

20-6564
No. _____

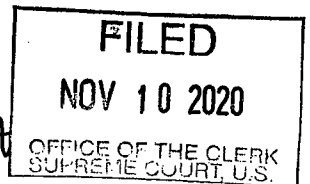
IN THE
SUPREME COURT OF THE UNITED STATES

Eric B. Scott — PETITIONER
(Your Name)

vs.

ARTIS SINGLETON — RESPONDENT(S)
WARDEN.

ON PETITION FOR A WRIT OF CERTIORARI TO
SUPREME COURT OF GEORGIA



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

PETITION FOR WRIT OF CERTIORARI

ERIC BERNARD SCOTT
(Your Name)

WILCOX S.P., P.O. BOX 3917
(Address)

ABBEVILLE, GA. 31001
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED)

1. DID GEORGIA SUPREME COURT ABUSED ITS DISCRETION BY FAILING TO RULE THE SUPERIOR COURT OF WILCOX COUNTY WAS WITHOUT SUBJECT MATTER JURISDICTION TO ENTERTAIN AN UNTIMELY MOTION TO DISMISS A HABEAS CORPUS PETITION?
2. DID GEORGIA SUPREME COURT UNELABORATED ORDER RESTED ON ADEQUATE AND INDEPENDENT STATE LAW GROUNDS?
3. DID GEORGIA SUPREME COURT ABUSED ITS DISCRETION BY FAILING TO RULE THAT THE PETITIONER COULD NOT HAVE FILED HIS HABEAS PETITION BEFORE JULY 1, 2008, SINCE PETITIONER WAS NEVER INFORMED OF THE PERIOD OF LIMITATION DURING SENTENCING.

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:

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	SUPREME COURT OF GEORGIA
APPENDIX B	SUPERIOR COURT OF WILCOX COUNTY, (GA)
APPENDIX C	ORDER OF STATE COURT DENYING RECONSIDERATION
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. HERRINGTON V. STATE 265 GA. APP. 454, 594 S.E. 2d 682 (2004).
2. FOSTER V. CHAPMAN, 136 S. Ct. 1737, 195 L. Ed. 2d 1 (2016).
3. ABRAMS V. LAUGHLIN, 304 GA. 34; 816 S.E. 2d 26 (2018).

STATUTES AND RULES

1. GA. CODE ANN. § 9-12-16 (2016).
THERE ARE NO RULES.
2. 28 U.S.C. § 1257 (A).
GA. SUPREME COURT RULE 36.
3. GA. CODE ANN. § 9-14-42 (d)
THERE ARE NO RULES.

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 _____ 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 A 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 Wilcox County Superior court appears at Appendix B 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 _____.

☐ 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 6/16/20.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: JULY 15, 2020, and a copy of the order denying rehearing appears at Appendix B.

☐ 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. GA. CONST. ARTICLE 1; GA. L. 1974, P. 1138, § 1.
2. U.S. C.S., CONST. AMENDMENT 14; GA. L. JUNE 27, 1966, P. L. 100-352, § 3, 102 STAT. 662.
3. GA. CONST. ARTICLE 2; GA. L. 1982, P. 786, § 3.

STATEMENT OF THE CASE

ON DECEMBER 20, 2018, PETITIONER ERIC SCOTT FILED A PRO SE APPLICATION FOR A WRIT OF HABEAS CORPUS IN THE SUPERIOR COURT OF WILCOX COUNTY CHALLENGING HIS CRIMINAL CONVICTION FROM CHATHAM COUNTY SUPERIOR COURT.

ON MARCH 28, 2019, PETITIONER FILED A MOTION TO AMEND HIS HABEAS CORPUS PETITION. ON APRIL 1, 2019, RESPONDENT FILED A MOTION TO DISMISS THE PETITION AS UNTIMELY OR SUCCESSIVE. ON APRIL 26, 2019, PETITIONER FILED A TRAVERSE TO RESPONDENT'S RETURN AND ANSWER AND MOTION TO DISMISS. ON AUGUST 8, 2019, A HEARING WAS HELD AND THE COURT CONCLUDED THAT BOTH ARGUMENTS WILL BE CONSIDERED. HAB. TRANSCRIPT PG. 12, PARA. 3.

