

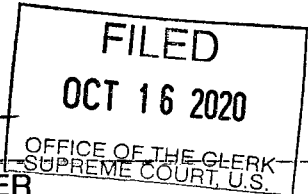
No! 20-6365

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

GREGORY D COSBY / CKA
GREGORY D COSBY — PETITIONER
(Your Name)



Bill R. Warden vs. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
10th CIRCUIT COURT OF APPEALS DENVER, Colorado
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

GREGORY D COSBY / CKA COSBY
(Your Name)

PO Box 8500 ADV
5580 STATE HWY 67 SOUTH
(Address)

Florence, Colorado
(City, State, Zip Code)

719-784-5484
(Phone Number)

QUESTION(S) PRESENTED

1) THE APPEAL COURT AND DISTRICT
COURT ERRED IN NOT GRANTING
AN EVIDENTIARY HEARING OR
SHOWCAUSE RESPONSE

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:

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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Al-Morris vs DAVIS 714 F 3d 1183 (IDITCIR)	5, 6
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Bradshaw vs Story 86 F3d 164 IDITCIR 1996	5
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US vs Garcia 78 F3d 457 69 IDITCIR 1994	
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STATUTES and RULES	
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OTHER

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 B to the petition and is

☐ reported at Denied 10/1/20 - attachment; 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☐ is unpublished.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 A to the petition and is

☐ reported at Denied 8/6/20 - attachment; 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☐ is unpublished.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 NA; 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 NA; 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 10/1/2020.

☒ 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: NA, 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 NA (date) on NA (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 NA.
A copy of that decision appears at Appendix NA.

☐ A timely petition for rehearing was thereafter denied on the following date: NA, 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 NA (date) on NA (date) in Application No. A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED. THE ISSUE OF THE HABEAS CORPUS dealing with ~~second~~ and ~~successive~~ petition. THE VIOLATION OF ORDER WHEN JUSTICE COURT FAIL TO GRANT AN HEARING, OR APPLIED THE CORRECT CASE AUTHORITY, ALLOWING THE PETITIONER TO FILE AN HABEAS ON THE ISSUE OF, § 3100.00 NOT BEING MENTIONED DURING A TRIAL, OR EVIDENCE BEING HEARD DURING POST-TRIAL CONVICTION. AND IN THE PROVISION OF 28 USC 2255 AND 28 USC 2241 HABEAS PETITION.

STATEMENT OF THE CASE

ARTHUR (BROOKS) CROSBY, is currently confined @ U.S. Penitentiary MAX @ Florence, Colo sentenced to a 262 MD's for 18 USC 213 (A) and 18 USC 1038 Conveying false information. The petition was filed in Dist Ct on June 11, 70 and denied by the dist ct on 8-6-70. A timely appeal was filed and that appeal was denied on 10/9/70 and this Perforam Review follows. The records can be reviewed and refer @ U.S. vs CROSBY ECF CMF- PCCCK SYSTEMS NO 1:20-DIGI-LTB-GAG and (10TH CIR 12-1288), respectively.

REASONS FOR GRANTING THE PETITION

1) THE TRIAL COURT ERRED IN NOT GRANTING AN EVIDENTIARY HEARING OR SHOW CAUSE RESPONSE. IN THIS APPEAL THE PETITION CONSIST OF THE FACTS OF THE ORIGINAL DISTRICT COURT FILES, ON 7-14-70. THE PETITIONER HAD FILED A 28 USC 2241 HABEAS IN HIS ORIGINAL DIST COURT OF KANSAS, WHICH WAS LATER DENIED ON 7-14-70 SEE EEFCME AK 198 ORDER. ALSO SEE LOCAL STAN VS BOOK 4 86 F3D @ 1164, 1166 10TH CIR 1996. ALSO SEE POST VS ANDERSON 638 F3D @ (578 10TH CIR 2011), QUOTING COLBERT VS US 690 F3D @ 1293 (10TH CIR 2011, CERT DENIED.

THE REASON FOR THIS PETITION TO BE GRANTED, IT IS WELL SETTLED-WHEN REVIEWING THE DENIAL OF A HABEAS PETITION. UNDER 2241, WE REVIEW THE DISTRICT LEGAL CONCLUSIONS DENIED AND ACCEPT IT FACTUAL FINDINGS. UNLESS CLEARLY ERRONEOUS "HARRIS VS FOX 829 F3D @ 1162 (10TH CIR 2016), QUOTING AL-MARRI VS DAVIS 714 F3D @ 1183, 1186 10TH CIR 2013). ALSO SEE ENGLE VS ISSAC 456 US 107. QUOTING STRICKLAND VS WASHINGTON 466,

REASON FOR GRANTING PETITION Cont'd

406 U.S. 668 (1983.) The law has been established well in U.S. vs Okino 507 US 725 123 LEd2d 508. In order to satisfy the plain test of plain error in most cases the error must have been prejudicial. It may have affected the outcome of the district court proceeding. 507 US @ 734. The Court, however, carved out an exception to this general rule. It stated that there may be a special category or for federal error i.e. structural error. These can be corrected regardless of their effect on outcome. Id @ 735. A structural error explaining in a defect affecting the framework within which trial proceed rather than a simple error. See ARIZONA vs GUDMUND 113 LEd2d 302, QUOTING RUFF VS CLARK 478 US 510-78. SEE ALSO: NORTON VS U.S. 527 US 1 U.S. vs GARCIA 78 Fed @ 1457-64 (9th Cir 1996). Here both court will look into this provision and not correcting into error. SEE list of files @ 125 US vs CROSBY 179-40049-KHV-Q1 list of Kansas. Here all of the petitioner's constitutional rights were violated per Lopez vs Gamley 500 U.S. 619, 637, 113 SCT 1793 and QUOTING BRECHT VS ABRAHAMSON 507 U.S. 619, 637. (1993). And this Court should review for error.

wherefore, based upon the foregoing
argument the petitioner prays that
the court review this (certiorari)
or vacated the Court of Appeal
Court decision and Order that a
Habeas Petition be allowed or Grant
A Evidentiary hearing on this
matter at hand or Grant any
other relief it deem just and
proper.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date:


Vencel 10/9/2020