No. 20-7738

IN THE

SUPREME COURT OF THE UNITED STATES

ELMER W. GRANT Jr. — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

District of Columbia Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ELMER GRANT
Reg No: 10248-007
(Your Name)

United States Penitentiary Big-Sandy
(Address)
P.O.BOX 2068
INEZ,KY, 41224.
(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

I.) IS THE PRECEDENT SET IN GAITHER V. UNITED STATES, 413 F.2d 1061 (D.C Cir. 1969), WHEN IT WAS MADE CLEAR AFTER THAT ANY INDICTMENT WITH JUST THE FOREMAN SIGNATURE ALONE ISN'T VALID WITHOUT A OPEN COURT VOTE SHOWING ALL 12 JURORS DECIDED ON THE INDICTMENT ?

II.) IS THE JUDICIAL PRECEDENT RULES VOID IN 1997 WHEN IT STATES "CASES DECIDED BY THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT (AND ITS PREDECESSORS) PRIOR TO FEBRUARY 1, 1971; ARE PART OF THE CASE LAW OF THE DISTRICT OF COLUMBIA COURT OF APPEALS. NO DIVISION OF THE DISTRICT OF COLUMBIA COURT OF APPEALS WILL OVERRULE A PRIOR DECISION OF THAT COURT OR REFUSE TO FOLLOW A DECISION OF THE UNITED STATES COURT OF APPEALS RENDERED PRIOR TO FEBRUARY 1,1971, AND SUCH RESULT CAN ONLY BE ACOMPLISHED BY THE COURT EN BANC. WHY ISN'T THE COURT OF APPEALS APPLYING THIS STANDARD? "WHERE A DIVISION OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FAIL TO ADHERE TO EARLY CONTROLING AUTHORITY, THE COURT IS REQUIRED TO FOLLOW THE EARLIER DECISION RATHER THAN THE LATER ONE."

III.) IS CONSTITUTIONAL AMENDMENTS 5th AND 14th NOT APPLIED TO ME IN MY CRIMINAL PROCEEDINGS ?

IV.) IS JOHNSON V. ZERBST; 304 U.S 458, 58 S.Ct 1019, 82 L.Ed 1461 (1938) NOT CLEAR FOR LOWER COURTS TO FOLLOW ONCE JURISDICTION BECOMES VOID ?

V.) IS FEDERAL RULE OF CRIMINAL PROCEDURE 6(B)(1) NOT APPLIED TO CASES IN 1997 CRIMINAL COURTS WHICH STATES "RULE 6. THE GRAND JURY" AND SUBDIVISION (B)(1) CHALLENGES, EITHER THE GOVERNMENT OR A DEFENDANT MAY CHALLENGE THE GRAND JURY ON THE GROUND THAT IT WAS NOT LAWFULLY DRAWN, SUMMONED OR SELECTED AND MAY CHALLENGE AN INDIVIDUAL JUROR ON THE GROUND THAT THE JUROR IS NOT LEGALLY QUALIFIED, SUBDIVISION (B)(1) STATES "THAT DEFENDANTS HELD FOR ACTION OF THE GRAND JURY SHALL RECEIVE NOTICE OF THE TIME AND PLACE OF THE IMPANELING OF A GRAND JURY, OR THAT DEFENDANTS IN CUSTODY SHALL BE BROUGHT TO COURT TO ATTEND AT THE SELECTION OF THE GRAND JURY. SO THIS DOESN'T APPLY TO MY CASE ?

VI.) IS STOLL V. GOTTLIEB; 305 U.S 165, 59 S.Ct, 134, 83 L.Ed 104(1938) NOT TO BE FOLLOWED ONCE A VIOLATION OF DUE PROCESS IS SHOWN THAT IT WAS OBTAINED THROUGH FRAUD OR OBTAINED WITHOUT JURISDICTION, WHICH MAKES THE ORDER OR JUDGMENT VOID ?

