

20-6404

No.

20-1037

ORIGINAL

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IN THE

FILED

SEP 04 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

Clerk, Supreme Court of the United States
Washington, D.C. 20543

Henry T. Liggins — PETITIONER
(Your Name)

R. VASHTAS, Warden and Circuit Judge Sutton
And Solicitor General — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Sixth
Circuit 100 East Fifth Street Room 540 Potter
Stewart U.S. Courthouse Cincinnati OH 45202-3988
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Henry T. Liggins

(Your Name)

OAKS Corrections Facility 1300
Caberface Hwy Manistee, Michigan 49660

(Address)

Manistee, Michigan 49660

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

2 of 12
WAS Circuit Judge Sutton, Denying
petitioner, LIGGINS, HABEAS CORPUS,
upon Court Order, Dated, April, 29, 2020
of 4 pages, from the United States Court
of Appeal, for the Sixth Circuit 100 East
Fifth Street Room, 540 Potter, Stewart
U.S. Courthouse, Cincinnati, Ohio,
43202-3988, WAS void, And Abuse, of
Discretion, Because pursuant to petitioner
LIGGINS, Question statement one,
Does proof of Evidence, Attached,
of Warrant, Felony Fourth HABITUAL
notice, Dated 3-2-1996, of 2 pages,
SHOW PROOF, of Evidence, on the
face of each page 1 and 2 of there
WAS A FAILURE of Court prosecutor,
of 36th District Recorder's Court,
Wayne County, Detroit, Michigan
48226, To CHARGE An offense
5 to 15 years CRIMINAL,

Questions presented,
Sexual Conduct Sexual Contact, of
Fourth, Degree, And Second Degree,
M.C.L. 750.520 CIA, CRIMINAL Sexual
Conduct, Sexual Contact, Essential
Element, of personal injury, was
Absent And never CHARGE Against
petitioner, And was Absent, of Essent.
IAL Element, of Force or Coercion,
And was never CHARGE, Against, peti-
tioner, And was never File Against,
petitioner, Henry T. LIGGINS, of, Infor-
mation Felony, Complaint Felony And
WARRANT felony, Fourth HABITUAL Notice,
Dated, 3-2-1996, of 2 pages, was void,
And fundamental jurisdiction, was
Lacking And was without Subject
matter, jurisdiction, Because, petitioner,
Henry T. LIGGINS, Guilty, plea, of
Second. Degree, CRIMINAL Sexual
Conduct, Sexual Contact, M.C.L. 750.
520 CIA, VACATED, pursuant to 5 to 15
years, Fourth HABITUAL offender,

PAGE 3 OF 3
ATTACHED

Questions presented
M.C.L. 769.13 could not be conferred,
By consent, and Estoppel, Because,
No crime, never exist, of
Judgment of conviction and sentence,
✓ commitment to Michigan Department
of Corrections, Dated, March 7, 1997,
of one page,
petitioner, Address is Henry T. Liggins
147829, Oaks Correctional Facility
1500 Caberfue, Hwy
Manistee, Michigan 49660

Dated 11-3-2020 Respectfully
28 U.S.C. 1746 Henry T. Liggins 147829
under penalty of perjury, the statements
are true upon information and belief,

LIST OF PARTIES

yes

☒ 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:

RELATED CASES

1. WATFORD V. STATE 237 Ind. 10. 1957
Lesser include offense, necessarily
include in the Greater offense,
it is impossible to commit the
Greater offense, without first
having committed the Lesser offense,
Because, if a party is charged, with a
Given crime, he can not be convicted,
of another, crime, of Lesser magnitude,
unless, a conviction of the crime charged,
necessary proof of all the essential
elements, of the Lesser, offense, together
with the added element which makes
the difference, in the two offenses,

100

100

100

100

100

100

100

100

100

100

100

100

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	page 8	
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INDEX TO APPENDICES

APPENDIX A united states court of Appeals six circuit

APPENDIX B united states District Court,

APPENDIX C united states District Court And the
Finding And Recommendations of the
united states, magistrate judge,

APPENDIX D Denied Recommendation

APPENDIX E united states court of Appeals six circuit
Denied, A timely filed, petition, upon
court order April 29, 2020 4 pages

APPENDIX F OF HABEAS CORPUS
petitioner is seeking Review of A Decision
court order, dated, April, 29, 2020 of 4
pages, of HABEAS CORPUS case, Decision, from
circuit judge, Sutton, of united states court,
of Appeals sixth circuit, Cincinnati,
Ohio, 45222-3988, that was pursuant
to Reference, to A state court Decision,
of petitioner, conviction And Sentence,
Judgment of commitment to the circuit court May 26, 1998

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. WATFORD V. STATE 237 Ind 10, 1957 10
2. STATE V. GRAY 435 SO. 2d 816 FLA 1983 816
3. BATEY V. STATE 753 SO. 593 593, ALA, CRIM, APP 1999
THE JUDGMENT WAS REVERSED AND REMANDED.

