

No. 20-8454

ORIGINAL

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

"In re RANDY DALE JACKSON" PETITIONER
(Your Name)

VS.

____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF HABEAS TO

SUPREME COURT OF MISSISSIPPI
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF HABEAS CORPUS

RANDY DALE JACKSON

(Your Name)

MSP-UNIT-30 P.O. BOX 1057 HWY 49 W.

(Address)

PARCHMAN, MS 38738

(City, State, Zip Code)

(662)-745-6611

(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:

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF **HABEAS CORPUS**

Petitioner respectfully prays that a writ of *Habeas* 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 B 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☐ is unpublished.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 C 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☐ is unpublished.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 No. 2014-M-00934; 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☐ is unpublished.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☐ is unpublished.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 _____.

☐ 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 *Habeas* was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 2254, 1651

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 3/01/21.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: May 06, 2021, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of *Habeas* was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 2254,

28 U.S.C. 2241 28 U.S.C. 1651 28 U.S.C. 2104 28 U.S.C. 2106
U.S. Sup. Ct. R. 20.2, 20.4

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

V. The Fifth Amendment U.S. Constitution.

"No Person 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."

VI. The Sixth Amendment U.S. Constitution.

"In All Criminal Prosecutions, The Accused shall Enjoy the right to a public trial, By an Impartial Jury of the state and district, 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 defence."

XIV. The Fourteenth Amendment U.S. Constitution.

"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."

STATEMENT OF THE CASE

On 3/01/2021, The Mississippi Supreme Court Justices erroneously sidestep the statutory language under Miss. Code Ann. 11-43-1, 9-1-19 (1993) For writ of Habeas Corpus Petition and treated Petitioner's Petition as a Motion for Post-conviction relief under Miss. Code Ann. 99-39-5(2) 99-39-21(3), 99-39-27(4). This unfairly applying the

time, procedure and res judicata bars, to Randy Jackson's Fundamental Rights violations claims under The U.S. Constitution Amendments 5th, 6th, 14th and Miss. Const. Art. 3, Sec. 14, Art. 3, Sec. 21, Art. 3, Sec. 26, Art. 3, Sec. 31 (1890).

Regarding Deprived due process and equal protection of the laws. To fair Jury Trial proceeding with Effective Assistance of Counsel's and Direct-Appeal. However, when application of a state law bar depends on a federal constitutional ruling, the state-law prong of the court's holding is not independent of federal law. Ake, 470 U.S. 68, 75 (1985).

The state court's decision was contrary to or involved an unreasonable application of clearly established Federal as determined by the Supreme Court, or The state court's decision was based on an unreasonable determination of the facts in light of the evidence presented or withheld in the state court proceedings. In Rowland v. State, 42 So.3d 503, 506 (Miss. 2010), errors affecting fundamental Constitutional rights are excepted from procedural bars. This same law should apply in Randy case. 4, (see Appendix-A, Orders)

REASONS FOR GRANTING THE PETITION

TO Accomplish Fundamental Fairness For
Being deprived of Personal Liberty and Justice
Under Rule of Law. That Cause Petitioner to be
Unlawful held in Custody in Violation of the
Constitution or Laws of the United States,
28 U.S.C. 2254 (a) (d) (1) (2) (e) (1) (2).

Power To Grant or Direct Judgment.
28 U.S.C.A 1651(a), 28 U.S.C.A 2104, 28 U.S.C.A 2106,
28 U.S.C.A. 2241(a)(2) Issue All Writs.

GROUND ONE: Whether The Constitution Requires That An Indigent Defendant Have Access to The Psychiatric Examination And Assistance Necessary To Prepare an Effective Defense Based On His Mental Condition ,When His Sanity At The Time Of The Offense is Seriously In Question? Under, U.S. Const.Amend.5th, 14th."Due Process Clause".

(a) SUPPORTING FACTS: Randy Jackson was tried and Convicted by Jury without any Competency Hearing or Psychiatric Examinations to Determine His Insanity Condition at the time of offense. No Finder of Fact would have Found Randy Guilty of Murder, If Trial Court Had Provided Him with Access to A Competent Psychiatrist who would conduct an Appropriate Examination and Assistance in Evaluation, Preparation, and Presentation of the Defense's Insanity at the time of the Offense. "A Significant Factor at Trial". See, "Direct- Appeal" Jackson v. State, 784 so.2d 180(Miss.2001) ("Facts and Proceedings Below").