ON AUGUST 22, 2019, PETITIONER FILED A MOTION TO AMEND HIS TRAVERSE IN WHICH THE COURT DID NOT RULE ON OR MADE PART OF THIS RECORD ON APPEAL. SEE COPY OF FINAL ORDER. HOWEVER, IF THE COURT WOULD HAVE CONSIDERED PETITIONER AMENDED TRAVERSE THE OUTCOME OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT. INSTEAD, THE COURT ENTERED AN ORDER GRANTING RESPONDENT'S MOTION TO DISMISS THE PETITION AS UNTIMELY ON OCTOBER 28, 2019.

STATEMENT OF CASE (Cont'd)

ON NOVEMBER 26, 2019, PETITIONER FILED A CERTIFICATE OF PROBABLE CAUSE TO APPEAL TO GEORGIA SUPREME COURT WHICH WAS DENIED ON JUNE 16, 2020. PETITIONER THEN FILED A MOTION FOR RECONSIDERATION ON JUNE 23, 2020, WHICH WAS DENIED ON JULY 15, 2020.

ON APPEAL TO THIS COURT, PETITIONER ASSERTS GEORGIA SUPREME COURT ABUSED ITS DISCRETION BY FAILING TO RULE THE SUPERIOR COURT OF WILCOX COUNTY WAS WITHOUT SUBJECT MATTER JURISDICTION TO ENTERTAIN AN UNTIMELY MOTION TO DISMISS A HABEAS CORPUS PETITION.

CONCLUSION

FOR THE REASONS STATED ABOVE, PETITIONER REQUEST FOR A CERTIFICATE OF PROBABLE CAUSE SHOULD HAVE BEEN GRANTED.

REASONS FOR GRANTING THE PETITION

THE REASON WHY THIS COURT SHOULD GRANT CERTIORARI BECAUSE GEORGIA SUPREME COURT HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH THE DECISION OF ANOTHER STATE COURT.

FOR EXAMPLE, GEORGIA SUPREME COURT HAS ENTERED A DECISION IN CONFLICT WITH MORRISON V. MORRISON, 212 GA. 48, 90 S.E. 2d 402 (1955), AND TROUP COUNTY BOARD OF COMMISSIONERS V. PUBLIC FIN. CORP., 109 GA. APP. 547, 136 S.E. 2d 509 (1964).

IN MORRISON, GEORGIA SUPREME COURT HELD THAT IF THE JUDGMENT OR RECORD SHOWED THAT THE COURT RENDERING THE JUDGMENT DID NOT HAVE JURISDICTION OF THE SUBJECT MATTER ANY PERSON WHOSE RIGHTS WOULD BE AFFECTED COULD AT ANY TIME MAKE THE OBJECTION.

IN TROUP COUNTY BOARD OF COMMISSIONERS, GEORGIA SUPREME COURT ALSO HELD THAT WHEN THE COURT OF APPEALS DISCOVER FROM THE RECORD THAT A JUDGMENT BROUGHT FOR IT IS VOID FOR ANY REASON, IT WILL OF ITS OWN MOTION REVERSE IT.

IN THE INSTANT CASE, THE RECORD SHOWS THE OBJECTION WAS MADE, BUT GEORGIA SUPREME COURT ON ITS OWN MOTION DID NOT REVERSE IT. SEE CERTIFICATE OF PROBABLE CAUSE, PG. 6.

REASONS FOR GRANTING THE PETITION

(CONT'D)

BECAUSE OF THIS, GEORGIA SUPREME COURT'S DECISION IS IN CONFLICT WITH THE DECISIONS OF ANOTHER APPELLATE COURT WHICH CALLS FOR THIS COURT'S DISCRETIONARY JURISDICTION.

ANOTHER REASON WHY THIS COURT SHOULD GRANT CERTIORARI BECAUSE PETITIONER COULD NOT HAVE FILED HIS HABEAS PETITION BEFORE JULY 1, 2008 BECAUSE HE WAS NEVER INFORMED OF THE PERIODS OF LIMITATION DURING SENTENCING. SEE O.C.G.A. § 9-14-42(d). SEE ALSO ABRAMS V. LAUGHLIN, 304 GA. 34; 816 S.E.2d 26 (2018).

IT IS OF NATIONAL IMPORTANCE OF HAVING THIS SUPREME COURT DECIDE THE QUESTIONS INVOLVED; THE IMPORTANCE OF THE CASE NOT ONLY TO ME, BUT TO OTHERS SIMILARLY SITUATED.

CONCLUSION

FOR THE REASONS STATED ABOVE THIS COURT SHOULD GRANT CERTIORARI.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ERIC BERNARD SCOTT

Date: NOVEMBER 4, 2020