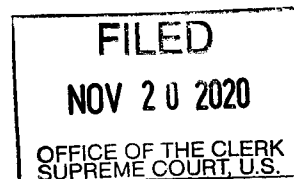


ORIGINAL

No. 20-6492



IN THE

SUPREME COURT OF THE UNITED STATES

CALVIN B. JAMES — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ELEVENTH CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CALVIN B. JAMES
(Your Name)

P.O. Box 1033
(Address)

COLEMAN, Florida 33521
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1.) HOW IS GOVERNMENT INDICTING BEFORE FIRST APPEARANCE OR PRE-INDICTMENT HEARING? AND NELECTING RULE 7(b) OF FED. R. CRIM. P RIGHT TO WAIVE?
- 2.) PROBABLE CAUSE MUST BE DETERMINED BEFORE ARREST, HOW ARE GRAND JURY INDICTING BEFORE PROBABLE CAUSE HEARING?
- 3.) HOW CAN GOVERNMENT CHARGE YOU WITH 18 U.S.C § 924(2)(2) "Knowingly" VIOLATING § 922(g)(1), WHEN GOVT. HAS TO "PROVE" KNOWINGLY? (I.E. KNOWINGLY TO POSSES THE KNOWLEDGE OR UNDERSTAND)
- 4.) 18 U.S.C § 922(g)(1) IS NOT POSS. OF FIREARM IN PARTICULAR SENSE, ONLY POSSESSION IN OR AFFECTING COMMERCE, HOW ARE THEY CONVICTING POSS. OF FIREARM WHEN NO SUCH EXACTNESS EXIST IN § 922(g) CLAUSE?, and HOW ARE THEY SENTENCING WHEN UNDER 18 U.S.C § 922 THERE IS NO TERM FOR IMPRISONMENT?
- 5.) HOW IS GOVERNMENT CONTENDING THAT THE SO CONTINENTAL STATES ARE SOVEREIGNS SEPERATED WHEN CONTESTING DOUBLE JEOPARDY CLAIMS?
- 6.) THE CONSTITUTION PROMOTES NO STIPULATION TO IT'S RIGHTS OR CLAUSES, WHY IS GOVERNMENT NOT APPLYING CONSTITUTION AS IT IS WRITTEN? (I.E. 4th AND 5th AMENOMENT)
- 7.) WHY DID GOVERNMENT NOT PROVIDE JURISDICTIONAL STATEMENT OR WARRANT FOR ARREST OR SEARCH AT TIME OF ARREST OR AT PRESENTMENT HEARING AS FED. R. CRIM. P AND U.S. CONSTITUTION STATES?
- 8.) HOW ARE GOVERNMENT PROVING THAT DEFENDANT KNEW OR KNOWS FIREARM OR AMMUNITION WAS OR HAS BEEN SHIPPED OR TRANSPORTED IN INTERSTATE OR FOREIGN COMMERCE?
- 9.) I AM CHALLENGING THAT AN ACT OF CONGRESS BE QUESTIONED UNDER 28 U.S.C § 2403(A). HOW ARE COURTS INDICTING UNDER 18 U.S.C § 922 AND SENTENCING WHEN THERE IS NO TERM OF IMPRISONMENT UNDER THE BILL/STATUTE IN IT'S SINGULAR FORM?

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:

RELATED CASES

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- 5.) MOLINA-MARTINEZ VS. UNITED STATES 136 S. CT 1338, 1343 (2016)
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- 1.) SUBCHAPTER VI SECTION § 23-59/ <REPEALED>
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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 _____ 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 _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was OCTOBER 14, 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: _____, 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