Randy Jackson Establish a Prima Facie showing with trial Records that Trial Judge, Prosecutors, and Defense Counsel knew that The Defendant's Mental Condition at the time of the offense was a significant factor at trial and would have been a serious Question of Facts Before the jury. During Trial Proceedings, There were Testimonies and Questions from Prosecutors, State Witnesses, Defense Counsel, And Randy himself Regarding His Anger, Heat of Passion, Madness and Rage Prior to and At

the Time of the Offense.(See Prima Facie On The Trial Records Tr.67, Tr.68, Tr.73, Tr.75, Tr.88, Tr.96, Tr.97, Tr.151, Tr.152, Tr.167, Tr.169, Tr.170, Tr.171, Tr.174, Tr.175, Tr.182, Tr.184,Tr.209, Tr.210, Tr.215, Tr.226, Tr.227, Tr.228, Tr.230, Tr.236, Tr.237, Tr.239, Tr.242, Tr.244, Tr.245).

1. Outside the trial records, Randy Jackson could have made a prima facie showing with the medical records from The University Medical Center Hospital in Jackson, Mississippi; that he suffered from mental disorders that were caused by getting run over by a car -walking from school in 1982, at the age of 9 years old. That resulted in very bad head injuries, concussions, and unconscious body conditions.

2. Outside the trial records, Randy Jackson could make a prima facie showing with the medical records from Madison County General Hospital in Canton, Mississippi -that he received head injuries and trauma from car accidents in 1992 and 1993, resulting in head stitches and a concussion to the brain.

3. Outside the trial records, Randy Jackson could make a prima facie showing with the medical records from Madison County General Hospital in Canton, Mississippi -that he received head injury from being hit over the head with a pistol in 1995 resulting in head stitches and a concussion to the brain.

4. Outside the trial records, Randy Jackson could make a prima facie showing of the mental disease that causes mental disorders and brain deteriorative conditions. (Syphilis) (STD) treatment was also received at the Madison County Health Department in 1996 in Canton, Mississippi.

The Federal Constitution due process clause entitled Randy Jackson to such competency hearing and psychiatric examination under Rule of Law. (See,Former, Miss. U.R.C.C.C. Rule 9.06, 9.07,and MRCrP,Rule12.2,12.3,17.4(b).Fed.R.Crim.P.12.2,18U.S.C.3006A(e),18U.S.C.4241(a)Applies Miss. Const. Art.3 § Sec.14,And Art.3 § Sec.26(1890)InsanityDefense,41Am.Jur.Proof ofFacts2d 615(1985).And 5 MSPRAC-ENC 39:27(2013).The trial error has substantial and injurious effects or influence in determining a jury verdict.

Without any assistance of a psychiatrist to conduct a professional examination on issues relevant to the defense to help determine whether the insanity defense is viable to present testimony or to assist in preparing the cross-examination of a state's psychiatric witness, the risk of an inaccurate resolution of sanity is extremely high. Therefore, with such assistance, the defendant is fairly able to present at least enough information to the jury in a meaningful manner, as to permit it to make a sensible determination. (See, Intervening Decisions McWilliams v. Dunn, 137 S.Ct. 1790 (2017); Panetti v. Quarterman, 551 U.S. 930 (2007), See, 2254(d)(1) court's decision was contrary to or involved and unreasonable application of Clearly Established Federal Law As Determined By The U.S. Supreme Court., Ake v. Oklahoma, 105 S.Ct. 1087 (1985), Drope v. Missouri, 95 S.Ct. 896 (1975), Pate v. Robinson, 86 S.Ct. 836 (1966).

(b) If you did not exhaust your state remedies on Ground One, explain why: I did. In the Mississippi Supreme Court

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue? No.

(2) If you did not raise this issue in your appeal, explain why: Ineffective Assistance of Appeal Counsel.