VII.) IS ASHCROFT V. IQBAL; 556 U.S 662, 67, 129 S.Ct. 1937,1945, 173 L.Ed 2d 868 (2009) NOT PRECEDENCE WHEN IT STATES CLEARLY " COURTS OBLIGATION TO EXAMINE THEIR JUBJECT-MATTER JURISDICTION IS TRIGGERED WHENEVER THAT JURISDICTION IS FAIRLY IN DOUBT, THAT JURISDICTION MUST THEN BE PROVEN TO PROCEED ?

QUESTION(S) PRESENTED

VIII.) IS UNITED STATES V. COTTON; 535 U.S 625,630,122 S.Ct 1781, 152 L.Ed 2d 860(2002) NOT PRECEDENCE WHICH STATES " DEFECTS IN SUBJECT-MATTER JURISDICTION REQUIRE CORRECTION REGARDLESS OF WHETHER THE ERROR WAS RAISED IN COURT ", ONCE SHOWN THE DEFECT WHY WON'T THE CORRECTION BE GRANTED OR FOLLOWED BY LOWER COURTS ?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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:

Honorable Judge. Ronna Lee Beck, Superior Court.
Honorable Chief Judge. Blackburne-Rigsby, Appeals Court (en-banc)
Honorable Judge. Glickman Appeals Court (en-banc)
Honorable Judge. Thompson Appeals Court (en-banc)
Honorable Judge. Beckwith Appeals Court (en-banc)
Honorable Judge. Easterly Appeals Court (en-banc)
Honorable Judge. Deahl Appelas Court (en-banc)

RELATED CASES

Gaither v. United States; 413 F.2d 1061,1079,134 U.S App DC 154 (DC.Cir. 1969).

United States v. Cotton; 535 U.S 625,630,122 S.Ct 1781,152 L.Ed 2d 860 (2002).

TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER

STATUTES AND RULES

OTHER

Governments>Courts>Judicial Precendents

Govewrnments>Courts>Judicial Precendents

TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER

TABLE OF CONTENTS

INDEX TO APPENDICES

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.

[X] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[X] reported at IN RE: Elmer W. Grant Jr NO 19-CO-723; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished. See, March 26,2020 decision

The opinion of the (en-banc) Appeals court appears at Appendix _____ to the petition and is DENIED

[ ] reported at IN RE: Elmer W.Grant Jr NO 19-CO-723; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished. See, Sep 15, 2020 decision FEL3454-97.

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).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was March, 26, 2020. A copy of that decision appears at Appendix _____.

[X] A timely petition for rehearing was thereafter denied on the following date: September 15, 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 extention of time request was filed on 10-25-2020 to the Supreme Court However, as of 3-17-2021, no response from the Court has been received.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fifth Amendment (Pertinent Part)
"No person shall...Be deprived of life, liberty or property without due process of law", "Equal Protection of Law"

Fourthenth Amendment (Pertinent Part).
"No State shall make or enforce any law which shall abrige the privilages or immunities of citizens of the United States; Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the Equal protection of the Laws"

STATEMENT OF THE CASE

On April 23,1997,Elmer Grant Jr. was arrested and charged with First Degree Murder and associated charges in 1997-FEL-3454.An indictment on these charges was filed on October 27,1997,A jury trial was held in the criminal division of the District of Columbia Superior Court,the Honorable Harold Cushenberry associate judge presiding, between October 1,1998 and October 8,1998.Mr Grant was represented by initially by Jon Norris from the Public Defender's Service.At trial Mr.Grant was represented by Shawn Moore.At the conclusion of trial,Mr. Grant was found guilty on 9 counts.

On November 20, 1998, Judge Cushenberry sentenced Mr. Grant to 30 years to Life for first degree felony murder while armed and 15 years to life for second degree murder while armed (including a mandatory minimun sentence of 30 years and 5 years, respectively), annd ordered that these sentences run concurrently. The trial court further sentenced Mr. Grant to 20 to 60 months incarceration for conspiracy; 15 years to life for attempted armed robbery (including a 5 years mandatory minimun sentence), 5 to 15 years for each count of possession of a firearm during a crime of violence (including a 5 years mandatory minimun sentence for each count), and ordered such sentences to run concurrently with one another, 15 years to life for armed robbery (including a 5 years mandatory minimun sentence); 15 years to life for assault with intent to kill (including a 5 year mandatory minimun sentence), and 20 months to 5 year for carying a pistol without a license.

