challenging the defective charge. Yet, as the Supreme Court can see from the review, he is protected by the very courts that are alleging his deficient performances. This is gross injustice requiring review by United States Supreme Court for the public good.

5.

THE PUNSHMENT DOES NOT FIT THE ALLEGED "CRIME" WHICH APPLICANT CONTENDS HE DID NOT EVEN COMMIT:

Applicant is innocent of any wrongdoing. Allowing race, national origin animus bias and retaliation to determine criminal punishment as is the case here, is intolerable in any civilized society and endangers Pubic confidence in the law.

The law is settled that a sentence is void if a court imposes a punishment that the law does not allow. Citation and punctuation omitted. See (Jones v. State, 278 Ga. 669, 670, (604 S.E. 2d 483)(2004)

The alleged "failure to yield" traffic case which applicant did not commit, should not give rise to one (I) year probation. As conditions for the probation,

applicant is subject to arrest and Revocation of the Probation for any violation of the following conditions.

1) Do not violate the law of any government unit.
2) Avoid injurious and vicious habits especially alcohol intoxication and narcotics or other dangerous drugs unless prescribed lawfully.
3) Avoid persons or places of disreputable or harmful character.
4) Report to the probation officer as directed and permit such officer to visit you at home or elsewhere.
5) Work faithfully at suitable employment, in so far as may be possible, maintaining all full time employment.
6) Applicant is not to change his place of residence, move outside the jurisdiction of the court or leave the state for any period of time without prior permission of the probation officer.
7) Support legal dependents to the best of his ability.

SPECIAL CONDITIONS:

8) Applicant is to pay a Fine, Court Costs or related Fees for five hundred and Seventy five ($575) dollars.

9) Complete a Defense Driving Course.

10. Report to the Probation officer in person on the third Thursday of each month between the hours of 10:00 a.m. to 1: p.m. and from 3: pm to 6: 30 pm

Non-reporting once the conditions are met.

In addition, applicant was to pay restitution to Green the amount of which is held in abeyance pending the disposition of the civil case filed by Green.

The trial Judge has denied ordering the Restitution. Meaning that the prosecuting attorney unlawfully wrote it in the judgment. A clear evidence of forgery. Yet the prosecutor is walking the street a free man and still prosecuting others for crimes.

Green was paid fifty thousand ($50, 000.00) dollars out of applicant's policy for no just cause because applicant was cited while applicant whose life she almost snuffed off prematurely is stuck with brain damage, head, rib, chest, tooth, hip, back and neck injuries and thousands of dollars in medical bills.

Never in the history of this state has this type of harsh sentence been imposed on a defendant on a strictly "failure to yield offence" which in this case, applicant did not even commit and for an innocent man who has never committed any criminal offence in his life.

The trial judge has also denied ordering a monitoring device on applicant. .Meaning the solicitor ordered monitoring device placed on applicant's vehicle without lawful authority.

The girl who disclosed to applicant that a monitoring device has been ordered place on his vehicle has been terminated from her employment.

This case exemplifies corruption of the judicial process, oppressive use of the law, obstruction of justice, abuse of authority and gross injustices against African Americans of the Jim Crow era demanding this court's intervention.

6.

VOIR DIRE PROCEEDINGS AFFECTING SUBSTANTIVE RIGHTS OF APPLICANT AND CLOSING ARGUMENT WERE EITHER NOT RECORDED OR RECORDED BUT SUBSEQUENTLY FRAUDULENTLY DELETED FROM THE TRANSCRIPT BY THE COURT REPORTER AND THE COURT:

Although "Jury service is a very important process of Voir dire and implicates applicant's fundamental right. Yet there was allegedly an agreement between "applicant's attorney and the prosecutor that such very important aspect of the trial proceeding not be recorded and so was the closing argument. No rational explanation was provided for the agreement. Several of applicant's constitutional rights were either compromised or violated in this case. Thus calling into serious question the integrity and honesty required of our judicial process.

7.

