

No. 20-7058

Supreme Court, U.S.  
FILED

JAN 27 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

DWAYNE WILSON — PETITIONER  
(Your Name)

vs.

ED SHELDON, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

DWAYNE WILSON, #A670252  
(Your Name)

2338 NORTH WEST STREET  
(Address)

LIMA - OHIO 45801  
(City, State, Zip Code)

(419) 224-8000  
(Phone Number)

## QUESTION(S) PRESENTED

- 1 Was it a "Miscarriage of Justice" and a violation of the "Clean Hand(s) Doctrine" when Petitioner orally moved the Court to dismiss charge(s) against him when he had filed his "Notice of Availability" paper(s), administratively and with the charging county's Clerk of Court(s), and served served notice on that County's Prosecutor's Office and trial court ignored?
- 2 Did trial court lack jurisdiction and thus prejudice Petitioner by placing him in "Double Jeopardy" when trial court dismissed Petitioner's oral motion without an evidentiary hearing, or finding(s) of fact(s), or conclusion(s) of law?
- 3 Did trial court violate Petitioner's right(s) to due process and equal treatment of law by not granting Petitioner's oral motion an evidentiary hearing?
- 4 When Petitioner ordered his attorney to file a Motion To Dismiss For Lack of Jurisdiction, under O.R.C. 2941.401, and his attorney did not, when trial court recognised Petitioner and allowed him to address the Court, was Petitioner then, Co-Counsel, was his oral motion attempt to address O.R.C. 2941.401, not just a dismissal of charge(s), but also a notification of trial court's "lack of jurisdiction", proper?
- 5 Does the Court(s) speak through their record(s), and if so, when numerous "Constitutional violation(s)" are included in those record(s) does the Petitioner, an In Pro Se litigant, have the right to an "in person, oral evidentiary hearing, not case law brief(s) argument filing(s)" to demonstrate

## QUESTION(S) PRESENTED

and prove those "Constitutional violation(s) actually occurred and prejudiced his right(s)?

- 6 When during closing argument(s) the Prosecutor gives the jury an explanation of a mental breakdown as to why a witness did not I.D. Petitioner as her attacker violate Petitioner's right(s) to due process and the "Compulsory, Confrontation Clause"?
- 7 When during the course of Petitioner's legal proceeding(s) and trial, was the following act(s) harmful cumulative error(s) that discriminated and prejudiced Petitioner's right(s) to due process and created a miscarriage of justice:  
Not allowing evidentiary hearing on O.R.C. 2941.401  
Allowing prosecution witness(es) to sit in on trial and listen to each other(s) testimonies  
Allowing prosecution witness to testify to jury about Petitioner even though that witness was warned before hand to exclude certain testimony?
- 8 Is it an infringement upon the Petitioner's right(s) to due process and access to the Court(s) when Ohio Department of Correction(s) enters into a contract for good(s) and service(s), wire and wireless /Wi-Fi, West Law, Lexis Nexis, and that service is continuously faulty, is the Petitioner entitled to extention(s) and or equitable tolling on time sensitive litigation?
- 9 When Petitioner promptly notifies prison official(s) about the wire and wireless system failure(s), West Law and Lexis Nexis, does notification of problem(s) and prison official(s) failure

## QUESTION(S) PRESENTED

§ 87(2)(b) to enforce service correction(s), combined with prison official(s) decision to remove the majority of federal and state case law in book form, when wire/wireless system was installed, violate the Petitioner's right to due process, "Access to the Court(s)"?

10. While housed at a security level 3 and 4 institution(s), movement by pass only, when Petitioner did not receive his legal law library pass(es) that he signed up for; was refused legal law library pass(es); had law library pass(es) continuously cancelled, thus denying Petitioner access to "legal service(s)", should Petitioner be granted extention(s) of time, or equitable tolling towards time sensitive legal response(s)?

11. Is it discrimination and a violation of due process against a group of inmate(s) that need access to the law library and it's service(s), when a Correctional Institution(s) continuously closes down the law library, for non security reason(s), but allow other area(s), service(s), gymnasium-recreation yard, open?

12. Was Petitioner, who was on the mental health caseload, and taking medication(s), discriminated against when he was forced to chose between taking his medication(s) and not being able to stay alert, rational, so that he could try and complete volume(s) of reading(s), numerous brief(s) and filing(s), all while fighting through kite(s), informal complaint(s), grievance(s), for non pass(es) and library closure(s)?

## 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:

ANNETTE CHAMBERS-SMITH, DIRECTOR O.D.C.

JOHN COLEMAN "et al" , WARDEN O.D.C.

CHARMANE BRACY "et al" , WARDEN O.D.C.

CHRIS LAMBERT , CHIEF INSP. O.D.C.

STATE OF OHIO "et al"

MR. DAVIS, DEP. WARDEN SPECIAL SERVICES, T.C.I.

MS. HENDERSON, DEP. WARDEN S. SERV., T.C.I.

MS. HUNSINGER, DEP. WARDEN S. SERV., MANS.C.I.

JOHN HAVILAND "et al" , WARDEN O.D.C.

MS. C. SMITH, DEP. WARDEN S. SERV., A.O.C.I.

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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 A to the petition and is

reported at WILSON v. SHELDON, 2020 U.S. APP. LEXIS 34462; 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 B to the petition and is

reported at WILSON v. COLEMAN, 2019 U.S. DIST. LEXIS 760/3; 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 C to the petition and is

reported at STATE v. WILSON, 2016 OHIO LEXIS 2367; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the LUCAS COUNTY COURT OF COMMON PLEAS - ST. HAB court appears at Appendix D to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
 is unpublished.