(d) Post- Conviction Proceedings:

(1) Did you raise this issue through a post- conviction motion or petition for Habeas Corpus in a state trial court? Yes.

(2) If your answer to Question (d) (1) is "Yes", state:

Type of petition: Motion for Post- Conviction Relief

Name and location of the court where the motion or petition was filed: Supreme Court of Mississippi in Jackson, Mississippi

Docket or case number (if you know): 2014- M- 00934

Date of the court's decision: En banc order on 11/29/2018, 3/01/2021.

Result (attach a copy of the court's opinion or order, if available): Dismiss

(3) Did you receive a hearing on your motion or petition? Yes

(4) Did you appeal from the denial of your motion or petition? No.

(5) If your answer to Question (d) (4) is "yes" did you raise this issue in the appeal? No.

(6) If your answer to Question (d) (4) is "Yes" state Name and location of the court where the appeal was filed: None.

Docket or Case number Decision:None

Date of the Court's Decision:None

Result (attach a copy of the court's opinion or order,if available):N/A

(7) If your answer to Question (d) (5) is "No" explain why you did not raise the issue: Ineffective Assistance of Appeal counsel.

Does this claim rely on newly discovered evidence? Yes.

If "Yes" Briefly state the new evidence and why it was not previously available: Randy Jackson's Hospital Medical Records: Trial counsel And Appeal Counsel Ineffective Assistance, (why Previously Unavailable).

GROUND TWO: Did Prosecutor's Use of Peremptory challenges To Exclude African-American Males from Being Juror's Violated Randy Jackson's Equal Protection Rights under U.S. Constitution Amend. 6th, 14th.

(a) SUPPORTING FACTS: During Jury Selection Procedures, The Prosecution used Peremptory Challenge to exclude All African-American males from being impaneled on the Jury. Counsel made objections under Baston Challenge,Stating the reasons were not race-neutral, on 5 Challenges Strikes. The Court stated the Peremptory Challenges were sufficiently neutral.(See, Tr.51 lines 26-29, Tr.52 lines 1-16).Prima Facie on the Record. (See, Gender/Race Discrimination,J.E.B. v. Alabama, 114 S.Ct.1419 (1994).Randy Jackson, establish a prima facie showing that Him, The Victim in this case and His Defense Counsel were All African-American males, as cognizable group members that were excluded from Being Jury's in this Case. The Circumstances tending to support an inference of discrimination, because prosecution used peremptory challenges to remove all African- American Males. Equal Justice Under Law Requires A Criminal Trial Free Of Racial Discrimination In The Jury Selection

Process."In The Eyes of The Constitution, one Racially Discriminatory peremptory Strike is one too many."(See,Intervening Decisions, Flowers v. Mississippi,139 S.Ct.2228(2019) Tharpe v. Sellers, 138 S.Ct. 545 (2018). Chamberlin v. Fisher, 885 F. 3d 832 (2018),Foster v.Chatman,136 S.Ct.1737(2016)See,2254(d)(1)court's decision was contrary to or involved and unreasonable application of Clearly Established Federal Law As Determined By the U.S. Supreme Court, Baston v.Kentucky, 106 S.Ct. 1712 (1986.)And 18U.S.C.243., 42 U.S.C.A. 1981, 42 U.S.C. A.1985.(Racial Justice and Federal Habeas Corpus 69 Mercer L.Rev.453(2003).

(B) If you did not exhaust your state remedies on Ground Two, explain why: I DID.

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue? NO

(2) If you did not raise this issue in your direct appeal, explain why: Ineffective Assistance of Appeal Counsel.

(d) Post- Conviction Proceedings.

(1) Did you raise this issue through a post- conviction motion or petition for Habeas Corpus in a state trial court? YES

(2) If your answer to Question (d) (1) is "Yes", state:

Type of motion or petition: Motion for Post- Conviction Relief

Name and location of the court where the motion or petition was filed: Mississippi Supreme Court; Jackson, Mississippi.

