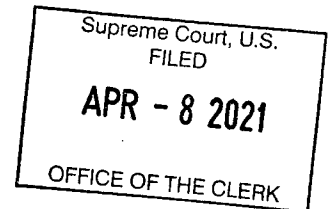


No. **20-7837**

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES



SAM BRADFORD — PETITIONER  
(Your Name)

vs.

STATE OF MISSISSIPPI — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Sam Bradford, MOOC #40579

(Your Name)

SMCI, Area-2, Unit D-1

P. O. BOX 1419

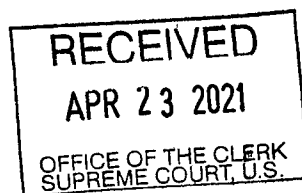
(Address)

Leakesville, MS 39451

(City, State, Zip Code)

N/A

(Phone Number)



QUESTION(S) PRESENTED

Whether Petitioner's (Sam Bradford), was denied Due Process of Law when plain error was committed by The Trial Court in imposing a natural life sentence for the criminal offense of murder... pursuant to Miss. Code Ann. § 97-3-19.

Petitioner answered "Yes."

## 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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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☐ is unpublished.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☐ is unpublished.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 A 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☒ is unpublished.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 Dissenting Supreme Court Justices court appears at Appendix B 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: \_\_\_\_\_, 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 02/02/21.  
A copy of that decision appears at Appendix A.

☐ 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

The Fourteenth Amendment of The United States Constitution, holds in pertinent part:

"nor shall any person be deprived of life, liberty, or property, without due process of law."

U.S. CONST., Am. XIV.

## STATEMENT OF THE CASE

Sam Bradford, was indicted in The Circuit Court of Jefferson County, Mississippi, for The offense of murder (Miss. Code Ann. § 97-3-19).

Bradford, was convicted following a jury trial on or about February 10, 2004, in The Circuit Court of Jefferson County, Mississippi upon The charge presented in The one-count indictment.

Bradford was subsequently thereafter sentenced as follows:

" All right. For The offense of murder, I will sentenced you To spend The rest of your life (natural life), in The Mississippi Department of Corrections." (Trial Transcript, Page 150)...

Bradford's direct appeal was affirmed by The Supreme Court/Court of Appeals, of The State of Mississippi on September 6, 2005.

## REASONS FOR GRANTING THE PETITION

Sam Bradford (hereinafter Petitioner), pro se, without the benefit of counsel, has mostly familiarized himself with Mississippi criminal law-- The state where the conviction for §97-3-19 murder occurred, and the prison sentence for the rest of his natural life was imposed and still ongoing. Petitioner is presently incarcerated in the custody of the Mississippi Department of Corrections, serving said sentence. For the review purpose of this instant petition, Petitioner has supplemented state case law with federal case law and statutes for jurisdiction matters that ~~may~~ be necessary for a review and ruling by this court. The matter being that:

"SAM BRADFORD WAS DENIED DUE PROCESS OF LAW WHEN PLAIN ERROR WAS COMMITTED BY THE TRIAL COURT IN IMPOSING A NATURAL LIFE SENTENCE FOR THE CRIMINAL OFFENSE OF MURDER..."

see, additional sheets/pages...

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*See additional pages.*

STATUTES AND RULES

*See additional pages.*

OTHER

*See additional pages.*

The courts have held, and continue to uphold that, there are no procedural bars where fundamental constitutional violations occurs which affects protected rights--such as the constitutional right to be free of an illegal sentence; see, Rowland v. State, 98 So.3d 1032 (Miss. 2012), and a petitioner shall be heard regarding an illegal sentence; Fuselier v. State, 654 So.2d 519, 522 (Miss. 1995); Kennedy v. State, 732 So.2d 184, 186 (Miss. 1999); and Graves v. State, 969 So.2d 845, 847 (Miss. 2007). See also, Blakely v. Washington, 542 U.S. 296, 303 (2004); U.S. v. Booker, 543 U.S. 220, 281 (2005) and Gall v. U.S., 552 U.S. 38, 50 (2007).

The Eighth Amendment of the United States Constitution prohibits the infliction of cruel and unusual punishment--applicable to the states through the Fourteenth Amendment [Robinson v. Cal., 370 U.S. 660, 666 (1962)], upon persons convicted of a crime; see, Ingraham v. Wright, 430 U.S. 651, 671 (1977). The Cruel and Unusual Punishment clause limits criminal punishment in three (3) ways: (1) it imposes substantive limits on what can be made criminal and punished as such; (2) it prohibits certain kinds of punishment; and (3) it prohibits punishment grossly disproportionate to the severity of the offense; see, Wilkinson v. Utah, 99 U.S. 130, 136 (1879);

U.S. v. Meirovitz, 918 F.2d 1376, 1381 (8th Cir. 1990) and Gonzalez v. Duncan, 551 F.3d 875, 891 (9th Cir. 2008).

