

No. 20-8165

ORIGINAL

Supreme Court, U.S.  
FILED

MAY 24 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Mitchell N. Nicholas — PETITIONER  
(Your Name)

vs.

People of the Virgin Islands RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Third Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mitchell N. Nicholas, #1207937  
(Your Name)

Red Onion State Prison, P.O. Box 1900  
(Address)

Round, Virginia 24279  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

1. Whether the District Court of the Virgin Islands lacked subject Matter jurisdiction to issue a Federal Grand Jury subpoenas used by the Federal Bureau of Investigations when Petitioner was never the subject of any federal investigation at that moment.
2. Whether the federal grand jury subpoenas used were submitted fraudulently upon the Court when no indictment was sought.
3. Whether Officers of the Court are knowingly violated Petitioner's civil rights in order not to expose the grave miscarriage of Justice.
4. Whether the U.S. Court of Appeals for the Fourth Circuit will seek to uphold the conviction they unlawfully obtained knowing that Petitioner was never arrested, to which a sitting federal judge admitted, after the Third Circuit overturns petitioner's wrongful convictions. (See Appendix F, Transcripts)

### 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

U.S.A. v. Mitchell N. Nicholas, D.C. W. District of Va.

No. 2:19 CR5

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APPENDIX E	Motion Pursuant to Fed. R. Civ. P. Rule 60(b)(6), 28 U.S.C.A.
APPENDIX F	Transcript of Motion Hearing

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Miranda v. Arizona, 86 S.Ct. 1602,  
16 LED 20 694, 384 US 436

Strickland v. Washington, 104 S.Ct. 2052  
80 LED 20 674, 466 US 668

### STATUTES AND RULES

18 U.S.C. § 2109

U.S. Constitution Amendments 1, 2, 4, 5, 6, 8, 14

### OTHER

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 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 United States district 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.

☒ For cases from **state courts**:

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

- ☒ reported at 56 V.I. 718; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ 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.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 26, 2021.

☒ 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 \_\_\_\_\_.  
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

1. Right to free speech
2. Right to Bear arms
3. Right to Unreasonable search and seizures
4. Right against self-incrimination
5. Right to due process
6. Right to be protected under color of law



## STATEMENT OF THE CASE

1. On July 29, 2005 the Federal Bureau of Investigations unlawfully served an out-dated and unrelated federal grand jury subpoenas they had lying around to obtain Cellphone tracking information, issued by the District Court of the Virgin Islands when Petitioner was never the subject of any federal investigations at that time.
2. The FBI falsely arrested Petitioner after knocking down his hotel room door claiming exigent circumstances when they were there about 11 hours earlier only to be turned away by no employee being present.
3. After Petitioner filed a Writ of Habeas Corpus in 2013 all the federal courts have abused their discretion by not adjudicating petitioner's claims of lack of subject matter jurisdiction, fraud upon the court and clear and present civil rights violations from lack of due process.
4. The federal Officers of the Court simply refused to grant petitioner his rights because the general public will never trust their rulings for they have chosen not to be honest and law abiding as their oath of office demands.

## REASONS FOR GRANTING THE PETITION

1. Law enforcement made a very dangerous mistake and the Officers of the Court have decided to uphold this grave miscarriage of justice because to vacate Petitioner's wrongful convictions the public will protest the integrity of other unlawful rulings. This petition must be granted to finally correct this injustice.
2. Thousands of residents of the U.S. Virgin Islands are in need of protection from these corrupt Officers of the Court. The Supreme Court of the Virgin Islands have admitted that Law Enforcement lacked probable cause to arrest petitioner but because Petitioner's court-appointed attorney did not argue that issue they will ignore that very important fact and uphold what they call circumstantial proof of petitioner's guilt. (Appendix D, page 18)
3. None of the courts have stated what, if any, crimes petitioner have committed, only that he was convicted and they will not rightfully vacate.
4. Do not allow the corruption of these officers of the court to go unchecked because they are relying on this honorable court denying this petition.

5. Petitioner is an innocent U.S. Army Military Police Veteran without prior convictions or arrest who needs this honorable court to show mercy and end this direct violation of petitioner's civil rights.
6. This matter will make national news and expose the constant violations of the civil rights of the residents of the U.S. Virgin Islands by the government officials for decades.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mitchell N. Nicholas

Date: May 24, 2021