Docket or case number (if you know): 2014-M-00934

Date of court's decision: 02/26/2015, 11/29/2018, 3/01/2021

(e) Other Remedies: Describe any other procedures (such as Habeas Corpus, Administrative Remedies; etc.) that you have used to exhaust your state remedies on Ground Two: Habeas Corpus petition, Jackson v. Hall, 3: 18-cv-753-CWR-JEG (11/01/2018), (5th Cir. COA No. 18-60587) (11/05/2018), No. 18-60771 (01/16/2019). Inre: Randy Jackson No. 19-90037, (12/ 03 /2019).

GROUND THREE: Did Trial Counsel Deprive Randy Jackson's rights to Effective Assistance that Prejudiced the Trial Outcome ; In violation To Miss.Const.Art.3 § Sec.26, Art.3 § Sec.14, Art.3 § Sec.31, (1890).That Applies U.S.Const.Amend.5, 6, 14.

(a) SUPPORTING FACTS:

1. Trial Counsel Failure to Investigate or prepare motions to the court requesting Randy Jackson a Competency Hearing or psychiatric Examination in efforts to pursue an insanity defense.

2. Trial Counsel failure to obtain a psychiatrist expert to offer Testimony Evidence Of Randy Jackson's insanity at the time of the Offense .Nowhere, on the Records, did Counsel make this Request for an Insanity Defense Hearing, But Counsel at Trial did rely on Rage, Anger, and Heat of Passion for a Defense without Randy Medical Records to Support this Insanity Defense. Prima Facie Ineffective Assistance.Under,Former URCCC Rule 9.07, MRCrP Rules 12.2, 12.3, 17.4(b). And Miss.R. Evid.702. The trial error has substantial and injurious effects or influence in determining a jury verdict.

3. Trial Counsel failure to Interview or Issue Subpoena for Jail Medical Records and Nurse Witness to be Present at Trial to Offer Testimony Evidence regarding Randy Jackson's mental Condition during His Miranda Custody Interrogation by chief Investigator. In Violation to Randy's Constitutional Right to confront and have Compulsory Process To Present A Materially favorable Witness who was both Mentally and Physically capable of Offering admissible Testimony at Trial.(See,Tr.186 lines 7-10,Tr.189 lines 1-15).Crane v. Kentucky 476 U.S. 683, 690- 91 (1986). Right to fair opportunity to present defense.

4.Trial Counsel's Performance was Ineffective Assistance By Failure to Use Compulsory Process or Issue Subpoena to obtain Favorable Defense Witness Joe Ross, who was the only Eyewitness to Witness the altercation of The Victim pulling a Gun and Assaulting Randy prior to the Shooting .No other Witnesses could have proven this Fact Before the Juror's.(See,Prima Facie on the record regarding Denied Witness Statement in This case,Tr.22,Tr.75,Tr.110,Tr.113,Tr.114,Tr.115,Tr.116,Tr.119,Tr.120,Tr.121,Tr.131,Tr.169

Tr.176, Tr.177, Tr.243).(Chambers v. Mississippi 410 U.S. 284, 300- 02 (1973)).The court erroneous Hearsay rules prevented reliable testimony and his Right to fair opportunity to present defense.

5. Trial Counsel Ineffective Assistance Performance Deprived Randy's Right to Impartial Jury .With Counsel using Racial Comments during Voir Dire Process that was directed toward All White Prospective Jurors as snakes. However, These remarks had Prejudice influence Effects on the Minds of Juror's to Dislike Randy and His Counsel, Before Randy's Trial ever got Started.(Prim Facie on The Records Tr.27 lines 9-16) A Counsel should not inject Personal Bias Feeling Before a Jury.