In the instant case, Petitioner invokes the "Plain-error Doctrine," under this doctrine of established procedure, the reviewing court must discern-- if the trial court has deviated from a legal rule of law; whether the error (deviation) is plain, clear, and obvious; and whether the error has prejudiced the outcome of the criminal prosecution; see, McGee v. State, 953 So.2d 211, 215 (Miss. 2007) and Cox v. State, 793 So.2d 591, 597 (Miss. 2001). See also, U.S. v. Johnson, 529 F.3d 493, 502 (Miss. 2008) and U.S. v. Ozcelik, 527 F.3d 88, 96 (3d Cir. 2008). This doctrine is utilized for correcting obvious instances of injustice or misapplied law; see, Smith v. State, 986 So.2d 290, 295 (Miss. 2008); Lafayette v. State, 90 So.3d 1215 (Miss. 2012) and Armstead v. State, 196 So.3d 913 (Miss. 2016). See also, U.S. v. Bailey, 488 F.3d 363, 368 (6th Cir. 2007); U.S. v. Reid, 523 F.3d 310, 315 (Miss. 2008) and U.S. v. Gonzalez-Terrazas, 529 F.3d 293, 296 (5th Cir. 2008).

In the case sub judice, Petitioner-- following a jury trial, was convicted for the criminal offense of murder. Subsequently thereafter, the trial judge sentenced Petitioner to the rest of his natural life, in the custody of

The Mississippi Department of Corrections. Petitioner submits that under Mississippi jurisprudence, he has the right to be heard on an illegal sentence [thus far no evidentiary hearing has been held], and, that this foregoing petition at bar is properly before this court and within this court's jurisdiction to entertain and decide same; see, State v. Reed, 544 So.2d 810, 813 (Miss. 1989). See also, U.S. v. Leahy, 445 F.3d 634, 655 (2d Cir. 2006); U.S. v. Brennan, 395 F.3d 59, 71 (2d Cir. 2005) and U.S. v. Brown, 450 F.3d 76, 79 (1st Cir. 2006).

~~Exhibit~~<sup>60</sup> In regards to the Statutory enacted "Sentencing Statute" of Miss. Code Ann. § 97-3-19 (murder statute), and the "Federal Sentencing Guidelines" every person who shall be convicted of murder shall be imprisoned for life. said Statutory provisions under § 97-3-19, does not speak of a natural life sentence for the crime of murder... in Petitioner's case -- "The rest of your natural life in prison." Thus, Petitioner's sentence of the 'rest of his natural life in prison,' now being served, is illegally imposed as a matter of law and/or in the interest of justice; see, U.S. v. Villarreal, 253 F.3d 831, 837 (5th Cir. 2001); U.S. v. Rodarte-Vasquez, 488 F.3d 316, 322 (5th Cir. 2007) and U.S. v. Burns, 526 F.3d 852, 858 (5th Cir. 2008).

In The year of 1843, The "High Court of error" : Appeals of Mississippi, in Brian V. Williams, 7-Howard: 14; 8 Miss. 14, held The following:

" IT will be observed That all directions are enforced by The word [s]hall and if by reason of This word, one (1) direction is mandatory... The word [s]hall when used by a law-making power are words of enforcement-- They declare The law."

The sentencing statute in question holds That a person convicted of The criminal offense of murder, shall be sentenced to life imprisonment; not per se "natural life imprisonment. The statute's use of The term 'shall' represent a firm mandate; and unambiguously closes The door on how The statute is to be applied-- it is clear on its face-- it eliminates any, and all possible interjections of judicial discretions; see, Stone County Pub., Inc. V. Prout, 18 so.3d 300 (Miss. Ct. App. 2009)... That Honorable court stood again, and held in State V. Johnson, 25 Miss. 625; 3-cushm. 625; High court of errors : Appeals of Mississippi (April 1, 1853), as follows;

"No CoNSTiTUTION shall be put upon the words which gives them a meaning, which they do not contain."

The sentencing guidelines (statutory provisions) only mandates life imprisonment upon a conviction for murder-- not a sentence quote "for the rest of your natural life" unquote... Thus, petitioner's current sentence for the rest of his natural life is illegally imposed as a matter of law and/or in the interest of justice; see, U.S. v. Nash, 482 F.3d 1209, 1220 (10th Cir. 2007); U.S. v. Locklin, 530 F.3d 908, 912 (9th Cir. 2008) and U.S. v. Carson, 560 F.3d 566, 586 (6th Cir. 2009). See also, U.S. v. Murphy, 406 F.3d 857, 860 (7th Cir. 2005); U.S. v. Smith, 444 F.3d 996, 997 (8th Cir. 2006) and U.S. v. Blandin, 435 F.3d 1191, 1195 (9th Cir. 2006).

In maintaining that the term shall is mandatory language in law, and in holding to stare-decisis-- The court in State v. Traylor, 100 Miss. 544 (Miss. 1911), held as follows:

"The Trial Court cannot create a law-- its sole power is to enforce the statute as it is written by the legislature; the court has no authority-- discretionary or otherwise-- to add anything to or take anything from a statute."