Represented by Mr. richard Stoker, Mr. Grant filed a motion for new trial pursuant to D.C Code 23§110 alleging ineffective assistance of counsel. On september 13, 2000, the trial court denied Mr.Grant's 23§110 motion. He appealed the denied od the motion, and his appeals were consolidated. On june 29, 2001, this Court affirmed his convictions except for the second-degree murder while armed and attempted robbery convictions which were vacated. This court rejected Mr. Grant's claims that the trial Court improperly admitted certain statements as an excited utterance and that there was insufficient evidence to warrant a conspiracy jury instruction. This Court also dismissed his 23§110 appeal as moot, (june 29,2001)

On December 2002, Mr. Grant pro-se, filed a motion for writ of Habeas Corpus, which he supplemented on July 21, 2003. The trial court construed these pleadings collectively as Mr.Grant's second 23§110 motion alleging ineffective assistance of counsel. The Court denied the motion as procedurally barred on September 3, 2003. On March 28,2013, Mr. Grant filed a Petition for Writ of Habias Corpus, again alleging claims of ineffective assistance of counsel, which the trial court construed as the Mr.Grant's third 23§110 motion. On April 22,2013, the trial Court again denied motion as procedurally barred.

On March 29,2016; Mr.Grant filed another motion seeking to reopen the trial court's judgment denying his previous 23§110 motion. In addition, he also motioned the trial Court to vacate his convictions under the Innocence Protection Act (IPA) D.C Code 22§4131, for the purposes of vacating the conviction by way of D.C code 22§4135, represented by Justin Okesie, On March 20th, 2017; the trial court, with associate judge Ronna Beck presiding, heard motions and evidence from both Mr.Grant and the United States on this issue. At the end of the hearing, the trial Court denied Mr.Grant's 23§110 motion and IPA motion.

On March 21, 2017 a timely Notice of Appeal was filed by Mr.Grant , On March 31, 2017. A COA order pointing David H. Reither as counsel for Mr.Grant.

On May 19,2018; Mr.Reither filed a motion to correct and reduce sentence on behalf of Mr.Grant. On October 16, 2018. The Court denied Mr.Grant's motion to correct and reduce sentence.

On December 27,2018. Mr.Grant filed a pro-se 23§110 motion; On April 9,2019, the Court denied Mr.Grant's 23§110 motion.

On July 31, 2019. Mr.Grant pro-se filed a motion to challenge the misdicti jurisdiction and, motion to Dismiss and, Motion to Reverse & Dismiss and, Motion to reverse & Dismiss Indictment for Fed.R.Crim.P Rule 6 for violations and lack of jurisdiction and, Motion to Dismiss pursuant to Rule 60(b)(6) and, Motion to Dismiss pursuant to Rule 6(b)(2) and Code § 11-1910 and, Motion for Immediate Release. On this same day, July 31,2019. The Court denioed Mr.Grant's motion to challenge the jurisdiction.

Appellant now appeal the decision made in the Superior Court of the District of Columbia Criminal Division, by Judge Ronna Lee Beck entered July 31,2019, On June 3,2020. Appellant filed a motion for Rehearing en-banc, and it was denied on September 15,2020.

STATEMENT OF THE CASE

It is appellants belief that Judge Ronna Lee Beck,abused her discretion when she denied his motion to challenge the jurisdiction and motion to vacate judgement andmotion to dismiss and,motion to reverse and dismiss indictment for Fed.R.Crim.P.6 Violations and Lack of Jurisdiction and Motion to Dismiss Pursuant Rule 60(b)(6) and Rule 6(b)(2) and Code 11-1910 and,Motion for Immediate Release, without examining the subject-matter jurisdiction. ASHCROFT V.IQBAL, 556 u.s.662,;129 S.CT.1937;173 L.ED.2D 868(2009).

