

No. \_\_\_\_\_

**20-5950**

IN THE

SUPREME COURT OF THE UNITED STATES

CLINTON RILEY -PETITIONER  
(Your Name)

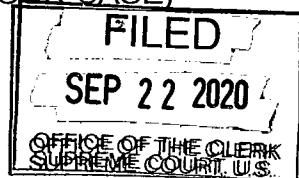
INDIANA DEPARTMENT OF CORRECTION,  
et al. -RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

**ORIGINAL**

In The Indiana Supreme Court  
(NAME THE COURT THAT LAST RULED ON THE MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

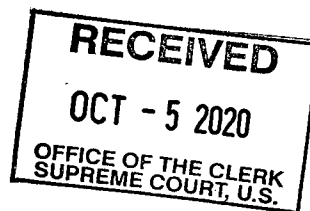


CLINTON RILEY - # 111204  
(Your name)

~~PO Box A~~ N.C.C.F. 1000 Van Nuys rd  
(Address)

New Castle, IN 47362-1041  
(City, State, Zip Code)

None  
(Phone Number)



## [ QUESTIONS PRESENTED ]

1. Was the double jeopardy clause of the 5<sup>th</sup> Amendment to the U.S. Constitution violated when I, as the Petitioner subjected to extended incarceration unconstitutionally (as deemed by the U.S. District Court in conjunction with the U.S. Supreme Court) in lieu of non-compliance with insomn./Somn. Sex Offender program prior to release on parole; then arbitrarily remanded back to prison for the very same cause? [See forthcoming pg. # 4, secs. #1 and #2]

2. Does it signal manifest injustice and Constitutional violations for the Indiana Supreme Court to deny my Petition to Transfer in lieu of going against its own case precedent; in harmony with my claim(s) that Parole liability "is" unconstitutional under my current sentencing structure? [See forthcoming pg. # 5(b), secs. 5-5(A)]<sup>\*</sup>  
[Also See Appendix D: Verified Reply and Motion To Deny Appellee's Motion To Dismiss or In Alternative <sup>Cap</sup> To Remand, pgs. # 2-3, secs. B-F / pg. #3, sec. 3].

QUESTION(S) PRESENTED

(Cont.)

3. Does it signal a violation of the 14th Amendment to the U.S. Constitution's equal protection clause (5) in lieu of the circumstances that negated ability to retain relief by the Court due to Petitioner's/my reincarceration? [See Forthcoming pg# 4 - 4(a), Secs. #1 - 6]

4. Did liability for insomni/somni sex offender program while in prison, and arbitrarily returned back to prison in lieu of non-compliance to said program violate Ex Post Facto Law? [See Appendix E: Appellant's Brief pg. # 21, Secs. 6, 6(ii) / pg. # 22, Secs. # 2, 3, 3(i) / pg. # 23, Secs. # 4, 5 / pg. # 24, Secs. # 6 - # 8].

5. Does the Trial Court's Order to dismiss w/preju, Writ of Habeas Corpus, Parole Revocation after losing subject matter jurisdiction signal a violation of U.S. Constitutional provisions under the 1st and 14th Amendment to petition redress of grievances and equal protection under the law, respectively? [See ~~Appendix E~~ Forthcoming pg. # 4(a), Sec. 6]

6. Does it signal manifest injustice and constitutional errors when the Indiana Supreme Court and Indiana Court of Appeals denied Petition To Transfer and Appeal in lieu of all aforementioned Questions Presented in conjunction with [See Forthcoming pg. # 3 - 6]? [See Appendix D: Verified Reply and Motion To Deny Appellee's Motion To Dismiss pg. # 2, Secs. B - D / pg. # 3, Secs. e, f and # 3].  
i. (a)

## 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:

Indiana Court of Appeals  
216 Statehouse  
200 W. Washington  
Indianapolis, IN  
46204