- 1.) 5th AMENDMENT U.S. CONST.; NO PERSON SHALL BE DEPRIVED OF LIFE, LIMB, OR PROPERTY WITHOUT "DUE PROCESS" OF LAW.
- 2.) 14th AMENDMENT U.S. CONST.; NO PERSON SHALL BE DENIED "EQUAL PROTECTION" FROM LAW.
- 3.) 4th AMENDMENT U.S. CONST.; THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, AND NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE.
- 4.) SUBCHAPTER VI § 23-591 BREAKING AND ENTERING UNDER CERTAIN CONDITIONS REPEALED
- 5.) THE CONSTITUTIONAL FRAMEWORK § 1.1.1; ANY LAWS, STATUTES, REGULATIONS, OR GOVERNMENT POLICIES IN "CONFLICT" WITH THE CONSTITUTION ARE UNENFORCEABLE.
- 6.) CONSTITUTIONAL § 513 LAW; RIGHT TO "DUE PROCESS" GAURANTEED.
- 7.) ARTICLE VI U.S. CONST.; THE CONST. AND LAWS OF THE UNITED STATES SHALL BE SUPREME LAW OF THE LAND, AND ALL EXECUTIVE AND JUDICIAL OFFICERS SHALL BE BOUND BY OATH OR AFFIRMATION TO SUPPORT THIS CONSTITUTIONS.
- 8.) 18 U.S.C § 922(g); "IT SHALL BE UNLAWFUL" FOR ANY PERSON WHO HAS CONVICTED OF A CRIME PUNISHABLE BY ONE YEAR "TO SHIP OR TRANSPORT, POSSESS IN OR AFFECTING ANY FIREARM WHICH HAS BEEN SHIPPED OR TRANSPORTED IN INTERSTATE OR FOREIGN COMMERCE.
- 9.) 18 U.S.C § 924(a)(2); WHOEVER "KNOWINGLY" VIOLATES SUBSECTION (g) OF SECTION 922.
- 10.) D.C. C.A § 16-10-20 AND § 16-10-71; NO PERSON SHALL KNOWINGLY ALTER OR CREATE A DOCUMENT IN THIS COURT OR FILE IN THIS COURT OR ANY COURT OF THE UNITED STATES KNOWING SUCH HAS BEEN ALTERED.

STATEMENT OF THE CASE

ON MAY 12, 2018 I WAS ARRESTED IN SAVANNAH, GA BY LOCAL P.D. (SAVANNAH POLICE DEPT) AFTER A ILLEGAL SEARCH I WAS ARRESTED AND CHARGED WITH POSS. OF FIREARM THEN INDICTED IN STATE COURT ON CHARGES. (I SEE ACCUSATION #SPCR18-018 52-J5)). ON SEPTEMBER 9, 2018 I WAS INDICTED BY FEDERAL OFFICIALS ON INDICTMENT #CR418-205 for Violating 18 U.S.C §922(g) POSS. OF A FIREARM BY PROHIBITED PERSON. FOR THE SAME FIREARM THAT WAS USED TO INDICT ME IN STATE COURT. (BRYCO JENNINGS 9mm) I CONTESTED THAT THIS SUBSEQUENT INDICTMENT BY FEDERAL PUTS ME IN POSITION TO BE "DOUBLE JEOPARDIZED" AS THE 5TH AMENDMENT OF US CONSTITUTION PROHIBITS, and UNIFORM PROBATE COURT RULE 15.1 (4) WHERE COURT WHERE CASE WAS FIRST FILED SHALL TAKE PRECEDENCE TRIAL OR APPEALATE FEDERAL OR STATE BEING THAT THE FIREARM CHARGE WAS FIRST FILED IN STATE COURT. FEDERAL OFFICIALS (MARSHALS) SUBPONA ME (PROSEQUENDUM) TO MAKE MY FIRST APPEARANCE (PRESENTMENT) HEARING. COURTS WERE TO ADVISE ME OF ANY RIGHT TO PRELIMINARY HEARING AND PRE-INDICTMENT HEARING PER "UNIFORM MAGISTRATE COURT RULE 25 and FED. R. CRIM. P. 5(d), 58(b)(2) COURTS DIDN'T ADVISE ME OF RIGHTS NEITHER HELD THESE HEARINGS AS I WAS INDICTED BEFORE PRESENTMENT, THIS ERROR ALSO NEGLECTS MY RIGHT TO "DUE PROCESS" AS 5TH AND 14TH AMENDMENT STRINGENTLY PROPOSES. U.S. DISTRICT COURT/NEITHER STATE COURT PROVIDED A WARRANT FOR ARREST OR SEARCH AS FED. R. CRIM. P. 4(c)(3), 9(b)(1) and (c), and 4(d)(1), 9(a) WHICH ALSO NEGLECTS MY 5TH AMENDMENT "DUE PROCESS" COURTS SHOULD ALSO NOTE THAT OFFICERS BROKE INTO SOMEONE PROPERTY OR GAINED UNLAWFUL ENTRY TO GET CONTRABAND THAT GOVERNMENT CHARGED ME WITH BODY WEAR CAMERA INTRODUCED AS EVIDENCE AT TRIAL SHOWS THEIR UNLAWFUL ENTRY. SUBCHAPTER VI §23-391 BREAKING AND ENTER UNDER CERTAIN CONDITIONS WAS REPEATED MAKING THE OFFICERS SEARCH UNJUSTIFIABLE AND THE FRUITS THEREOF ILLEGAL BEING THAT THE PROPERTY WAS PRIVATE AND MULTIPLE TENETS HAD ACCESS TO GATED ENTRY NEGLECTS THE "EQUAL ACCESS" RULE OF CRIMINAL LAW.

