

20-7803
No. _____

Supreme Court, U.S.
FILED

APR 07 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Jonathan S. Hall — PETITIONER
(Your Name)

vs.
United States — RESPONDENT(S)
State of Delaware
ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the State of Delaware
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jonathan S. Hall
(Your Name)

P.O. Box 500
(Address)

Georgetown, Delaware 19947
(City, State, Zip Code)

(302) 856-5680
(Phone Number)

ORIGINAL

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APR 15 2021

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SUPREME COURT, U.S.

Questions Presented

1.) All Federal and State laws are predicated on the Constitution?

Yes or No

2.) If a law is unconstitutional or illegal, then anyone sentenced under said law is sentenced to an unconstitutional and illegal sentence, correct?

Yes or No

3.) (Trop v. Dulles 1958) Supreme Court ruled that taking away a persons citizenship is cruel and unusual punishment (8th Amendment). Is taking away a citizens rights cruel and unusual punishment?

4.) The 14th Amendment, 5th Amendment, and Article ~~IV~~ ^{yes or no} (4) of the U.S. Constitution state that the government + the "law" will protect / treat citizens equally under the law. Why do felons get treated differently by the government and the law with regards to the 2nd Amendment Right to Bear Arms?

5.) Isn't discrimination outlawed, illegal, and unconstitutional?

6.) Why is it that all other Constitutional Rights never get taken or are "returned" to felons after their "debt" to Society is paid (ie. right to vote, jury duty, 4th Amendment etc.) but not the right to bear arms guaranteed by the 2nd Amendment?

Questions Presented

7.) (Lewis v. U.S., 1980) Supreme Court ruled it was legal under the Constitution to deny felons their 2nd Amendment Rights. There is nothing in the Constitution that allows this or that supports that claim. The Supreme Court erred in their ruling, do you agree? yes or no

8.) Does (Lewis v. U.S., 1980) Supreme Ct. Infringe, encroach, or in anyway violate the U.S. 2nd Amendment? yes or no

9.) Does (Lewis v. U.S., 1980) Supreme Ct. violate the 4th Amendment? yes or no

10.) Does (Lewis v. U.S., 1980) violate Article IV (4) and the 14th Amendment of the U.S. Constitution? yes or no

11.) Does (Lewis v. U.S., 1980) violate the 5th Amendment of the U.S. Constitution? yes or no

12.) Does (Lewis v. U.S., 1980) violate the 8th Amendment of the U.S. Constitution? yes or no

13. Does (Lewis v. U.S., 1980) violate the 9th Amendment of the U.S. Constitution? yes or no

Questions Presented

14.) Does (Lewis v. U.S. 1980) violate article VI of the U.S. Constitution? yes or no

15.) Does the following Definition of the word "Shall" mean the same in all/every law? Shall - used as an auxiliary to express a command. yes or no

16.) Why does the U.S. Supreme Court take the meaning of "shall" in the 2nd Amendment of the U.S. Constitution to mean "should"?

17.) If "Shall" is synonymous with "Should", then are all laws ambiguous? yes or no

18.) If "Shall" is synonymous with "should", then all sentences that have the word "Shall" used in their language are ambiguous as well, correct? yes or no

19.) Is the Omnibus Crime Control and Safe Streets Act of 1968 a Constitutional Amendment? yes or no

20.) Is the Gun Control Act of 1968 (passed in the 70s) a Constitutional Amendment? yes or no

Questions Presented

- 21.) Is the National Firearms Act of 1934 a Constitutional Amendment? yes or no
- 22.) Article V of the U.S. Constitution states the following: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Congress." Do you Agree? yes or no
- 23.) The U.S. Constitution is the Supreme Law of the Land. Do you Agree? yes or no
- 24.) The first ten Amendments of the U.S. Constitution are known as "The Bill of Rights." Do you Agree? yes or no
- 25.) Does Title 11 Del. C. 1448 PFBPP/PABPP violate The Delaware State Constitution Article 1 Section 20 "Right to Keep and Bear Arms"? (66 Del laws, C.10) yes or no
- 26.) Does Title 11 Del. C. Section 222 violate The Delaware State Constitution Article 1 Section 20 "Right to Keep and Bear Arms" (66 Del laws, C.10)? yes or no

Questions Presented

27. Do State and Federal laws both similar and the same as Title II Del. C. 1448 violate the 2nd Amendment? yes or no

28.) Do state and Federal laws both similar and the same as Title II Del. C. 1448 violate the 4th Amendment? yes or no

29.) Do State and Federal laws both similar and the same as Title II Del. C. 1448 violate the 14th Amendment, 5th Amendment, and Article III (4) of the U.S. Constitution? yes or no

30.) Do state and Federal laws both similar and the same as Title II Del. C. 1448 violate the 8th Amendment? yes or no

31. Do state and Federal laws both similar and the same as Title II Del. C. 1448 violate the 9th Amendment? yes or no

32.) Do state and Federal laws both similar and the same as Title II Del. C. 1448 violate Article VI (6) of the U.S. Constitution?