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 STATE COURTS: CIVIL

THE OPINION OF THE CUYAHOGA COUNTY COURT OF COMMON  
PLEAS - POST CONVICTION RELIEF

APPENDIX G; UNREPORTED

THE OPINION OF THE LUCAS COUNTY COURT OF COMMON  
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APPENDIX D; UNREPORTED

[ ] For cases from state courts:

The opinion of the CUYAHOGA COUNTY COURT OF EIGHTH APP. DIST.  
Appendix E to the petition and is

reported at STATE V. WILSON, 2016-0HIO-2718; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the CUYAHOGA COUNTY COURT OF COMMON PLEAS court  
appears at Appendix F 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: OCTOBER 30TH, 2020, 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 09-14-2016. A copy of that decision appears at Appendix C.

[ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix D.

[ ] 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

Procedural due process under the Fifth Amendment, U.S. Const.

Procedural due process under the First Amendment, U.S. Const.

Procedural Due process under the Fourteenth Amendment, Sec. 1, U.S. Const.

Procedural due process under the Sixth Amendment, U.S. Const.

Ohio Revised Code 2941.401

Ohio Revised Code 2953.21(C)

O.D.R.C. Admin. Rule(s) and Reg. 5120-9-04(A)(B)(E)(F)(1)(2)(3)(4)(5)  
5120-9-31

Miscarriage of Justice

Violation of Confrontation / Compulsory Clause

Double Jeopardy

Deny access to Court(s)

Lack Jurisdiction

Violation of Incrimidation

Harmful Cumulative Error(s)

## TABLE OF AUTHORITIES CITED

| CASES   | PAGE NUMBER |
|---|-------------|
| Haines v. Kerner, 404 U.S. 519  |             |
| Lewis v. <u>Casey</u> , 518 U.S. 343, 346                             |             |
| Bounds v. Smith, 430 U.S. 817, 820                                    |             |
| Knick v. Township of Scott, 2019 U.S. 4197                            |             |
| Gideon v. Wainwright, 372 U.S. 335                                    |             |
| McCoy v. Louisiana, 138 S.Ct. 1500                                    |             |
| McCarthy v. Madigan, 503 U.S. 140                                     |             |
| Disciplinary Counsel v. Cotton, 115 Ohio St. 3d 113                   |             |
| STATUTES AND RULES  |             |
| Ohio Revised Code 2941.401  |             |
| Ohio Revised Code 2953.21(C)  |             |
| Ohio Dept. Rehab. Rule(s) & Reg. 5120-9-04(A)(B)(E)(F)(1)(2)(3)(4)(5) |             |
| 5120-9-31   |             |
| OTHER   |             |

## STATEMENT OF THE CASE

Petitioner was tried and convicted in the Cuyahoga County Court of Common Pleas of seven count(s) of rape, and four count(s) of kidnapping, during a four day jury trial. Petitioner appealed to the Cuyahoga County Eighth District Court of Appeals, which affirmed the conviction(s).

Petitioner then filed an appeal to the Ohio Supreme Court which declined to hear his appeal.

Petitioner filed a timely Petition for Post Conviction Relief, his petition was denied without reason(s).

Petitioner then filed for an appeal with the United States Dist. Court's in Northern Ohio. While simultaneously filing a State Habeas Corpus Relief Petition in Lucas-County-Ohio. Petitioner's state hab. was denied and he continued with his federal hab. cor.

Petitioner's federal hab. cor. was dismissed by district court, only to be reinstated by Sixth Circuit Court of Appeals. Petitioner's Federal Hab. Cor. was eventually dismissed by both the U.S. Federal District Court as well as the Sixth Circuit for his failure to respond to Fed. Mag. recommendation(s). Petitioner then filed for reconsideration from the Sixth Circuit and was denied. Petitioner now files for Writ of Certiorari, timely, in the United States Supreme Court.

## REASONS FOR GRANTING THE PETITION

There is literally thousand(s) of inmate(s) in state prison(s), specifically the State of Ohio, that is being denied access to the court(s) in direct violation of clearly established state and federal law(s), caselaw(s), and even in the face of United States Supreme Court ruling(s).

I did not plead guilty, I was found guilty. With that being said " I have the right(s) to certain appeal(s)... Since those appeal right(s) are being violated I am not ignorant to think that I am the only one that these violation(s) are happening to"! I am confident that I have more than enough paper evidence to prove " every single violation that I am claiming, not only in this petition, but in every other petition that I have filed, in every court that I've filed in" Just because I could not argue case law to support what I am saying does not make what I am saying not true. The Court(s) speak through their record(s)... Most are stamped by the Clerk of Court, and or were turned over as discovery by Ohio Att. Gen. Office, so all of my document(s) can easily be authenticated.

I, we, the inmate(s) that are being denied due process need for someone to stand up for the law, for me, us. These people that are denying me, us, these basic right(s) are hoping and praying that the higher up's continue to turn their back(s) and allow them to do as they please. They know most of us are uneducated and even

the one(s) of us that have some college cannot equally read, comprehend and write out argumentative case law better than a law school graduate that has been practicing law for year(s). All I ever asked for from the lower Court(s) was an attorney, and when they turned me down, I asked for an in person evidentiary hearing to "show and explain what really went on".

Maybe I'm reading all of this wrong, but I quoted United States Supreme Court Case(s), I ask the Court to speak for me, us.

### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dwayne Wilson  
Dwayne Wilson, In Pro Se

Date: January 22nd, 2021