6. Trial counsel Performance was Ineffective assistance by not asking or filing motions to Court or prosecution to Disclose Victim Handgun before The Jury, Which was listed in Pre- Trial Motion of Discovery on Chief Investigator Narrative Statement as Tagged Evidence in this case. This withheld handgun was Favorable Evidence in the Support of Randy's Self-Defense Claim on the ground of Justifiable homicide. This handgun found on the Victim at the scene of the crime was material evidence that played a Crucial, Critical, and Highly Significant Factor in the Context of the Entire Trial to Guilt or Punishment. This withheld evidence would have also Impeached Prosecution's Witness Tanya Branning and Deputy Sheriff Albert Jones Testimonies regarding the Victim not having a Gun. That were Seriously in Question before Jury .How was the Juror's going to Find Imminent Danger of Such Design being Accomplished By Victim at the time Randy shot His Gun? Without such handgun being disclosed before The Jury? Therefore, How could Trial Counsel Rely on a Self-Defense Argument without such Physical Evidence Being present at Trial to Support His Defense?(See,Tr.68 line24,Tr.75 ,Tr.76 -90,Tr.122,Tr.130-31,Tr.134-35,Tr.204-08,Tr.216,Tr.243-47).(See,Bradyv.Maryland,373U.S.83,87(1963),U.S.v.Agurs,427U.S.97,112-13(1976),U.S. v. Bagley,473 U.S.667,682(1985).Kyles v.Whitley,514 U.S.419,435(1995). The trial error has substantial and injurious effects or influence in determining a jury verdict (on Factual Innocence).

7. Trial Counsel was Ineffective Assistance By Failure to Investigate or Challenge the Prosecution's Expert Witness, Dr.Steven Haynes, Unreliable and Perjury Testimony .Trial counsel Performance was ineffective assistance by improperly vouching for the Credibility of Dr.Haynes,without doing a background check as to Dr.Haynes not being a board certified forensic pathologist Medical examiner under Mississippi code Ann.41-61-55(1987) (See,Miss.R.Evid. 702,703 Applies Fed.R.Evid. 702,703).See,Daubert v.Merrell Dow Pharms. Inc., 113 S. Ct.2786 (1993) Edmonds v. State, 955 So.2d 787 (2007) (See,Mississippi Medical Examiner/Crime Lab.2008-10 Public Comments www.Clarionledger.Com).

8. Trial Counsel's performance was ineffective assistance for failure to investigate Mississippi public record regarding Mississippi not having a medical examiner in position since 1995. (See, **Medical Examiner's Post Vacant Since 1995**, [www. Clarion-Ledger Newspaper.Com](http://www.Clarion-Ledger Newspaper.Com), 2008-10 Public Reports).

9. Trial counsel failure to investigate Mississippi crime laboratory was during unreliable scientific testing and incomplete autopsy results in 1997 with back log cases. Had trial counsel investigated the crime labs incomplete report, he could have impeached the State's key witness Tanya Banning false confusing testimony that "she was almost touching victim's hands when he was shot." (With new reliable scientific testing her testimony would have proven false). And no finder of fact would have found Randy guilty of murder. (Tr.137-147, Tr.180, Tr.222, Tr.225, Tr.243). New evidence previously unavailable; (See, District Attorney's Third Judicial Office v. Osborne, 129 S.Ct.2308, 2316(2009) Miss. Law CH.339 S.B. 2709) (2009). Herrera v. Collins, 506 U.S. 390, 398- 417 (1993), See, Due Process Violation, Brady v. Maryland, 373 U.S. 83, 87 (1963).

10. Trial counsel failure to object to the trial court judge and prosecution giving jury instructions that were incomplete and confusing on the charge offense and the lesser included offenses. Trial counsel error deprived Randy's fundamental right to a fair jury trial, without due process and equal protection of law. The court did not require the jurors to find essential elements "Unlawful" or "Without the authority of Law beyond a reasonable doubt." As charged in indictment, that a reasonable probability the outcome of the proceeding would have been different but for counsel's errors. (Prima facie on the records.) (Tr.210-221). Randy establish that his counsel's performance was deficient and that such a deficient performance prejudiced his defense and trial outcome.(Plain Structure Error That Violates Miss.Const.Art.3 § Sec.31,Art.3 § Sec.26,Art.3 § Sec.14.(1890)Under Model Jury Instructions 8:1 ,14 MSPRAC-ENC CRIM.(2013) Applies U.S.Const. Amend.5,6,14.(See,Screws v.U.S.,65 S.Ct.1031(1945),Inre Winship,397 U.S.358,364(1970),Sullivan v. Louisiana,113 S.Ct.2078(1993),U.S. v. Gaudin,515 U.S.506,522-23(1995).The trial error has substantial and injurious effects or influence in determining a jury verdict. Under Fed. R. Crim. P. 52(b).