STATUTES AND RULES

information sufficiently non-statutory Element, necessity under the Sixth Amendment, CON ST. ART 1, 22 Amend 10 And CRR 21B, information, indictment And CRIMINAL Complaint, must include, the ESSENTIAL Elements, AS WELL AS STATUTORY Elements, OF THE CRIME, CHARGE, in order, to APPRISE THE ACCUSED, OF THE NATURE OF THE CHARGE, SO THAT THE ACCUSED CAN PREPARE AN ADEQUATE DEFENSE.

OTHER
upon ALL issues And Violations OF petitioner, WRIT OF CERTIORARI, Dated 11-3-2020 OF 12 petitioner state And federal RIGHTS OF FOURTH, FIFTH, SIXTH And Fourteenth Amendment, WAS DEPRIVED And VIOLATED, WITHOUT DUE PROCESS And WITHOUT PROCEDURE OF LAW.

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

yes

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is Court Order, Dated April 29, 2020 4 pages

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished. published Date unknown

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. published Date unknown

☐ 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 _____; 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 _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

yes

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was APRIL 29, 2020

☒ No petition for rehearing was timely filed in my case. *no Re Hearing petition was not file in united states court of Appeals*

☐ 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 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 _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied 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 this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

petitioner, State And Federal Rights of Fourteenth Amendment, was violated without Due Process And without procedure of Law,

And petitioner, State And Federal Rights of Fourth Amendment, Fifth Amendment And Sixth Amendment, were All violated without Due Process And without procedure of Law,

See in support, Sufficiently non-Statutory Element necessity, under the Sixth Amendment, Const, Art, 1 22, Amend. 10 And CRR 21B, information, indictment And criminal complaint must include the Essential Element, as well as Statutory Element of the crime, charge, in order to apprise the accused of the nature of the charge, so that the accused can prepare an adequate defense,

Constitute fundamental error

STATEMENT OF THE CASE

Circuit Judge Sutton, Court Order Dated April 29, 2020, of 4 page, was void and abuse of discretion, on the grounds, of petitioner Liggins, needs, to offer newly discovered, evidence, to support, petitioner, assertion, ~~that~~ petitioner, is actually innocent, was void, and abuse of discretion, because, petitioner, issues and violations, of there was a failure, of court prosecutor, to charge an offense, of second degree, and fourth degree, m.c.L. 750.520 CIA, Criminal Sexual Conduct, Sexual Contact, of information, Felony, Complaint Felony, and Warrant Felony, Fourth Habitual Offender, Dated 3-2-1996, of 2 pages, was void and jurisdictional fundamental error, because, there was absent of essential element, of personal injury, and absent, of essential element, of force or coercion, and as a result, no crime, never exist, of second or fourth degree,

REASONS FOR GRANTING THE PETITION

petitioner, states, Reasons for Granting the petition, because, no crime never exist, of Fourth Degree, And Second Degree, M.C.L. 750.520 C/A Criminal Sexual Conduct Sexual Contact, is not waived and not BARR, because, proof of evidence, attached, of warrant felony fourth habitual notice dated 3-2-1996, of 2 pages, show, proof, of evidence on the face, of each page 1 and 2 of there was a failure of court prosecutor of 36th District Records, Court Wayne, County, Detroit, Michigan 48226, to charge an offense, of fourth Degree, And Second Degree, M.C.L. 750.520 C/A Criminal Sexual Conduct, Sexual Contact, Essential Element, of personal injury was absent, and never charge against petitioner, and was absent, of Essential Element, of force or coercion, and was never file against petitioner, Henry L. LIGGINS, of information felony, complaint felony and warrant

Felony Fourth Habitual notice, Dated
3-2-1996, of 2 pages, was void
fundamental jurisdiction was
lacking and was without subject matter
jurisdiction, because petitioner of 5 to 15
years, second degree, m.c.l. 7-5.20(a),
Criminal Sexual Conduct Sexual Contact,
vacated pursuant to 5 to 15 years, Fourth
Habitual offender, m.c.l. 7-69.13
of petitioner, guilty plea, could not
be conferred, by consent, and
estoppel, of judgment of conviction
and sentence dated March 7, 1997
constitute fundamental error

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Henry T. Giggins

Date: 11-3-2020