Henry Circuit Court 2  
2215 Race St  
New Castle, IN.  
47362

## TABLE OF CONTENTS

|                                                          |            |
|----------------------------------------------------------|------------|
| OPINIONS BELOW .....                                     | pg 1       |
| JURISDICTION .....                                       | pg 2       |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....   | pg 3-3(a)  |
| STATEMENT OF THE CASE .....                              | pg 4-4(a)  |
| REASONS FOR GRANTING THE WRIT .....                      | pg 5-5(c)  |
| CONCLUSION .....                                         | pg 6       |
| PROOF OF SERVICE .....                                   | pg 7       |
| NOTARIZED STATEMENT OF MAILING BY INCARCERATED PERSON... | pg 8       |
| INDEX TO APPENDICES . . . . .                            | pg 10      |
| APPENDIX A                                               |            |
| APPENDIX B                                               |            |
| APPENDIX C                                               |            |
| APPENDIX C                                               |            |
| APPENDIX D                                               |            |
| APPENDIX E                                               |            |
| APPENDIX F                                               |            |
| MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS.....       | pgs. 17-16 |
| CERTIFICATION OF INMATE TRUST FUND ACCOUNT...            | pgs. 17-19 |

# TABLE OF AUTHORITIES CITED

## CASES

## PAGE NUMBER

*Blukely v. Washington*, 542 U.S. 296, 301, 124 S.Ct. 2531, 1591, 159 L.Ed. 2d. 403 (2004) [pg. #5(b), sec. #5]

*Coleman v. Thompson*, — U.S. — 111 S.Ct. 2546, 2565, 115 L.Ed. 2d. 640 (1991) [pgs. 3, sec. 1 / pg. #5(a), sec. 3]

*Gagman v. Scarpelli*, 411 U.S. 712, 722, 93 S.Ct. 1756, 1759-60 (1973) [pg. #5(b), sec. 6]

*Mr. Kune v. Lile*, 536 U.S. 24, 122 S.Ct. 2017, 153 L.Ed. 2d. 47 (2002) [pg. 4, sec. #1, 2]

*Moddy v. Duggett*, U.S. 429 U.S. 18, 50 L.Ed. 236, 99 S.Ct. 274 (1976) [pg. 5(c), sec. 7]

*Morrissey v. Brewer*, 408 U.S. 471 (1972) [pg. 5(c), sec. 6]

## STATUTES AND RULES:

I.C. 11-13-3-9(b)(c) in conjunction with [pg. 5(c), sec. 6]

OTHER Case No. 0:13-cv-811-RLY-DML [pg. #4, sec. 2]

|                            |                                 |
|----------------------------|---------------------------------|
| 1st Amend. to U.S. Const.  | pg. # i(a), sec. #5             |
| 5th Amend. to U.S. Const.  | pg. i, sec. #1 / pg. 3, sec. #2 |
| 6th Amend. to U.S. Const.  | pg. 3, sec. #2 / pg. 4, sec. #6 |
| 14th Amend. to U.S. Const. | pg. i(a), sec. #125 / pg. #3,   |
| sec. #2 /                  |                                 |

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 Courts of Appeals appears in 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 B to the petition and is

*unknown currently* ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the Indiana Appeals court appears at Appendix A to the petition and is

*unknown currently* ☐ 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 \_\_\_\_\_.

☐ 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 the Court is invoked under 28 U.S.C. §1254(1).

☒ For cases from the state courts:

The date on which the highest state court decided my case was June 23, 2020  
A copy of that decision appears at Appendix B-1-2 pgs.

☒ A timely petition for rehearing was thereafter denied on the following date: Aug 11, 2020, and a copy of the order denying rehearing appears at Appendix C-1-2 pgs.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Appendix No. A.

The jurisdiction of the Court is invoked under 28 U.S.C. §1257(a).

## [CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED]

1. Due to the Nature and Circumstances that led to myself as the Petitioner being awarded relief by way of Order For immediate release [See Forthcoming pgs. # 4 - 4(a), Sections: # 1-b]; in conjunction with [Forthcoming pgs. # 5 - 5(b)] that a Failure to consider violations of the U.S. Constitution will result in a Fundamental miscarriage of Justice - [Coleman V. Thompson, \_\_\_\_ U.S. \_\_\_\_ 116 S.Ct. 2546, 2565, 115 L.Ed. 2d. 640 (1991)] .