33.) Article VI 3rd paragraph & Article II, Section 1, last paragraph. Do the officers of this Court remember taking an Oath or Affirmation of Office that contained these words: "...and will to the best of my ability, preserve, protect, and defend the Constitution of the United States, "? yes or no

34.) Are the officers of this Court familiar with the U.S. Constitution Article VI, 3rd paragraph? yes or no

35.) IS (Lewis v. U.S. 1980) ruling repugnant to the Constitution? YES OR NO

Questions Presented

36.) IS Title 11 Del. C. 1448 repugnant to the Constitution? yes or no

37.) IS Title 11 Del. C. Section 222 repugnant to the Constitution? yes or no

38.) IS the Omnibus Crime Control and Safe Streets Act of 1968 repugnant to the Constitution? yes or no

39.) IS the Gun Control Act of 1968 (passed in the 70's) repugnant to the Constitution? yes or no

40.) IS the National Firearms Act of 1934 repugnant to the Constitution? yes or no

41.) IF the Omnibus Crime Control and Safe Streets Act, the Gun Control Act of 1968 (passed in the 70's) and the National Firearms Act of 1934, Title 11, Del. C. 1448, Title 11 Del. C. Section 222, as well as all State and Federal laws that are similar and the same are repugnant to the Constitution; Then do you agree that as (Marbury v. Madison 1803) Supreme Ct. states "if a law is repugnant to the Constitution, it is void." Do you Agree? yes or no

42.) There is no mechanism to challenge and or repeal a statute or law that is illegal or unconstitutional except when a citizen has his or her rights violated first, IS that true? yes or no

43.) IS Appellant entitled to relief under Rule 35(a) yes or no

44.) IS Appellant entitled to relief under Rule 61(b) yes or no

Questions Presented

- 45.) If Appellant is not entitled to relief under 35(a), why not?
46. If Appellant is not entitled to relief under 61(b), why not?
- 47.) Is Appellant entitled to relief under any other Rule, Motion, or Writ?
yes or no
- 48.) If so, what Motion, Rule, or writ; and for what reasons or grounds?
- 49.) Has all officers of the Court acted in Good Faith?
yes or no
50. What, if any relief is entitled to the Appellant?

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:

State of Delaware

Merrick Garland

~~William P. Barr~~ U.S. Attorney General Room 5614, Department of Justice
950 Pennsylvania Ave., N.W. Washington, D.C. 20530-0001

UNITED STATES

Brian Arban DAG - Delaware

Barzalai K Axelrod DAG - Delaware

Maria → ~~Patricia~~ T. Knoll DAG - Delaware

U.S. Government

AG Kathleen Jennings

820 N. French St

Wilm, De 19801

Truman Mears, Warden S.C.I.

P.O. Box 500

Georgetown, De 19947

RELATED CASES

Hall v. State of Delaware, U.S. District Court for the District of Delaware,
Case # 1:20-cv-01291-MN Habeas Pro-Se Entered 9/30/2020 @ 12:05pm.

Hall v State of Delaware DESC 195, 2020

Hall v State of Delaware DESC 196, 2020

Hall v State of Delaware DE Superior Ct. ID, No's, 1507014587

\$ 1507024327

D.C. v. Heller 2008

MacDonald v. Chicago 2010

Table of Authorities Cited

Cases

Page Number

Dulles v. Trop 1958 356 U.S. 86, (2L. Ed. 630) Questions presented pgs. 1, Appendix F pg 1, 3,
~~Appendix G pgs 1-4~~

Lewis v U.S. 1980 Supreme Court (citation omitted) Questions presented pgs 2, 3, 5
* Challenged * Appendix F pg 3

Marbury v Madison 1803 5 U.S. 137, (2L. Ed. 60) Questions pg. 6, Appendix F pg 5

Statutes And Rules

Delaware Law:

- 1.) Title 11 Del. C. 1448 PFBPP / PABPP Questions pgs 4, 5, 6, Appendix X F pg 3 / Pg 9, 11
- 2.) Title 11 Del. C. Section 222 Questions pgs. 4, 6, Appendix X F pgs 3 / Pg 9
- 3.) Rule 61(b) Post Conviction Relief Questions pgs. 6, 7 Appendix A / Pg 14 Appendix G pg 1-4
- 4.) Rule 35(a) Correction of Illegal Sentence Questions pgs. 6, 7 Appendix B / Pg 15

Other:

Acts:

- 1.) G.C.A. Gun Control Act of 1968 (passed in the 70's) Questions pgs. 6, 3 / Pg 5, 11
- 2.) N.F.A. National Firearms Act of 1934 Questions pgs 4, 6 / Pg. 5, 11
- 3.) Omnibus Crime Control and Safe Streets Act of 1968. Questions pgs 3, 6 / Pg 5, 11

Table of Authorities Cited

Page Number

Definitions: Legal and Common law definitions of the following words:

- 1) Shall Q.P. 3, Appendix F pg. 4
- 2) Not Appendix F pg. 4
- 3) Infringe Appendix F pg. 4
- 4) Encroach Appendix F pg. 4
- 5) Right(s) Appendix F pg. 4

Stare Decisis Doctrine Appendix F pg. 5, Pg. 9

United States Constitution: Article V (5) Questions pg. 4 Appendix G pg. 3

- 1.) Amendment II (2) Q.P. 1, 2, 3, 5, Appendix F pg. 1, 4, 5 / Pg. 4, 6, 10, 12, 15
- 2.) Amendment IV (4) Q.P. 2, 5, Appendix F pg. 1 / Pg. 4, 7
- 3.) Amendment V (5) Q.P. 1, 5, Appendix F pg. 1 / Pg. 4, 8
- 4.) Amendment VIII (8) Q.P. 1, 2, 5, Appendix F pg. 1, 2, 3 / Pg. 4, 7, 12
- 5.) Amendment IX (9) Q.P. 2, 5, Appendix F pg. 1, 2 / Pg. 4, 7, 10
- 6.) Amendment XIII (13) Pg. 8, 11
- 7.) Amendment XIV (14) Q.P. 1, Appendix F pg. 1, 5 / Pg. 4, 8, 12
- 8.) Amendment XV (15) Pg. 9, 11
- 9.) Article II (2) Q.P. 5 / Pg. 5
- 10.) Article IV (4) Q.P. 2, 5, Appendix F pg. 4 / Pg. 5
- 11.) Article VI (6) Q.P. 3, 5, Appendix F pg. 2, 4 / Pg. 6, 10, 12 (by reference / quote), 14 Appendix G pg. 3
- 12.) The Bill of Rights Q.P. 4, Appendix F pg. 2, 3, 4 / Pg. 12, 14 Appendix G pg. 3

State of Delaware Constitution:

- 1.) Article I Section 20 "Right to keep and Bear Arms" Q.P. 4, Appendix F pg. 3, Pg. 9
Appendix G pg. 3

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APPENDIX B	Decision of State Superior Court Also labeled "exhibit C"
APPENDIX C	Order of State Supreme Court Denying Rehearing
APPENDIX D	Superior Court Docket for case ID # 1507014587 Also labeled "exhibit A"
APPENDIX E	Superior Court Docket for case ID # 1507024327 Also labeled "exhibit B"
APPENDIX F	Appellant Hall's "Motion" Rule 35(a) and Rule 61(b) Appellant Hall's "Motion" Rule 35(a) and Rule 61(b)
Appendix G	Superior Courts August 6 th , 2020 Order denying Appellants Rule 35(a), Rule 61(b) and Motion For Assistance of Counsel

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 C to the petition and is

☒ reported at State v Hall, 2020 WL 4559458 (Del. Super. Ct. Aug. 6, 2020); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

☒ reported at Hall v State, 2020 WL 5033426 (Del. Aug. 25, 2020); 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 12/2/20 and
A copy of that decision appears at Appendix A, G. 8/6/20

☒ A timely petition for rehearing was thereafter denied on the following date:
11/2/20, and a copy of the order denying rehearing appears at Appendix C.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including 60 days (date) on November 25th, 2020 (date) in Application No. A.