(See, Attached Appendix - **EXhibit Record**)

The cumulative effects of trial counsel's errors deprived Randy's right to effective assistance of counsel, "under the Sixth Amendment, The United States Constitution guarantees criminal defendants the right to effective assistance in defense." (See, Intervening Decisions, Ayestas v. Davis, 138 S.Ct. 1080 (2018) Wilson v. Seller, 138 S.Ct. 1188 (2018), Buck v. Davis, 137 S.Ct. 759 (2017) Martinez v. Ryan, 132 S.Ct. 1309 (2012), See, 2254(d)(1), court's decision was contrary to or involved and unreasonable application of Clearly Established Federal Law As Determined by The U.S. Supreme Court, Strickland v. Washington, 104 S.Ct. 2052 (1984), Gideon v. Wainwright, 83 S.Ct. 792 (1963). (5 Am. Jur. Proof of Facts Ineffective Assistance of Counsel 2d 267).

(e) Other Remedies: Describe any other procedures (such as Habeas Corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: Writ of Habeas Corpus Petition, United States District Court, Southern District of Mississippi; Jackson v. Fisher, No. 3:15-cv-654-TSL-LRA (2015) and Jackson v. Hall, No. 3:18-cv-753-CWR-JCG (2018) transfer to United States Court of Appeals for the Fifth Circuit. Denied and sanction (COA) In re: Randy Dale Jackson No. 15-60663 (2/11/2016), No. 18-60587 (11/5/2018), and No. 18-60771 (1/16/2019). In re: Randy Jackson No. 19-90037, (12/3/2019).

GROUND FOUR: Did appointed Appeal Counsel provide Ineffective Assistance that deprive Randy Jackson a fair appeal outcome? Did Mississippi Supreme Court deny Randy Rights to be heard by himself Or Counsel or Both on appeal; in violation of due process and equal protection of the laws Under U.S. Constitutional Amend? Rights 5, 6, 14. That Applies Miss. Const. Art. 3 § Sec. 26 Art. 3 § Sec. 14 and M.R.A.P. Rules 6(C) (2), 28(b).

(a) SUPPORTING FACTS: Randy Jackson demonstrates his appeal counsel was ineffective assistance that deprived his right to effective assistance of counsel for defense on direct appeal. 1. Appeal counsel failure to investigate appellant case as to law and facts. 2. Appeal counsel failure to raise or argue other non-frivolous constitutional issues that appeared in Randy's new trial motion and trial transcript. 3. Appeal counsel failure to raise the prosecutor improperly used it peremptory challenges to

strike all black make jurors. 4. Appeal counsel failure to raise the jury was improperly instructed regarding the correct statutory laws. 5. Appeal counsel failure to raise the prosecutor withheld victim handgun during trial and juror's verdict deliberation. 6. Appeal counsel failure to raise the court error by excluding favorable witness statement as hearsay. 7. Appeal counsel failure to raise the court admitted Randy self- incriminating statement. 8. Appeal counsel failure to raise prosecutor used improper comments during closing arguments. 9. Appeal counsel failure to raise Randy Jackson was denied a court appointed competency hearing and psychiatric examination in preparation of an insanity defense. 10. Appeal counsel failure to raise the issues on ineffective assistance of trial counsel. 11. Appeal counsel failed to submit a supplement briefing on behalf of Randy Jackson's appeal right; after Mr. Jackson mailed him a notice/ motion sent to the Mississippi Supreme Court Justices, Appeal counsel performance was deficient and that such deficient performance prejudiced his appeal outcome. (See, Intervening Decisions by U.S. Supreme Court, McCoy v. Louisiana, 138 S.ct. 1500 (2018) Trevino v. Thaler 133 S.ct. 1911 (2013). See, 2254(d)(1), court's decision was contrary to or involved and unreasonable application of Clearly Established Federal Law AS determined by the U.S. Supreme Court, Smith v. Robbins, 120 S.Ct.746(2000),Williams v.Taylor,529 U.S.420,437 (2000) Evitts v. Lucey, U.S. 469 U.S. 367 (1985),U.S. v. Cronin,466 U.S .648 (1984), Mckaskle v. Wiggins, 104 S.Ct.944(1984), Douglas v.California,372 U.S.353(1963) 27 Am.J.Crim.L.13(1999) and74 Miss. L.J. 213 (2004).