Judge Ronna Lee Beck made"a clear error of judgement when she based herdecision on an error of law.The caselaw Judge Beck used to support her denial is an incorrect legal standard,a complete misapplication of law ,and do n ot apply to the issues within appelants Motion to Challenge Jurisdiction..(etc).see motion filed on 7-31-19.

Judge Ronna lee Beck cited UNITED STATES V. MECHANIK,475 U.S.66 (u.s.1986).In Mechanik,the argument was the jury verdict convicting criminal defendants held to render harmless any error in indictment caused by joint testimony of Grandjury witnesses allegedly violating Rule6(d) of Federal Rules of Criminal Procedure.

Rule 6 (d) is concerning issues evolving from:
1) While the Grand Jury is in session and
2) During deliberations and Votings.

In appellant's motion to challenge the jurisdiction there is nothing concerning joint testimony of Grand Jury witnesses, the Grand Jury in session, delibarations of votings.

In appellant's motion to challenge the subjec-matter jurisdiction appellant asserted that the sentencing Court destroyed its jurisdiction over the subject matter when appellant's 5th and 14th Amendments and Constitutional rights were violated.

These are the facts that support appellant's contentions:
1) Appellant was arrested on april 23, 1997 for case No: 1997 FEL-003454 and remains in custody.

2). Appellant was indicted on October 27,1997.

3). The 5th Amendment commands that persons be indicted by a Grand Jury before punishment and that no person shall be deprived of life, liberty, or property without deu process of law.

4). The 14th Amendment commands that no person shall be deprived of life, liberty, or property without due process of law.

5). Challenges to the array individual jurors, although rarely invoked in conection with the selection of Grand Juries, are nevertheless permitted in Court and are continued by this Rule. United States v. Gale, 109 U.S 65, 27 L.Ed 857, 3 S.Ct 1 (1883); Clawson v. United states; 114 U.S 477, 29 L.Ed 179, 5 S.Ct 949 (1885); Agnew v. United States; 165 U.S 36, 41 L.Ed 624, 17 S.Ct 235 (1897).

6). A defendant who has been held to answer in Court may challenge

the array of jurors on the ground that the Grand Jury was not selected, drawn or summoned in accordance with the lae, and may challenge an individual juror on the ground that the juror is not legally qualified.

7). Acording to the Federal Rules of criminal Procedures 6 (b)(1) subdivision (B)(1) it states "....or that defendants in custody shall be brough to Court to attend at the selection of the Grand Jury. This rule provides guiding law and the process threof.

8). Appellant, who was and still remains in custody was not brought to Court to attend at the selection of the grand jury, in violation of Due process of law.

9). Appellant was never brought to Court to attend at the selection of the Grand Jury, as guiding law supports, this whole selection process was eliminated from the preceedings, thus, denying appellant his constitutionally secured due process of law, therefore, all of the Grand Jurors whom sat in on appellant's case are legally disqualified, as the qualification process is among appellant's constitutional rights.

It's appellant's belief that when appellant was not brought to Court to attend the Grand Jury selection process, where he could challenge the Grand jurors, the Court's jurisdiction was destroyed, because this denied appellant his constitutional rights to due process of law.

It's also appellant's belief that any acts by Court after its jurisdiction has been destroyed are considered void. Oksanen v United States; (1966, CA8 ND) 362 F.2d 74; Johnson v. Zerbst; 304 U.S 458, 58 S.Ct 1019, 82 L.Ed 1461 (1938).

Therefore, it is appellant's belief that an order or judgment obtained in violation of due process, or obtained without jurisdiction is void. Stoll v. Gottlieb; 305 U.S 165, 59 S.Ct 134, 83 L.Ed 104 (1938); See, Bradley v. Fisher; 80 U.S 335, 351-352, 13 wall 335, 20 L.Ed 646 (1871).