* Re Submitted Jan. 16th, 2021 received @ U.S. Supreme Ct. Jan. 25th, 2021

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

* Extension Granted For 60 more days From February 17th 2021
To April 17th, 2021

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Statement of Jurisdiction

- 1.) Jurisdictional Authority for the Supreme Court to review the decisions of state courts pursuant to 28 U.S.C. § 1257
- 2.) Supreme Court Rule 10(c) states: a state court or a United States court of Appeals has decided an important question of federal law that has not been, but should be, settled by this court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.
- 3.) The decision in *Largent v. Texas*, 318 U.S. 418 (1943), asserts the Supreme Court's authority to review the final judgment entered in a criminal case regardless of whether a petitioner is also seeking collateral review under a separate proceeding such as habeas corpus.
- 4.) Supreme Court Rule 13 states: that a petition for writ of Certiorari must be filed within 90 days of the entry of a final judgment by a state court of last resort or a United States Court of Appeal.
- 5.) Federal Question Jurisdiction - jurisdictional issues are non time barrable and non waivable.

Statement of Jurisdiction

(6.) Prosecutorial Misconduct - Prosecutor does not possess the power to impose or suggest to impose a sentence that would violate the Constitution. These are fundamental Rights of the Constitutions 6th Amendment. They affect other Constitutional issues, namely 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments.

(7.) These are all relevant applicable reasons for this Honorable Court to have jurisdiction over the Delaware Supreme Courts December 2nd, 2020 Motion to Affirm Superior Court of Delawares Motion / Order denying relief to the Appellant in his Motion for Post Conviction Relief Rule 61(b) and his Motion for Correction of Illegal Sentence Rule 35(a) in case # 321, 2020. This is the final judgement by a state court of last resort.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Omnibus Crime Control and Safe Streets Act of 1968 and the Gun Control Act of 1968 (passed in the 70's) enacted 18 USCS § 921 & § 922 the Federal Statute for "Possession of a Firearm by Person(s) Prohibited."

National Firearms Act of 1934 enacted 26 USCS § 5845(b), § 5861 (short barreled rifle) and § 5801. Taxing specific firearms effectively banning them in direct violation of U.S. Constitution 2nd Amendment. Set the precedent for the Omnibus Crime Control and Safe Streets Act and the Gun Control Act of 1968 (passed in the 70's)

United States Constitution Article II Section 1 last paragraph:
"Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

United States Constitution Article IV Section 2 first paragraph:
"The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."

Constitutional And Statutory Provisions Involved

United States Constitution Article VI Paragraph 2 §3:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding."

"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution..."

U.S. Constitution Amendment 1: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances."

U.S. Constitution Amendment 2: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Constitutional And Statutory Provisions Involved

U.S. Constitution Amendment 4: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

U.S. Constitution Amendment 6: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

U.S. Constitution Amendment 8: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted"

U.S. Constitution Amendment 9: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Constitutional And Statutory Provisions Involved

U.S. Constitution 13th Amendment: Section 1 "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

U.S. Constitution 14th Amendment: Section 1 "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges 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."

U.S. Constitution 5th Amendment: "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."

Constitutional And Statutory Provisions Involved

U.S. Constitution Amendment 15: Section 1 "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." Section 2 "The Congress shall have power to enforce this article by appropriate legislation."

Delaware Constitution. Article 1 Section 20 Right to keep and bear arms. "A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use. (66 Del. Laws, c. 10.) * revisors note - The amendment to the Constitution set out above was initially approved as Chapter 332 of 65 Del. Laws on June 25, 1986, and finally approved as Chapter 10 of 66 Del. Laws on Apr. 16, 1987.

Delaware Law Title 11 Del. C. § 1448 Possession and Purchase of deadly weapons by persons prohibited

Delaware Law Title 11 Del. C. § 222 of 1974 - The G.C.A (passed in the 70's)

Stare Decisis Doctrine - Justices don't like ruling against (striking) precedents or rather won't rule on it because they feel it's already been decided even if they feel different about the law.

Statement of the Case

Article VI of the U.S. Constitution; paragraph 2 and 3 state the following:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby any Thing in the Constitution or Laws of any State to the contrary notwithstanding."

"The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution..."

U.S. Constitution Amendment II "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

U.S. Constitution Amendment IX "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Statement of the Case

U.S. Constitution Amendment XIII Section 1. "Neither slavery nor servitude, except as a punishment for crime where of the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

U.S. Constitution Amendment XV Section 1. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Section 2. "The Congress shall have power to enforce this article by appropriate legislation."

Based on what I've quoted above from the U.S. Constitution, the following laws are illegal and Unconstitutional, including the law(s) I am sentenced under. These would be specifically Title 11 Del. C. 1448 PFBPP/PABPP, Title 11 Del. C. Section 222, The Omnibus Crime Control and Safe Streets Act of 1968, The Gun Control Act of 1968 (passed in the 70's), and the National Firearms Act of 1934. They all infringe on my 2nd Amendment Rights as a citizen of the United States.