(b) If you did not exhaust your state remedies on Ground Four, explain why: I did.

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue> No

(2) If you did not raise this issue in your direct appeal, explain why: Appeal counsel could not raise ineffective assistance of counsel on himself.

(d) Post- Conviction Proceedings:

(1) Did you raise this issue through a post- conviction motion or petition for Habeas Corpus in a state trial court? **Yes**

(2) If your answer to question (d) (1) is "Yes," state:

Type of motion or petition: **Post- Conviction Relief**

Was this claim raised in a prior federal petition, application, or motion? **Yes but not heard on the merit.**

Name and location of the court where the motion or petition was filed: **Mississippi Supreme Court**

Docket or case number: **No. 2014-M-00934.**

Date of court's decision: **February 15, 2015, 11/29/2018, 3/01/2021.**

Result: **Dismissed.**

(3) Did you receive a hearing on your motion or petition? **Yes.**

(4) Did you appeal from the denial of your motion or petition? **No.**

(5) If your answer to Question (d) (4) is "Yes," did you raise this issue in the appeal? **No.**

(6) If your answer to Question (d) (4) is "Yes," state:

Name and location of the court where the appeal was filed: **N/A**

Docket or case number: **N/A**

Date of the court's decision: **N/A**

Result: **N/A**

(7) If your answer to Question (d) (4) or Question (d) (5) is "No", explain why you did not raise this issue:
I did.

(e) **Other Remedies:** Describe any other procedures (such as Habeas Corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: **Writ of Habeas Corpus Petition U.S. District Court, Southern Mississippi; Jackson v. Fisher, No. 3:15-cv-654-TSL-LRA (2015) Jackson v. Hall, 3:18-cv-753-CWR-JCG (11/01/2018); Transfer to U.S. Court of Appeals Fifth Circuit No.**

*Requirement of U.S.C. §§ 2241 and 2242 and
in particular with the provision in the last paragraph
of § 2242.*

TIMELINESS OF PETITION: If your judgment of conviction became final over one-year ago, you must explain why the one-year statute of limitations does not bar your petition (2254). (See, In the United States Court of Appeals for the Fifth Circuit. No. 18-60587 (11/05/2018), No. 18-60771 (01/16/2019), sanction dismissed. In re: Randy Jackson No. 19-90037, (12/03/2019), and In

The United States Supreme Court, No. 19-8086. (05/26/2020) cert. den. (8/24/2020) reh. Den.

UNDER U.S. SUP. CT. RULE 20.1, 20.4 (a). Statement of the "reason for not making application to the district court of the district in which the applicant is held." Petitioner shows he did. Case No. Jackson v. Hall, 3:18-cv-753-CWR-JCG (11/01/2018). The petitioner has exhausted available remedies in the Mississippi Supreme Court Motion for Post Conviction Relief En Banc Order No. 2014-M-00934 denied on (11/29/2018) and Denied Writ of Habeas Corpus Order on March 1, 2020. Otherwise comes within the provisions of 28 U.S.C. 2254 (b). *See APPENDIX-A*

The Constitution itself, shows petitioner exceptional circumstances is necessary to accomplish justice that warrants the exercise of the court's discretionary powers. Petitioner Randy Dale Jackson is in custody in violation of the constitution or laws of the United States. **28 U.S.C. 2241(a), (c), (3),**

28 U.S.C. 2254 (a), (2006).(See, Using The Supreme Court's Original Habeas Jurisdiction To Make New Rule Retroactive 2016 WL 1417783 (Feb. 01, 2016).