2. As the Petitioner, I had, and still have an invested liberty interest to retain relief [See Forthcoming pg. # 4, Sec. # 2] For which my arbitrary removal back to prison based upon the sole cause for which said relief [See above sec. # 1] is predicated, and compounded with the Fact that required due process preliminary hearing was not afforded in harmony with the U.S. Constitution's 5th, 6th and 14th Amendments; signals an infringement of the said Constitutional provisions.



## [STATEMENT OF THE CASE]

1. My current and ongoing unconstitutional detention is a "Hallmark Case" reflected as being unconstitutional in the U.S. Supreme Court's decision in [McKune V. Lile, 536 U.S. 24, 122 S.Ct. 2017, 153 LEd. 2d 47 (2002)].

2. From April of 2015 to September of 2017 I was sanctioned for alleged non-compliance to insomni/somni sex offender treatment program, which led to my filing independent Writ of Habeas Corpus and then subsequently being enjoined to pre-existing class action suit against said insomni/somni under [Case No. 1:13-cv-811-RHY-DML] in the U.S. District Court Southern District of Indiana. The Court ruled in favor of the class on Sept. 27, 2017... adopting above said [McKune V. Lile]. [See Appendix E: Appellant's Brief pg#31, sec. (xiii)].

3. Due to inherent circumstances leading to Order for my immediate release I anticipated "more" retaliation. [See Appendix E: Appellant's Brief pg # 15 secs. #1, 2 / pg #21 sec. #1 with each section's cited Vol. 11 A.A page and section references].  
pg 14.

4. Within Forty days of my release I was summoned to Parole District #3; detained until warrant was obtained; re-arrested upon the same premise for which my Order for immediate release prior to parole is predicated - [See Appendix E: Appellant's Brief pg #15 secs. #3 and #4 with cited Vol. II A.A. pgs. and sections].

5. I attempted to Exhaust Administrative remedies prior to Filing Court action. [See Appendix E: Appellant's Brief pgs. #15-16 secs. #5-11].

6. Any valid claim bearing Writ of Habeas, or it being treated otherwise should have been raised at the trial Court level "prior" to losing jurisdiction in this cause of action [See Appendix E: Appellant's Brief pg #16 last paragraph continued to top of pg #17 in conjunction with pg #19 secs. B-B(ii), C-C(i) with all inherent Vol. II A.A. pgs and sections] in order to afford [6<sup>th</sup> Amendment] challenge under U.S. Constitution. [See Appendix F: Petition To Transfer pgs. #3, secs. A, B, C with pg #9, secs. 1, 4, 6 / pg #11, secs. B-B(i) / pg #12, secs. C-d(i) with Affidavit In Support of Petition To Transfer: Secs. #1-#11]

## [REASONS FOR GRANTING THE PETITION]

1. There is/are already well established case precedent(s) evidencing that my current detention constitutes a loss/deprivation of my good/earned credit time is in essence deprivation of my liberty through extended incarceration in lieu of alleged non-compliance with insomm/somm sex offender program is in violation of the U.S. Constitution. [See previous page # 4, secs. # 1 and # 2]

2. I attempted to resolve administratively (in accord with Indiana Department of Correction policy) that my arbitrary remand back to prison is unsubstantiated and unconstitutional. Subsequently I was still denied access and warranted relief in the lower Court(s) despite providing verifiable and overt evidence, Facts and truth unrated supporting review and immediate relief [See Appendix E: Appellant's Brief pg #12, sec. # 2(A)].

3. I evidenced for the record various procedural and Constitutional defects induced by the Trial Court

Cont.

and the Respondent(s) [See Appendix E: Appellant's Brief pgs. # 12-13; Secs. B-U; in conjunction with pgs. #18 - beginning with Sec. A with inherent subsections all the way to pg. #20; sec. F with subsection]; evidencing that there exist no legal and constitutional standing to sustain validity to adverse Orders denying review and relief up to this point. Failure to consider violations of the U.S. Constitution will result in a fundamental miscarriage of Justice [Coleman V. Thompson - U.S. - 111 S.Ct. 2546, 2565, 115 L.Ed. 2d. 640 (1991)].

