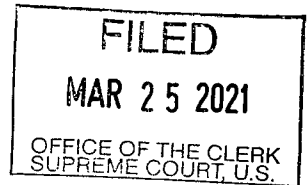


20-7772 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Washington, D.C.

Tanella M. Jefferson PETITIONER
(Your Name)

vs.

State of Ohio — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Tanella M. Jefferson
(Your Name)

P.O. Box 1812
(Address)

Marion, Ohio 43301
(City, State, Zip Code)

(Phone Number)

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

- State v. Jefferson, No. CR16-1280 Lucas County Common Pleas Court of Toledo, Ohio. Judgment entered July 19, 2016.
- State v. Jefferson, No. L-16-1182, Sixth Appellate District Court of Lucas County, Ohio. Judgment Affirmed August 18, 2017.
- State v. Jefferson, No. 2017-1384, Supreme Court of Ohio Judgment declined to accept jurisdiction. Jan. 31, 2018
- Jefferson v. Ohio, No. 3:18 cv 779, United States Northern District of Ohio. Judgment Dismissed April 27, 2020
- Jefferson v. Ohio, No. 20-3541, United States Sixth Appellate Circuit Court. Judgment entered Denied as moot October 30, 2020

QUESTION(S) PRESENTED

Whether or not the State of Ohio proved the petitioner's guilt "Beyond a Reasonable Doubt"? (1) All elements the offenses must be proved to the jury with real evidence not hearsay.

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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 DA to the petition and is

☒ reported at 2020 U.S. App LEXIS 34467; 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☐ is unpublished.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 2020 U.S. Dist. LEXIS 73439; 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 D 80 to the petition and is

☒ reported at 2018 - Ohio LEXIS 195; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Sixth District Appellate court appears at Appendix C 100 to the petition and is

☒ reported at 2017-Ohio-722 207 Ohio App LEXIS 3561; 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 denied as moot.

☐ 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: Oct. 30, 2020, and a copy of the order denying rehearing appears at Appendix A.

☐ 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 declined. A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: Jan. 31, 2018, 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

The United States Constitution requires proof "Beyond a reasonable doubt" during the adjudicatory stage of a criminal proceeding. Fifth Amendment Criminal actions - Provisions concerning - Due Process of law and just compensation clauses. States: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

STATEMENT OF THE CASE

Petitioner Tanelle Jefferson, now 39 years old was accused by his now ex-wife Jeanette Ervin of domestic situation within she alleged she believed he shot at her because she heard a "pop" sound. Ms Ervin was not physically harmed and admitted to the Toledo Police officer she had been drinking for a few hours. Jefferson was arrested and later convicted without the State of Ohio presenting any direct evidence that proved he actually committed the offenses he is now charged and convicted of: Felonious assault with a firearm specification and Having weapons while under disability then sentenced to 7 years for count one and 30 months for count two in O.D.B.C with an additional 3 years term for specification;

REASONS FOR GRANTING THE PETITION

Jefferson was found guilty and convicted for one count of felonious assault R.C. 2903.11 (A)(2) & (D) elements of this offense a person must knowingly cause or attempt to cause physical harm to another by means of a deadly weapon. And enhancement to this offense R.C. 2941.145 specification that the Petitioner displayed, brandished, indicated possession of or used a firearm, was added. Along with one count of Having weapons while under disability R.C. 2923.13 (A)(3) which elements requires a person to have, carry or use any firearm and the person must be under indictment or has been convicted of any felony offense involving illegal drugs. The State of Ohio's prosecutors never proved any elements of these crimes. No one physically harmed by a deadly weapon, no evidence was presented to prove Jefferson attempted to cause harm to any one and there was no evidence he possessed or used a firearm. In re Winship, 397 U.S. 358 requires proof beyond a reasonable doubt. The Fifth Amendment requirement that a defendant be proven guilty beyond a reasonable doubt and the Sixth Amendment requirement of a jury verdict were interrelated. Sullivan v. Louisiana, 508 U. 275. Ohio State's witness whom also the lead detective Sherri Wise cross examination stated that her investigation Jefferson never shot in her direction or any other direction and no tests ~~were~~ were conducted on his clothing

any gunpowder residue testing or anything like that to provide proof he used or had any firearm. Trial Transcript pages 271-272 (ER16-1280). Jefferson's conviction is and was unconstitutional because the prosecution failed to prove all elements of the offenses Jefferson is charged. Jefferson's conviction should be remanded and reverse because his conviction is base off of hearsay from his angry ex-wife Jeanette Ervin. A law should made for women who wrongly accuse men of serious crimes a change must come to our **CONCLUSION** broken justice system.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Samuel Jefferson

Date: March 24, 2021