FRAUD ON APPLICANT AND THE COURT BY THE TRIAL JUDGE:

The trial Judge in concert with the prosecutor Ciccarelli and the court reporter -Brown foisted a deception, conspired with the court reporter and infused the following false entries into the Motion Transcript which was not part of the hearing, arguments and ruling of August 9th, 2017and made it appear as if it was part of that hearing and ruling and falsely represented that the order of the August 9th 2017 hearing was amended to correct a typographical error when that is blatant falsehood. Judge Jacob's words:

"And --I point that out with regard to the amount of time the court has spent today. I mean we started around 10 a.m., and it is now 1: 47 p.m. without a lunch break, and the court has continuously been working on this case for the entirety of that time, without a break, to point out that the court has thoroughly considered everything of record.

Compare

On Motion transcript page 38, Judge Jacobs stated that Appellant "began his argument at 10.23 a. m. and it was now 11.22 a. m. So, we have been going full hour. Judge Jacob again in the Motion transcript page 38 lines 17-18 said he has allowed Appellant to go a full hour now. On page 40 of motion transcript lines 23-25, Mr. Ciccarelli the prosecutor told Judge Jacobs "your honor before the state proceeds in its response to Appellant's argument, could we be heard just briefly in the other cases? The court agreed and took on other cases and came back after those cases and a break. So, how could it be true that the court "started around 10 a.m., and it is now 1: 47 p.m. without a lunch break, and the court has continuously been working on this case for the entirety of that time, without a break"as stated in the transcript of August 9, 2017. **They made it up.**

Another tailored ruling that has been doctored into the August 9, 2017 transcript which was not part of the ruling is the following:

"And I will point out that there is court of appeals authority that 40- 6-71 applies even where there is a traffic light present. Specifically – and this is cited by Judge Beasley, in his concurrent in – Bailey versus Bartee, the case of Branch versus the state, 175 Ga. App. 696 --, I have just looked at the--at that case up here on my screen, and I – and I do find Judge Beasley's treatment of the case and his concurring opinion to be accurate. Branch versus the State, applied to O.C.G.A 40-

6-71, to a vehicle turning left at a green light at the same time oncoming vehicle made a left turn, this was the foundation for an officer's articulable suspicion of wrong doing to justify a stop. The wrongdoing suspected was a violation, was a violation of O.C.G.A. 40-6-71."

"And then he goes on to say that decision is not distinguishable in aspect from this case, the civil case that deals with that issue in a negligence context. That is to say there is actually case law, Mr. Oduok, that would – that supports that a similar incident involving a traffic light was reasonable articulable suspicion for a stop to be made under the exact statute, 40-6-71..."

Compare same court with same breath saying:

...There are several cases that say that 40-6-71 only applies where there is not a traffic light present, but that is a mere construct of the case law and it's merely a construct that exists in civil cases. The court has been unable to locate any criminal case addressing the issue." See page 71 paragraph 13-14 of the transcript on motion hearing. (Hereinafter M.T.)

The above quote from Judge Jacobs, raises the fundamental question as to if there was a criminal case law addressing the issue, why would he say in the same ruling that the court has been unable to locate any criminal case addressing the issue? The answer is simple. He conspired with the prosecutor Ciccarelli and the court reporter Brown to make false entries in the transcript by amending it to include the version of ruling set forth above and falsely claimed that "he was amending the order to correct a typographical error."

The trial transcript was also doctored to include matters which did not occur and to delete those that occurred.

8.

UNLAWFUL ACTIVITIES AT THE GEORGIA COURT OF APPEALS:

There is abundant evidence that corruption of the court's process is deeply rooted at all levels of the courts in the state of Georgia.

Judge Dillard -former chief Judge of Georgia Court of Appeals violated the random assignment of cases law and applicant's due process right against judge shopping and assigned this case to Judge Beasley's Panel with Judge Beasley as presiding judge after the trial court had lavished her with praises in her dissent in the case of Bailey v. Bartee, supra.

Judge Beasley had rendered a dissenting opinion on the applicability of OCGA 40-6-71 to accidents in an intersection controlled by traffic light and was deliberately assigned the case in violation of the law to secure affirmance of the Judgment.

