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Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

Corey D. Thomas — PETITIONER
(Your Name)

Secretary, D.O.C. Attorney General,
State of Florida — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals 11th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Corey D. Thomas #J22590
(Your Name)

N.R.C.I. P.O. Box 900
(Address)

Raiford, FL 32083
(City, State, Zip Code)

(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. ARE FEDERAL Courts Allowed to Interfere with PENDING State Court PROCEEDINGS?
2. Does Conviction and Sentences on all counts become the FINAL Judgment of Conviction for purposes of 28 U.S.C.S §2254 at the SAME time?

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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APPENDIX B U.S. Court of Appeals Denying Certificate of Appealability

APPENDIX C Sentencing Judgment Count one state's CASE DATE,

APPENDIX D Sentencing Judgment Count two state CASE DATE.

APPENDIX E

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
U.S. v. Dodson 291 F.3d 268 (4 th Cir)(2002)	5
ZACK v. TUCKER 704 F.3d 917 (11 th Cir 2013)	5
WALKER V. CROSBY 341 F.3d 1240 (11 th Cir 2003)	5

STATUTES AND RULES

28 U.S.C.S. §2244	4
28 U.S.C.S. §2254	

OTHER

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 10-16-2020.

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: 12-17-2020, 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. § 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

28 U.S.C.S. § 2244(d)(1)(A)

§ 2244(d)(1) A 1-year period limitation shall apply to an application for writ of habeas corpus by a person in custody pursuant to the judgment of a state court. The limitation period shall run from the latest of:

§ 2244(d)(1)(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time seeking such review

STATEMENT OF THE CASE

1. I WAS CHARGED WITH 2 COUNTS. COUNT ONE WAS TRAFFICKING IN ILLEGAL SUBSTANCE. COUNT TWO WAS FAILURE TO APPEAR. BOTH COUNTS ARE UNDER A SINGLE CASE NUMBER.
2. COUNT TWO'S FAILURE TO APPEAR AROSED FROM ME CALLING IN SICK ON THE THIRD DAY OF JURY TRIAL. I REMAINED ABSENCE THROUGHOUT THE APPEAL FOR COUNT ONE.
3. THE COURT CONTINUED TRIAL IN MY ABSENCE INCLUDING SENTENCING, AND I WAS ADJUDICATED GUILTY ON COUNT ONE.
4. COUNT TWO WAS STILL PENDING.
5. TRIAL COUNSEL FILED AN APPEAL ON COUNT ONE, BUT FAILED TO FILE AN AFFIDAVIT FOR INDIGENCY FOR THE RECORD TO BE TRANSCRIBE FOR APPEAL PURPOSE.
6. TRIAL COUNSEL INSTEAD FILED A MOTION FOR INDIGENCY.
7. TRIAL COURT DENIED THE MOTION STATING THAT UNTIL DEFENDANT IS RETURNED TO IT'S JURISDICTION AND FILE THE PROPER INDIGENCY AFFIDAVIT THE STATE IS NOT ALLOWED TO PAY FOR ANY COST.
8. MY DIRECT APPEAL WAS DISMISSED BY ORDER BECAUSE MY TRIAL COUNSEL FAILED TO RESPOND TO APPELLATE COURT'S ORDER TO FILE THE RECORD. APPEAL WAS THEN DISMISSED FOR FAILURE TO PROSECUTE ON 10-20-12.
9. 10-20-12 IS THE DATE THAT THE 11TH DISTRICT IS USING AS A START DATE FOR THE 1 YEAR LIMITATION UNDER AEDPA, BUT REMEMBER, COUNT TWO IS STILL PENDING.
10. THERE WAS ALSO AN AMENDED MOTION FOR COUNT ONE THAT WAS FILED AND GRANTED ON 6-30-2014 FOR INDIGENCY STATUS FOR THE FILING OF THE RECORD FOR COUNT ONE FOR APPEAL PURPOSES, THUS MAKING COUNT ONE NOT FINAL AS OF 10-20-12.
11. COUNT TWO CONVICTION AND SENTENCE WAS FINAL ON 6-30-14.
12. THE STATE APPELLATE COURT DENIED US A CHANCE TO REINSTATE THE APPEAL.
13. THE CASE AS A WHOLE WAS FINAL UNDER IT'S SINGLE CASE NUMBER UNTIL THE FINALITY OF COUNT TWO.
14. MY AEDPA START DATE SHOULD BEGIN 30 DAYS AFTER THE FINALITY OF APPEALING COUNT 2. 7-30-2014

REASONS FOR GRANTING THE PETITION

The District Court overlooked a factual matter that was presented to it, when determining if my Habeas Petition was timely or not. My case consisted of Two Counts, which resulted in Two different convictions and sentences, on Two separate dates, but Both counts under ONE case number. Count One was final on 10-20-2012 and Count Two was final on 7-30-2014. Thus, establishing Two separate dates to trigger the ONE year clock to file my FEDERAL HABEAS Petition.

The District court made an direct, obvious, and observable error by using the EARLIEST DATE, 10-20-2012, as the DATE to start the ONE YEAR AEDPA clock, contrary to Statute 2244(d) which provides a single statute of limitations, with a single filing date, to be applied to the application as a whole. The Statute also provides that this single deadline shall run from the LATEST of several possible triggering dates contained in 28 U.S.C.S §2244(a)-(d).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Corey D. Thomas

Date: 3-16-2021

CC: THE HARRIS COUNTY STATE ATTORNEY

The date on which the attorney signed and served a copy of this document upon the party:

1. THE STATE ATTORNEY FOR HARRIS COUNTY, TEXAS
2. THE HARRIS COUNTY CLERK

3. THE HARRIS COUNTY JUDGE
4. THE HARRIS COUNTY CLERK'S OFFICE
5. THE HARRIS COUNTY ATTORNEY'S OFFICE
6. THE HARRIS COUNTY JUDGE'S OFFICE

7. THE HARRIS COUNTY ATTORNEY'S OFFICE
8. THE HARRIS COUNTY CLERK'S OFFICE
9. THE HARRIS COUNTY JUDGE'S OFFICE