Therefore, it is appellant's belief that the indictment in appellant's case is defective, and indictment defects are"jurisdictional". See, Stirone v. United States; 361 U.S 212, 4 L.Ed 2d 252, 80 S.Ct 270; Rusell v. United States; 369 U.S 749, 8 L.Ed 2d 240, 82 S.Ct 1038, distinguished, Insofar as it held that a defective indictment deprives a Court jurisdiction.

Furthermore, according to the records before this Court, there is no evidence that the indictment in appellant's case was voted in open Court, nor is there evidence that after presentment, the indictment was drafted and resubmitted to the Grand Jury for approval.

The only evidence in appellant's case of the indictment procedure is the review of the indictment by, and the signature of the foreman. According to Gaither v. United States; 413 F.2d 1061,1079,134 U.S App D.C 154(D.C Cir. 1969), which Gaither is in the Constitution, which states:: " the review of the indictment by, and the signature of the foreman alone requires dismissal of the indictment. "gaither supra".

Thus, the indictment procedures used in appelant's case fails to meet the standards of Fed.R.Crim.P 6(b)(1) and subdivision to (b)(1) and the 5th, and 14th Amendments.

In appellant's case, it's his belief that he is been subjected to arbitrary arrest, which is contrary to Article 9, of the Universal Declaration of Human Rights.

It's appellant's belief that, due to the fact that appellant is in Federal Custody, and has been for the pass 23 years without the sentencing court having jurisdiction, that the appellant is being deprived of liberty, all against the United States Constitution and the Universal Declaration of the Human Rights.

It's appellant's belief that Judge Ronna Lee Beck abused her discretion when she denied appellant's motion without proving on the record all jurisdiction facts related to the jurisdiction asserted.

Accordingly; Courts has an "independentobligation" to investigate the limits of it's subject matter jurisdiction, see, Arbaugh v. Y&H Corp; 546 U.S 500, 514, 126 S.Ct 1235, 163 L.Ed 2d 1097(2008).

Judge Ronna Lee Beck abused her discretion when she just ignore the claims that the Courts destroyed its jurisdiction, therefore, the Courts lacked subject-matter jurisdiction to enter the conviction. According to Federal Rules of Civil Procedure 12 (h)(3), there is no discretion to ignore lack of jurisdiction.

Accordingly, once challenged, jurisdiction cannot be assumed, it must be proved to exist. Courts obligation to examine their subject-matter jurisdiction is triggered whenever that jurisdiction is "fairly in doubt" Ashcroft v. Iqbal; 556 U.S 662,671,129 S.Ct 1937,1945, 173 L.Ed 2d 868 (2009).

Appellant contends that based on all the evidence, the sentencing Court destroyed it's jurisdiction over the subject matter when appellant's 5th and 14th Constitutional rights to due process of law was violated, when he was not brought to Court to attend the selection of the Grand Jury, so he could challenge them to make sure that they legally qualified to be Grand jurors. This process was eliminated from appellant's procedure.

Judge Ronna Lee beck also argued that appellant's failure to raise the instant claim in his first two d.C Code § 23-110 motions precludes him from raising them now under the "abuse of writ" doctrine. Thomas v. United States; 772 A.2d 818, 824 (D.C 2001)(citing McClesky v. Zant; 499 U.S 467,490(1991)).

The Supreme Court case law that she cites to support her argument facts are inconsistent to the facts of appellant's case.

The facts of McClesky v. Zant:

McClesky abused writ in claiming that admission of informant's testimony at Georgia trial violated right to counsel, where claim was not raised in prior Federal petition.

The Supreme Court held:
McClesky's failure to raise his Massiah claim in his first Federal Habeas petition constituded abuse of writ.

The motion appellant submitted filed 7-31-19, was a motion challenge the sentencing Court's jurisdiction over the subject-matter. It's appellants belief that the sentencing Court destroyed it's jurisdiction by violating appellant's constitutionally secured rights to due process of law. See, motion marked ("EXHIBIT-A").