ON JANUARY 31, 2019 THIS CASE WENT TO TRIAL IN U.S. DIST. COURT IN SAVANNAH, GA (SEE CASE #CR418-205) FOR VIOLATING 18 U.S.C §922(g) I CALVIN JAMES (PETITIONER) WAS CONVICTED BY A JURY FOR VIOLATION OF §922(g)(1) AND SENTENCED TO 120 MONTHS IMPRISONMENT. U.S. DISTRICT

STATEMENT OF CASE

COURT NEVER PROVIDED A JURISDICTIONAL STATEMENT AS RULE 14(g)(11) OF THIS COURT ASKS. I WAS SENTENCED IN U.S. DISTRICT COURT OF SAVANNAH, GA ON APRIL 8, 2019 AND FILED A TIMELY APPEAL.

IN JUNE OF 2020 MY BRIEF WAS DUE IN ELEVENTH CIRCUIT COURT OF APPEALS (1 APPEAL #19-11549) WHERE I RAISED ALL ISSUES AS "DE NOVO AND FOR PLAIN ERROR REVIEW." THE ISSUES RAISED IN APPEAL STEMMED FROM 4TH, 5TH, 14TH AMENDMENT VIOLATIONS FOR NO WARRANT FOR ARREST OR SEARCH IN VIOLATION OF "DUE PROCESS" CLAUSE, AND FED. R. CRIM. P. 4(e), (c)(3), 9(b)(1) and (c), and 4(d)(ii), AND SUBCHAPTER VI § 23-591 (REPEALED) FOR UNLAWFUL ENTRY INTO PRIVATE PROPERTY. I ARGUED OFFICERS HAD NO "PROBABLE CAUSE" FOR ARREST AS FED. R. CRIM. P. 4(e) STATES AND 4TH AMEND. OF U.S. CONSTITUTION.

SECOND, I ARGUED THAT THIS CASE WAS IN STATE COURT AND THAT FEES, U.S. DIST. COURT OF SAVANNAH, GA AT CONCURRENT MOMENTS WHICH PUT ME IN JEOPARDY OF BEING PROSECUTED TWICE FOR THE SAME OFFENSE AS 5TH AMENDMENT OF U.S. CONST PROHIBITS.

THIRD I ARGUED GOVERNMENT EVIDENCE WAS "INSUFFICIENT" TO CONVICT ME UNDER 18 U.S.C § 922(g). GOVERNMENT "MUST PROVE" I "KNOWINGLY" VIOLATED THIS SUBSECTION ALSO SEE

STATEMENT OF THE CASE

SUPREME COURT decision IN *KREHAF VS. UNITED STATES* 139 S. CT 2191, 2194 (2019)). COURT "MUST PROVE" ALL ELEMENTS OF 18 U.S.C § 922(g) OFFENSE GOVERNMENT DIDN'T, NEITHER did they INFORM ALL ELEMENTS NELECTING MY 5th Amend. "DUE PROCESS" and 14th Amend. "EQUAL PROTECTION" CLAUSE.

I also Contested that Government Indictment was Fatal (D.C.G.A § 13-15 THE Indictment must state the CHARGE TO PARTICULARS WHERE A CRIME CAN BE COMMITTED MORE THAN ONE WAY. I.E; POSS. ACTUAL, CONSTRUCTIVE, JOINT & SOLE) Indictment didn't READ SEE Indictment# CR418-205.

OTHER MISCELLANEOUS ISSUES RAISED WERE JOINT. did not uphold its oath to support Constitution (ARTICLE VI OF U.S. CONST) PROPOSES PROHIBITIONS FOR OFFICIALS TO OVERLOOK THESE STEIN OF VIOLATIONS, and JOINT. ALTERED MY JUDGEMENT BY PUTTING 18 U.S.C § 924(e)(2) ON IT BUT MY INDICTMENT ONLY READ 18 U.S.C § 922(g) THIS MISCELLANEOUS ISSUE HOWEVER THE COURT MAY PERCEIVE VIOLATES D.C.G.A § 16-10-20 and § 16-10-71 and is A FELONY OFFENSE.