And that adequate relief cannot be obtained in any other form or from any other court. Due to court Impediment with sanctions and restrictions Under AEDPA statute of limitation under **28 U.S.C. 2244,** standards. *Roadblocks. See APPENDIX-A, B, C.*

Petitioner's diligence in pursuing relief underscores the extraordinary circumstances at play in his case. Petitioner has continued to challenge the constitutionality of his conviction/ sentence even though relief has been denied. Petitioner's case may seem unfair but it reasoned that the need for balance between finality and justice necessarily creates situations in which an alleged injustice can no longer be remedied. This court held that extraordinary circumstances, includes incarceration, illness, and poverty that warrants(Fed. R. Civ. P,)Rule 60 (b), (6) relief. Grand Reservoir of Equitable Powers, provides courts with authority to reopen the Habeas Judgment and give prisoner the one fair shot at Habeas review that Congress intended that he have. See, Klapprott v. U.S.; 335 U.S. 601, 614- 15 (1949); See Gonzalez V. Crosby; 545 U.S. at 535, 125 S. Ct. 2641 (2005). See, Congress's Exceptional Clause "Original" Habeas Jurisdiction. See, Felker v. Turpin, 518 U.S.C. 650, 654 (1996). Fay v. Noia, 372 U.S. 391, 399-415 (1963).

Petitioner suffered actual prejudice as a result of the alleged violation of Constitutional Right's, Federal laws. Causing for Importance of Fairness, Finality, Equity and Federalism in Habeas Proceedings. See, Teague v. Lane; 489 U.S. 288, 309 (1989); Coleman v. Thompson; 501 U.S. 722, 750 (1991). McCleskey v. Zant, 499 U.S. 467, 494-95 (1991).Schiro v. Summerlin, 542 U.S.C. 348, 349-50 (2004), Danforth v.

Minnesota, 552 U.S. 264, 278- 82 (2008).Johnson v. U.S., 135 S. Ct. 2551 (2015) and Montgomery v. Louisiana, 136 S.Ct. 718 (2016) "Substantive", and thus, Retroactively Enforceable. A failure by court to grant relief would thus result in a miscarriage of justice in that petitioner would be serving a life sentence based on the incomplete guilty verdict of a racially tainted jury and ineffective assistance of counsel.

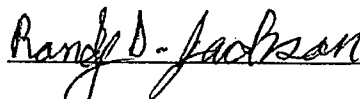
The Writ of Habeas Corpus is the "Great Writ of Liberty". It is a fundamental safeguard of personal freedom; one that the Framers valued enough to write into the Constitution. U.S. CONST. Art. I, § 9, Cl. 2. (Courts which are created by written law and whose jurisdiction is defined by written law cannot transcend that jurisdiction. Marbury v. Madison, (1803)1 Cranch 137.2 L.Ed.60

CONCLUSION

THEREFORE, Pursuant to Written Law, In the Interest of Justice under Presumption of Correctness, 28 U.S.C.A. 2254(e),(2),(B), 28 U.S.C.A. 2241(a),(c)(3), 28 U.S.C.A. 2104, and 28 U.S.C.A. 2106.

Petitioner Prays this Court grant the following relief: Vacate or set aside conviction/ sentence or resentence him under new murder Jury fix Punishment Mississippi Code Annotated § 97-3-21(2) amended by laws 2013, that was Previously Unavailable at the Time Of Petitioner's 1999 Judge Sentence. Now Advisory sentence Guideline, applies to commutation of sentence under 75 FR 13680-01(2010). As to Petitioner's 20 year's Plea Agreement.

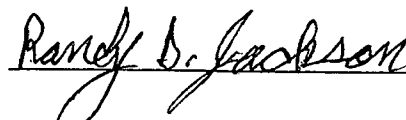
The United States Sentencing Commission on reducing term of imprisonment as a result of amended guideline range policy under proposed commentary priority I-9 (83FR30477 -01), 2018 WL 314210(F.R.) (June 28, 2018) (see) Fed.R.Crim.P.35(b), and 18 U.S.C. 3582(c)(2), 3553(a), 18 U.S.C.A. U.S.S.G.-3E1.1, or 28 C.F.R. part 571.41 release from custody pursuant to the Second Chance Act of 2007, or The Sentencing Reform and Correction Act of 2017, or The First Step Act of 2018; United States Constitution Article III, Section 2; Art. VI § Sec. 2) or any other relief to which petitioner may be entitled.



Randy D. Jackson

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on March, 9, 2021 (Month, date, year).

Executed (signed) on 3/9/21 (date).



Randy D. Jackson