It's petitioner's belief that the lack of subject matter jurisdiction can be raised at any time. United States v. Cotton; 535 U.S 625,630, 122 S.Ct 1781,152 L.Ed 3d 860 (2002) Defects in subject matter jurisdiction require correction regardless of whether the error was raised in Court, Cotton, supra.

It's appellant's belief that this abuse of discretion involves a misstatement of law, by judge Ronna Lee Beck, who is suppose to be the source of law.

Judge ronna Lee Beck used incorrect legal standards, not one but twice in evaluating appellant's motion. Judge Ronna Lee Beck's misstatement of law substantially prejudice appellant, causing a miscarriage of justice.

It's not some minor misstatement of law or fact that can be passed over There is no discretion to ignore lack of jurisdiction. joyce v. United States; 474 F.2d 215, also see, Fed.R.Civ.P 12 (h)(30.

Accordingly, Courts has an independent obligation to investigate the limits of its subject matter-jurisdiction. Arbaugh v. Y & H Corp, Supra

It's appellant's belief that Judge Ronna Lee Beck's precedent resulted in a complete misapplication of law leading to a miscarriage of justice.

It's appellant's belief, that Judge Ronna Lee Beck's discretionary decision in this case is a misinterpretation of law, a misaplication of law nad it manifested a clear error of judgment. Amgent, Inc v. Chugai Pharmaceutical co. Ltd; 927 F.2d 1200,1215, 18 U.S P.Q 2d (BNA) 1016, 1028 (Fed.Cir), cert.denied, 112 S.Ct 169 (1991).

It's appellant's belief that Judge Ronna Lee Beck's conclusions were not supported by it's findings, that the findings are not supported by an substantial evidence, that the order was based on a misapplication of law and was otherwise arbitrary, capricious and without supportive law.

Judge Ronna Lee Beck quoted Mechanik, supra and McClesky, supra, to support denying appellant's motion. See, ("EXHIBIT-B") page 1-2.

Both cases Judge Ronna Lee Beck used are incorrect legal standards in evaluating appellant's motion. See, ("EXHIBIT-A").

Instead of proven subject matter jurisdiction exist by refuting appellant's challenge (by showing by evidence that appellant was present at the Grand jury selection so he could challenge the jurors), (by proving that

appellant's indictment was drafted by prosecutor and resubmitted to Grand Jury for approval, and voted in open Court), Judge Ronna Lee Beck abused her discretion by ignoring the fact that the sentencing Court lacked subject matter jurisdiction to enter a conviction.

It's appellant's belief that in order for appellant to meet the abuse-of-discretion standard, the appellant must show that the Court made a "clear error of judgment in weighing relevent factors or in basing it's decision on an error of law or on clearly erroneous factual findings". Bayer CropScience AG v. Dow Agrosciences LLC; 851 F.3d 1302,1306 (Fed Cir. 2017)(citing Highmark Inc. v Allcare health Mgmt. Sys, Inc; 572 U.S 559, 564, 134 S.Ct 1744, 188 L.Ed 2d 829 (2014)).

It's appellant's belief that he has meet this abuse-of-discretion standard by showing that Judge Ronna Lee Beck made a clear error of judgment in weighing relevent factors or in basing its decision on an error of law or an clearly erroneous factual findings". Bayer CropSciencce AG v. Dow AgroSciences LCC, 851 F.3d 1302, 1306 (Fed Cir. 2017)(citing Highmark Inc. v. Allcare health Mgmt Sys Inc.572 U.S 559,564, 134 S.Ct 1744, 188 L.Ed 2d 829 (2014)). It's appellant's belief that the sentencing Court destroyed its jurisdiction over the subject matter by violating his 5th and 14th constitutionally rights to due process of law, See, ("EXHIBIT-A").

Appellnat contends that id this honorable Court of appels would check the sentencing court's records, it would show that appellant was not present/brought to Court to attend the selection of the Grand Jury,so he could challenge the Grand jurors, therefore, all of the GrandJurors are all legally disqualified.