Applicant discovered the plot and filed a motion to recuse Judge Beasley's Panel. Judge Beasley to her credit, granted the motion. But the Clerk of the court of appeals who is working for the state in the case issued a one line sentence falsely representing that the motion was denied.

Applicant discovered the falsehood after being served with the judgment of affirmance which showed that the chief Judge -Dillard had reconstituted a new handpicked panel comprising judges- Brown, Andrews with Judge Miller- a recused judge as a presiding judge just to achieve affirmance of the trial court's ruling and to rig the appeal.

9.

UNALWFUL ACTIVITIES IN THE GEORGIA SUPREME COURT:

The Georgia Supreme Court like the court of appeals and state court of Georgia maintains a dual docketing system. One public and the other secrete. Pro Se filings are mostly routed through Clerks, Staff attorneys who preside over these cases as judges. The dual docketing system violate the public's right of access to criminal proceedings. See United States v. Valenti, 987 F. 2d 708, 715 (11th Cir. 1993)

The record of the Supreme Court shows that on or about June 28, 2019, applicant filed a motion to compel a full disclosure of the behind the scene unlawful activities that was going on in this appeal at the Georgia Supreme Court.

He provided the history of the case and documentary evidence of record which showed how he was defrauded by trial court, the court reporter and the state of Georgia by its prosecutor Mathew Ciccarelli, the court of appeals and now the Georgia Supreme Court - the last bastion of hope for Americans to obtain justice in the state court.

He requested the Justices of Georgia Supreme Court to order an investigation into the corruption that is threatening the courts in the state of Georgia and impairing especially African Americans' ability to obtain justice in the courts of the state of Georgia in a way that applicant has never seen before.

The motion was supported with underlying documentary evidence of record of fraud on applicant, corruption of the process of the court, obstruction of justice, subversion of justice, cover-ups of unlawful activities, corruption of the process of the court; oppressive use of the law against African Americans, applicant inclusive and anti –pro-se hostilities that cuts across all levels of the courts of the state of Georgia from the trial courts to the Supreme Court and the urgent need for the supreme court justices to do something about it in the interests of this nation. That there has been insufficient independent evaluation of the evidence in his case and that his case has not been given a full impartial consideration it deserves or decided by race and national animus neutral judges and justices.

The record of the court of appeals shows that barely two days after filing the motion in Georgia Supreme Court, exactly July 2, 2019, the court of Appeals issued a Notice of Transmission of Remittitur to the trial court, on same day July 2, 2019, the Georgia Supreme Court issued a motion denying applicant's motion for reconsideration of the order dismissing his appeal and motion to stay the issuance of remittitur and intent to Petition this court for a writ of certiorari that were filed since May 13, 2019 in utter disregard of the state of the record, the facts and the law. See (Exhibits "A" B" "G".

The evidence in the case strongly support gross improprieties, complicity, conspiracy to cover-up wrongdoings and the wrongdoers, rig the appeal and to sustain the wrongful conviction and sentencing of applicant at all costs.

Therefore, the interests of justice and fairness demands that this court issue an order staying the issuance of the remittitur and grants extension of time for applicant to petition this court for a writ of certiorari.

MEMORANDUM OF POINTS AND AUTHORITIES:

10

Rule 23 of this court states in pertinent part as follows:

1. A Stay may be granted by a Justice as permitted by law.
2. A party to a judgment sought to be reviewed may present to a justice an application to stay the enforcement of that judgment. See 28 U.S.C. section 2101 (f).
3. An application for a stay shall set out with particularity why the relief sought is not available from any other court or judge....An application for a stay pending review shall identify the judgment sought to be reviewed and have appended thereto a copy of the order... of the court or judge below denying the relief sought, and shall set out specific reasons why a stay is justified. ..."

In the instant case, on May 13, 2019, Applicant filed a timely motion for reconsideration of the order dismissing his appeal by Georgia Supreme Court. On same day, May 13, 2019, he filed a motion for a stay of issuance of remittitur in Georgia Supreme Court with the issues he intends to raise in this court for review as required by Georgia Supreme Court rule 61.