THIS COURT HAS JURISDICTION TO THIS MATTER TO REVIEW THE ORDER ENTERED BY ELEVENTH CIRCUIT COURT OF APPEALS ON OCTOBER 14, 2020 "APPEAL# 1911549"

REASONS FOR GRANTING THE PETITION

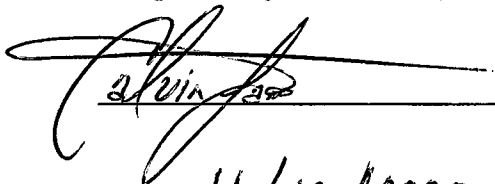
- 1.) 18 U.S.C § 922(g) INDICTMENTS ARE FATAL, IT'S EXACT ELEMENTS DONT STATE POSS. OF FIREARM BY PROHIBITED PERSON, ONLY UNLAWFUL POSS. EFFECTING COMMERCE AND "§ 922 (g) HAS NO TERM OF IMPRISONMENT," BUT I WAS CONVICTED AND SENTENCED FOR VIOLATING 18 U.S.C § 922 (g)(1) BEING THAT WAS ONLY CHARGE ON MY INDICTMENT, (I SEE INDICTMENT #CR418-205))
- 2.) ELEVENTH CIRCUIT COURT OF APPEALS HAS ENTERED A DECISION IN CONFLICT WITH DECISION OF U.S. SUPREME COURT (I SEE REHAIF VS. UNITED STATES 139 S. CT 2191, 2194 (2019)). AND CALL FOR THE COURTS SUPERVISORY POWER "PER RULE 10 OF THIS COURT." COURTS "MUST PROVE" KNOWINGLY AND ALL ELEMENTS OF 18 U.S.C § 922 (g) OFFENSE.
- 3.) COURTS DID NOT ISSUE A WARRANT FOR ARREST OR SEARCH, NEGLECTING MY 5TH AND 14TH AMENDMENT "DUE PROCESS" AND FED. R. CRIM. P. 4(c)(3)(A), 9(a), and 4(d)(1) and BY NOT INFORMING ME OF MY RIGHT TO A PRELIMINARY HEARING VIOLATES MY 5TH AND 14TH AMEND. "DUE PROCESS" AND UNIFORM MAGISTRATE COURT RULE 25. COURTS HAVE DEPARTED SO FAR FROM COURSE OF JUDICIAL PROCEEDINGS AS TO CALL FOR AN EXERCISE OF COURTS SUPERVISORY POWER "PER RULE 10 OF THIS COURT."
- 4.) JUDGES ARE UNDER OATH TO SUPPORT CONSTITUTION, LAWS, AND TREATIES OF UNITED STATES "PER ARTICLE VI OF U.S. CONST. COURTS HAVE NEGLECTED A SUBSTANTIAL AMOUNT OF RIGHTS and MADE LAWS PERSPECTIVE SEEM CONTROVERSIAL and NOT TO MAINTAIN FAIRNESS, INTEGRITY, and PUBLIC REPUTATION OF JUDICIAL BRANCH.
- 5.) § 23-591 BREAKING AND ENTERING UNDER CERTAIN CONDITIONS WAS REPEALED. BODY WEAR CAMERA INTRODUCED AS EVIDENCE SHOWS OFFICERS BREAKING IN PROPERTY TO GAIN CONTRABAND AFTER AN "ILLEGAL SEARCH" AND CHARGED AND CONVICTED WITH THE FRUITS THEREOF. TO GAIN AN UNLAWFUL ARREST AND CONVICTION. (I SEE SUBCHAPTER VI SECTION § 23-591 <REPEALED>)).
- 6.) COURTS ONLY INDICTED ME ON and CONVICTED ME ON 18 U.S.C § 922 (g) WHICH THE STATUTE ITSELF HAS NO TERM FOR IMPRISONMENT. MAKING MY CONVICTION AND SENTENCING CRIMINAL AND UNCONSTITUTIONAL. THEN COURTS PUT 18 U.S.C § 924(A)(2) ON MY JUDGMENT BUT MY INDICTMENT ONLY READS 18 U.S.C § 922 (g), SHOWING THAT COURTS INTENT IS OPPRESSIVE AND THEIR PROSECUTION MALICIOUS, AND COURTS DID NOT PROVE "KNOWINGLY" AS STATUTES ELEMENTS "MUST PROVE."

PETITIONER ASKS TO BE "RELEASED
FROM CUSTODY."

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 11/18/2020