

NO. 20-5289

Petition for rehearing in the Supreme Court of the United States

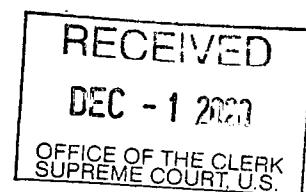
Justin W. Sanderson- Petitioner

v.

Warden Folley- Respondent

Petition for writ of certiorari

Justin W. Sanderson  
Grafton Correctional Institution  
2500 S. Avon Belden Rd.  
Grafton Ohio 44044



## Question(s) Presented

1. Whether this present petition should be liberally construed by this court as a petition for a writ of mandamus and remanded to the proper court with directions, or as and an original request for a writ of habeas corpus.
2. Whether this court should liberally construe the present petition as a request un Gondeck v. Pan American World Airways, Inc., 382 U.S 25 (1965), and grant relief accordingly, where Justin W. Sanderson stands alone in not receiving relief from a void judgement of conviction.
3. Whether there can be a finality of a judgment of conviction rendered against a criminal defendant, where the criminal court lacked subject matter jurisdiction to render the judgement of conviction against the criminal defendant.

4. Whether a constitutional tort was committed against petitioner,  
And is ~~still~~ being unlawfully and unconstitutional upheld.

Petitioners other substantial grounds not previously presented are as follows.

A municipal court does not acquire competent jurisdiction in a criminal case when the complaint and the affidavit are not properly signed by the complainant. -State v. Miller 47. Oh. There are none nor has there even been any properly completed, first filed complaints, according to State v. Hill and New Albany v. Dalton, State v. Bretz, and Cleveland v. Lester. No complaint was made under oath, there is no sworn complaint, and no citizen complaint for was ever correctly completed against petitioner. These things are also proven from trial testimony and evidence.

The police contacted Brinkles (Tr. 611). Brinkles did not even consider what allegedly happened a crime nor rape (Tr. 583-584, 592,610). The police contacted Utley (Tr.356) Utley testified that she did not want to report anything and that it was not anything serious (Tr.356). The police contacted Walker (Tr. 515). Walker testified that Sanderson was "nice", "kind", and "courteous" and did not threaten her and she did not want to prosecute (Tr. 477,488). Walker did not report the incident at all (Tr. 467). No first filed complaint was ever filed or corrected completed and properly filed.

Prosecution maliciously, with prejudice and bias, motivated by something other than truth, justice, or law, continued to proceed prosecuting petitioner, ever after evidence, or lack thereof, showed no intent of crimes and no probable cause. Every false charge associated with petitioner's conviction was done with bias and malice. Prosecution had no grounds to proceed with prosecution. Det. Howard could not prove that anything sexually occurred (Tr. 428-429).

-The court held that there was no evidence of appellants intent to commit a theft offense and no evidence of actual theft. The court found that the evidence presented provided sufficient rebuttal for the presumption as a mandatory inference in the ruling on the motion for directed verdict. Further, the court found that he had presented sufficient evidence to show that appellee police officers acted with malicious purpose, in bad faith, or wanton reckless manner in arresting appellant and continuing prosecution against him. Therefore, appellee officers were not protected by the limited liability which generally shielded officers of the law-

Prosecution moved forward with prosecution maliciously without a complaint from any alleged victim

-the court continually granted a petition for habeas corpus relief,

concluding that the state violated petitions constitutional rights by supressing exculpatory evidence material to the questions of guilt and sentencing that could reasonably be taken to put petitioners case in such a different light as to undermine the courts confidence in the jurys findings of guilt and recommendation of the death penalty.

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Prosecution acted recklessly by withholding evidence that is exculpatory for petitioner. This was done by not showing evidence in full and only providing evidence to the grand jury and the court in part, that would only serve as a benefit for prosecution, and not upholding the law and constitution. In the matter of alleged victims Utley and Thompson. Petitioner told Det. Howard that he never put the girls in handcuffs (Tr. 423). In fact, neither Thompson nor Utley told the police that petitioner put them in handcuffs (Tr. 218, 363; Defense Ex. A and B). Utley admitted that she was not afraid the petitioner would hurt her or that she would go to jail (Tr. 351). Utley always fantasized about having sex with a cop (Tr. 348). In fact, Utley contact petitioner afterwards to "get with him again" (Tr. 353). Utley flirted with petitioner through text messages (Tr. 357). There is also no evidence to support the then contradiction of the witness' testimonies that any sexual conduct or contact occurred. Petitioner

maintained that he did not have sex with the women (Tr. 425-427). When asked the details of the alleged sexual conduct, neither woman could recall which one of them engaged in oral sex first (Tr. 222, 267). Thompson then described the vaginal sex as both women on the bed on their hands and knees at the same time, but Utley described it as she went first on the other bed, then Thompson had sex with him (Tr. 195, 268-269). In fact the condom that supposedly used during the alleged sexual acts, contained no DNA, not of petitioners, nor of the alleged victims (Tr. 192, 209, 406). Utley even contact petitioner and stated that he "did not do what he promised he would do" and wanted to see him again for that very purpose (Tr. 276-284). Again, Det. Howard testified that he could not say or prove that anything sexually occurred (Tr. 428-429).

In the case with alleged victim Walker, Walker contacted petitioner, sent him nude photos, told petitioner about getting her license, contacted him to me him for sex (Tr. 463-464; 486-487). Walker did not intially tell the police that she contacted petitoiner for sex and had sex with him (Tr. 448).

In the case with Alleged victim Brinkles, there is no evidence or any

sexual contact or conduct. In all allegations, no first filed complaint, or any complaint was ever filed by alleged victims, and by testimony did any of the alleged victims state that they wanted to prosecute or that there was something unjust that happened to them originally. Prosecution contacted the alleged victims and moved forward with prosecution with bias. Prosecution ignored the evidence that proved the innocence of petitioner, did not purposely provide grand jury or court with the full story acquired to proceed in reckless prosecution of petitioner. Full phone records would prove petition is not guilty, but only part was shown, and no records from alleged victims were brought forward, even after testimony showed fault and deceptions in testimony. Video of petitioner was only partly shown, showing petitioner at front desk and placing him on scene, but video was withheld of the door that was alleged unlocked unlawfully. Video would have shown that no keycard was used to enter Thompson and Utleys hotel room. Dispatch calls were pulled, but the some were left out that would show and prove that Mr. and Mrs. Brinkles testimony was false. Petitioner is stating that with indictment, and no complaint, prosecution violated petitioners constitutional rights to a fair trial. How is the balance of the law upheld constitutionally if truth can be ignored and the law be unbalanced. Ref Mayes v. Columbus.