I was not under State supervision, probation, or parole at the time of my arrest on July 18th, 2016. The U.S. Constitution Amendment XIII and Amendment XV makes clear that "servitude" is synonymous with "incarceration"; also that the "right to vote ... shall not be denied ... on account of previous condition of servitude."

Statement of the Case

The same holds true for the rest of the Constitutional rights including 4th Amendment, right to sit in trial as a juror, 1st Amendment right to freedom of speech, 8th Amendment protection from cruel and unusual punishment, 6th Amendment, 14th Amendment due process, etc.; and so it holds true for the 2nd Amendment right to own, possess, purchase, and "keep and bear Arms," Firearms.

The U.S. Constitution and the Bill of Rights are immutable. They are precedent and controlling over all Federal and State laws. Appellant was charged and sentenced under statute as a violent criminal, committing a violent crime even though there was no actual act of violence committed, threatened, or intent proven.

By correcting Appellant's illegal and Unconstitutional Sentence, you, the "Judicial Officers" will be upholding your duty and "Oath or Affirmation, to support this Constitution."

Appellant has already served 58 months of his 120 month level 5 sentence for PFBPP/PABPP, one count of each, and which are unconstitutional and illegal sentences. The other 2 remaining charges in the Appellant's plea agreement are Resisting Arrest and Tier 2 Drug Possession w/2 aggravating factors. Appellant has done more than the presumptive level 5 time for those charges.

Statement of the Case

By continuing to enforce illegal and Unconstitutional laws, the judicial branch provides legitimacy to the Constitutional violations, instead of using their discretion to not prosecute illegal and unconstitutional laws and therefore use their powers as a form of checks and balances against the mistakes of the Legislative and Executive branches of government. This can be corrected now.

REASONS FOR GRANTING THE PETITION

1.) In response to the ruling on Appellants 61 (b) Post Conviction Relief, jurisdictional issues are non time barrable and non - waivable (see exhibit A pg. 4 # 5 in Appendix A). Pursuant to 61(m)(3) Appellant is seeking Certiorari now because of the Federal Question Jurisdiction. (see exhibit A pg. 5 #, Appendix A) Also, to satisfy 61(d)(2)(i) or (ii) after review of the U.S. Constitution, it is clear that the Appellants Constitutional Rights have been violated and, in fact, continue to be violated. Not only that, but that his Sentence is illegal and unconstitutional, and what the Appellant is imprisoned for is in fact not a crime at all, but a Constitutionally Gauranteed Right as a citizen of the United States of America.

2.) (exhibit A pg. 5 # 8, in Appendix A) The time bar in 61(i) (exhibit A pg. 4 # 5, in Appendix A) is overcome by the fact that there is Federal Question Jurisdiction. (exhibit A pg. 6 # 8, in Appendix A) The fact that the facts relating to the Appellant's Post Conviction claims existed when he pled guilty and was sentenced "is both alarming and belies gross negligence and ineffective assistance of Counsel and Malicious Prosecution and Prosecutor Misconduct as well as an Outright denial of the United States Constitution as "The Supreme Law of the Land," Article VI U.S. Constitution.

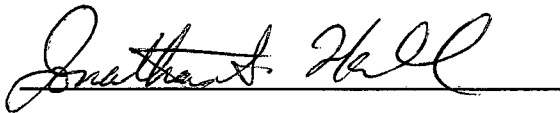
Reasons For Granting The Petition

3.) In response to the lower courts ruling on the Appellant's Rule 35(a) Motion (see exhibit C pg. 3 #7, and pg. 4 #8, in Appendix B) The definition of the word "shall" used as an auxiliary to express a command; in the U.S. Constitution and more specifically the 2nd Amendment, "The right to bear arms shall not be infringed," is of the utmost importance since in 1980 the U.S. Supreme Court decided that "shall" means "should" as it pertains to the 2nd Amendment in (Lewis v U.S., 1980). Hence, that makes all other laws both state and federal, that use the same terminology, and syntax, most importantly the word "shall" in all of their sentencing guidelines and definitions ambiguous and illegal. It is the Appellant's belief that this makes not only his sentence ambiguous and illegal, but that subsequently all laws are ambiguous and illegal until this discrepancy between the language and text of the U.S. Constitution's 2nd Amendment and all other laws are rectified. Therefore the Appellant asserts he is in fact entitled to relief under Superior Court Rule 35(a) Correction of Illegal Sentence.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: January 16, 2021
April 5th, 2021