Also, he filed Georgia court of appeals order (Exhibit "J") to show that he had applied to the court for a stay of time to file a writ of certiorari with Georgia Supreme Court because that court rule allows only 20 days to file a writ of certiorari as contrasted with this court rule which allows 90 days to file a writ of certiorari. The motion was filed early enough to enable the court to rule on the motion sufficiently in advance so that if the motion is denied, applicant will still have enough time to file the writ. Since there was no ruling denying the motion, applicant reasonably presumed that the motion was going to be granted. The writ was filed a few days out of time. Therefore, a stay is absolutely necessary to enable applicant to petition this court for a writ of certiorari to review this case.

A stay is also permitted pursuant to (Hilton v. Braunskill, 481 U.S. 770, 776 (1987) and United States v. Venderame, F.3d (11th Cir. 1995) (No. 93-320 instructing against potential dangers of haste that can render a right to prosecute an empty formality.

In Landis v. Northern American Company, 299 U.S. 248, 254-255, 57 S. Ct 163 (1936) it is stated that the power to stay proceedings is incidental to the power inherent in every court to control the disposition of causes in its docket with economy of time and efforts for itself, for counsel, and for litigants.

Finally, Hamburg American Company v. United States, 277 U.S. 138 (1928) teaches that a party who seeks review of the merits of adverse ruling but is frustrated by the vagaries of circumstances as in the instant case, ought not in fairness, be forced to acquiesce in the judgment. See Hamburg American Company Supra at 477-478.

The issues which applicant intends to petition this court for a writ of certiorari is of paramount importance to American public.

CONCLUSION:

Applicant was faced with a fierce backlash from Georgia Supreme Court as soon as he filed a motion whistle blowing on the existence of a dual docketing system on his appeal. One public the other secrete and seeking public disclosure of the secrete computer entries on him.

According to the Clerk deputy, "they are warned not to provide applicant with a copy of the secrete entries on him and on his appeal nor grant him access to the secrete computer entries."

The secrete entries on applicant shows that there is a dual system of justice in the state of Georgia. One for the reach and famous and the other for the poor mostly pro se African Americans. The Georgia Supreme Court's commitment to equality and justice under the law and ethical practices is seriously called into question requiring this court's review of this case.

The case unquestionably demonstrates manifest contempt for the rule of law, Judge shopping for a favorable ruling, corruption of the judicial process, abuses of process of the court, impermissible unconstitutional practices, fraud on the court and applicant and want of integrity and honesty required of our system of justice.

Applicant's right to a fair judicial proceeding was compromised at will while he is stuck with traumatic brain; head; chest; rib; psychological and emotional injuries with thousands of dollars in medical bills.

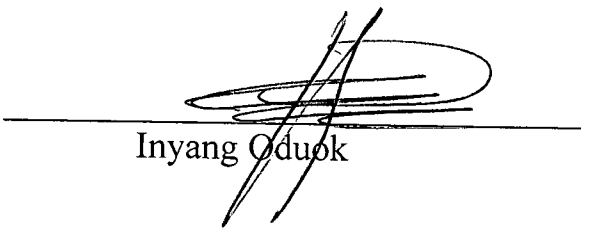
The courts of United States is supposed to serve as a model for the rest of the free world. Whistle blowing uncomfortable truths has sparked oppressive use of the law and blatant miscarriage of justice against applicant requiring this court's intervention to prevent a manifest injustice.

The response by Georgia Supreme Court after applicant whistle blew the corruption of the judicial process by some of its judicial officers and staffers comprised of "order denying motion for Reconsideration of the order dismissing the appeal issued July 2, 2019 "Exhibit "H"), denying stay of issuance of remittitur

issued July 2, 2019, (Exhibit "I"), notice from the court of appeals transmitting the remittitur to the trial court issued July 2, 2019 and the trial court's issuance of an order requiring applicant to appear before trial court on July 24, 2019 to sign for probation while applicant has not exhausted his appeal.

For the reasons set forth above, an application to this court for a stay is proper because the Georgia Supreme Court has denied a stay thus allowing the enforcement of fraud infested judgment, the cover-up of the fraudulent and unethical practices of its judicial officers and staffers that has plagued the case from the trial court to the Georgia Supreme Court as evidenced by the record.

Respectfully submitted,



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