It's appellant's belief that forrobvious reasons, objections to the Grand jury ought to be taken at the earliest reasonable moment; and it is well settle that where they disclose irrefularities merely in the proceedings of forming the panel, they must be presented by challenge motion to qush, or plea in abatement, in due order and without unnecessary delay. See, United States v. Gale, 109 U.S 65,70; 27 L.Ed 857, 859, 3 S.Ct 1; Agnew v. United States; 165 U.S 36, 44, 41 L.Ed 624, 627, 17 S.Ct 235.

The only exception to this strict rule of diligence seems to be where the objection shows a violation of some positive requirement of the statutem so that there would be no legally selected jury at all. Rodriguez v. United States; 198 U.S 156, 164, 49 L.Ed 994, 997, 25 S.Ct 617; United states v. Gale, supra.

Therefore, it's appellant's belief that his case shows a violation of a positive requirement,that positive requirement being that appellant was not brought to court to attend the selection of the Grand Jury (in violation of due process of law), as he is suppose to have been according to Fed.R.Crim.P 6 (b)(1) and subdivision (b)(1); Therefore, appellant was denied a chance to challenge the Grand Jurors; Therefore, all the Grand jurors whom sat on appellant's case are all legally disqualified, as the qaulification process is among appellant's constitutional rights.

It's also appellant's belief that according to scope of review (a) it reads: "In considering an order or judgment of a lower Court brought before it for review, the District of Colombia Court of appelas shall review the record on appeal. When the issues of fact tried by jury, the Court shall review the case only as to matters of law.

In addition to this, it's appellant's belief that any acts by Court after it's jurisdiction has been destroyed are consider void. See, Johnson v. Zerbst, supra.

CONCLUSION

Wherefore, the record before this Honorable Court and all of the above mentioned reasons, appellant respectfully request this Honorable Court to remand this case to the trial Court with instructions to grant appellant's motion received in the Superior Court of the District of Columbia in Judge Ronna Lee Beck's chambers on 7-31-19.

I, Elmer Grant jr. declare under penalty of perjury that the foregoing is true and correct.

REASONS FOR GRANTING THE PETITION

Petitioner believes that because he was 24 years old at the time of his case and ignorant to his rights and laws of the Constitution and the rules of due process and precedent set down before and after my trial, this matter affects hundreds of thausands who have criminal trials but ineffective lawyears who fail to ensure that our constitutional rights are upheld and the laws of the land are followed once triggered by a client, ignarance on the part of the defendant shouldn't negate my constitutional rights or the Federal Rules of procedure or the right to due process; petitioner also believes that once a motion is agreed, to be heard by a pro-se litigater, then, it should be viewd as the laws and precedence states, and should be viewed on the merits of the motion not allow the government to add or place distractions from the merits because they can, which in turn causes Judges not to look at the petitioner's motion based on merits but on something outside of the law and constitution, once matters have been ruled upon and has the precedence then it should be follow not excuses stating; "Oh he waited 24 years to raised the argument" instead of following the rules layed down and adhering to enforce justice as stated by their fellow Appeals Court Judges and Supreme Court rulings, innocent people along with myself suffer from lawyears and prosecutor's violating the rights of citizens because we don't know the laws but once challenged the laws layed down should be followed and motions granted that show the merits and not allow the miscarriage of justice and the violations of rulings set forth before trial to be ignored, violated or not given to us, because it's suppose to be innocent until proven guilty, but it allways seems like guilty until proven innocent. My rights are never waived out of not having the knowledge because the constitution guarrantees protection even for those illiterate to the laws and their righjts, so for these reasons petitioner in God's name ask this Court to review these matter so all lawer Courts will understand rulings made are to be followed for justice not just to incarcerate blacks and brown who know nothing of the laws of the land.

CONCLUSION

Mr.Grant respectfully request this Honorable Court to vacate the convictions as asked and remand back to Court of Appelas for redress if needed, in the interest of justice.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Elmer W. Grant Jr.

Date: 4-1-21