Sentencing under the murder statute (§99-3-19) calls for a maximum sentence of life imprisonment-- not a sentence for the rest of one's natural life imprisonment. Thus, it is plain, clear, and obvious that, Petitioner's sentence for the rest of his natural life imprisonment, for the offense of murder under §97-3-19, is illegally imposed as a matter of law and/or in the interest of justice; see, U.S. v. Inman, 411 F.3d 591, 595 (Miss. 2005); U.S. v. Acosta, 475 F.3d 677, 681 (5th cir. 2007) and Izizarry v. U.S., 128 S.Ct. 2198, 2202 (2008). See also, U.S. v. Goff, 6 F.3d 363, 367 (6th cir. 1993); U.S. v. Agostino, 132 F.3d 1183, 1200 (7th cir. 1997) and U.S. v. Valdes, 500 F.3d 1291, 1292 (11th cir. 2007).

In the instant case, the Trial Court deviated from the statutory sentencing provisions by imposing a sentence upon Petitioner for the rest of his natural life in prison-- when the statutory maximum sentence permissible is merely a term of life imprisonment for the offense of murder. Thus, plain error is to be found, whereas the Trial Court has deviated from a legal rule of law, and this error is plain, clear, and obvious-- so be it whether distinctly specified or not identified; see, Grayer v. State, 120 So.3d 964, 969 (Miss. 2013); Foster v. State, 148 So.3d 1012,

1018 (Miss. 2014) and U.S. v. Wolfe, 245 F.3d 257, 261 (3d Cir. 2001). See also, U.S. v. Thomas, 280 F.3d 1149, 1156 (7th Cir. 2002); U.S. v. Barnett, 398 F.3d 516, 526 (6th Cir. 2005) and U.S. v. Grams, 566 F.3d 683, 687 (6th Cir. 2009).

Petitioner Bradford would assert that, in today's enhanced style of moderation, a punishment once considered constitutional, may be considered excessive in violation of the Eighth Amendment (cruel and unusual punishment), if it contravenes the evolving standards of decency that mark the progress of our maturing society; see, Trop v. Dulles, 356 U.S. 86, 101 (1958); U.S. v. Rendon-Duarte, 490 F.3d 1142, 1146 (9th Cir. 2007); U.S. v. Highgate, 521 F.3d 590, 596 (6th Cir. 2008) and U.S. v. Guarino, 517 F.3d 1067, 1068 (8th Cir. 2008).

Petitioner Bradford submits that, the claims/issues set forth herein are of fundamental constitutional dimensions... That violations of such nature, clearly depicts petitioner's sentence [the rest of his natural life in prison] should be vacated and set aside -- where it is plain, clear, and obvious that said sentence is outside the sentencing statutory provisions; outside the sentencing guidelines and is illegally imposed as a matter of law and/or in the interest of justice.

In addition to the Mississippi Supreme Court denying Petitioner's 'Application for Leave' to present his claim(s) and argument(s) to the Trial Court, the order of denial also stated as follows:

"IT is further ordered that, Bradford is hereby restricted from filing further applications for post-conviction collateral relief (or pleadings in that nature) that are related to this conviction and sentence in forma pauperis. The clerk of this court shall not accept for filing any further applications for post-conviction collateral relief (or pleadings in that nature) from Bradford that are related to this conviction and sentence unless he pays the applicable docket fee."

In this regard, Petitioner Bradford being totally indigent, is forever barred from again presenting to the state courts his meritorious claims of an illegal sentence. Thus, resulting in Petitioner (forcing upon Petitioner) having to serve the illegal sentence -- the rest of his natural life in prison -- for the offense of murder.

This order, notwithstanding the fact that the Constitution of the State of Mississippi guarantees one's right to be heard in a court of

law... Article 3, § 25, States as follows:

"No person shall be debarred from prosecuting, or defending any civil cause for or against him or herself before any Tribunal in the State; by him or herself, or counsel or both."

The Mississippi Legislature has also re-enforced the right to be heard in a court of law with the passage of House Bill 1456... Mississippi Legislative/Regular Session; \*2018- Code § Sec. A099-0039-0005--A099-0039-0027; which specifically mandates as follows:

"Title: an act to amend § 99-39-27; To provide that the dismissal, or denial of post-conviction relief shall not be a bar to a second or successive application-motion for relief, and/or for related purposes."

Furthermore, The Courts continue to enforce the rule-of-law, that there exist no procedural bar where a fundamental constitutional right violation is argued - and the right to a legal sentence has been declared by and upheld

by the Courts, To be a fundamental Constitutional right, not subject To any such procedural bar; See, U.S. V. Fernandez, 443 F.3d 19, 26 (2d Cir 2006); U.S. V. Newson, 515 F.3d 374, 376 (5th Cir 2008) and Welton V. U.S., 129 S.Ct. 890, 892 (2009).

CONCLUSION

The Petition for Writ of Certiorari should be granted. See, dissenting justices' statement attached hereto as Appendix B.

Respectfully Submitted,

Sam Bradford  
SAM BRADFORD

SWORN TO AND SUBSCRIBED BEFORE ME,  
This The 8 day of April, 2021.

Laura Tilley  
"NOTARY PUBLIC"

MY COMMISSION EXPIRES: \_\_\_\_\_