4 I even presented for the record the preponderance of evidence (still unfuted) that only "one" element was levered and utilized to revoke parole: Non-compliance with insomn/somn sex offender program; which was never substantiated in accord with Indiana Department of Correction-Pardole Board - in order to be valid under their policy. [See Appendix E: Appellant's Brief pgs. # 25-26, Sec. H with all subsections; with pg. # 27, Secs. (ii)(iii)].

5. I had presented the preponderance of evidence for the record, in accord with the "Indiana Supreme Court's" [own] legal precedent "adopted" under [Blakely v. Washington, 542 U.S. 296 301, 124 S.Ct. 2531, 159 LEd 2d 403 (2004)]: That under my current sentencing structure - Parole is unconstitutional. [See Appendix E: Appellant's Brief pg # 32, secs. J - J (i) / pg. 33, subsections: (ii)(iii) / pg. # 33-35, subsections: (iv)-(vi) / pg. # 35, sec. (a) with subsection: (vii);

A. in conjunction with the immediately above-mentioned - [pgs. # 36-37, subsection: (ix)] [pgs. # 37-39, secs. (a)-(c)] / [pgs. # 39-40, sec. (x)] / [pgs. # 40-41, secs. (a)-(c)] / [pgs. # 41-42, sec. (xi)] / [pgs. # 42-43, secs. (a)-(d)] / [pgs. 43-44, secs. (xii) and (a)].

6. In lieu of not being afforded preliminary hearing for alleged technical violation infringed upon my right to ward off arbitrary remand back to prison as outlined in - [Gagnon v. Scarpelli, 411 U.S. 778, 782, 93 S.Ct. 1756, 1759-60 (1973)]. Without probable cause being found/established at preliminary  
5 (b) Court.

any hearing (within ten days of arrest) then the parole charge is dismissed under [Morrissey V. Brewer, 408 U.S. 471 (1972)]; in conjunction with - [I.C. 11-13-3-9(b)(c)]; [See Appendix E: Appellant's Brief pg#29, secs. (vi), (ix)(x)];

7. Aforementioned [Sec. #6] evidences as an automatic forfeiture of my entitled right to good/earned credit time absent of criminal code violation. The government's brief in [Moody V. Daggett, U.S. 429 U.S. 18, 50 L.Ed. 2d 236, 99 S.Ct. 274 (1976)] signed by the solicitor General and the Assistant Attorney General for Criminal Division of the Department of Justice; argued that good/earned time credit could (only) be forfeited without a hearing if the parole was revoked for commission of a criminal offense; for which I was not indicted and found guilty of criminal code violation (outside of 2001 conviction for which parole is predicated).

8. Lastly: Upon Court Order for my immediate release [See aforementioned pg#4, Sec. #2] I successfully reintegrated back into community and family [See Appendix E: Appellant's Appendix Vol. II pg#17, Sec. C/pg #51, Sec. 13]; and survived Corona virus infection without medical help. And I will succeed even greater upon vindication and release again.

S(C)

## CONCLUSION

I, now seek to be vindicated through Petition For Writ of Certiorari to be granted in order to remedy my current and prolonged unconstitutional and wrongful detention facilitated by manifest injustice and suppression of material evidence; facts and truth overtly showing that my immediate release should have issued long ago at trial Court level.

Let the Court take Judicial and Ethical Notice that Justice is God's restitution for the faithful whom have endured unfair disadvantage and oppression at the cost of preserving inapplicable rules of technicality not afforded to all. For the most common enemy of universal liberty, equality and justice is irrationality enforced, via, the machinations of law. The truth needs no alibi. This Petition For Writ of Certiorari should be granted.

(signature)  
(printed)

Respectfully Submitted,  
Clinton Riley (True name)  
CLINTON RILEY (Legal name)

Date: Sept. 22, 2020.