

21-5161

ORIGINAL

No. 20-6163

Supreme Court, U.S.
FILED

JUL 02 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Jamar J. Draper — PETITIONER
(Your Name)

vs.

Warden Whitten, State of OK — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Tenth Circuit Court.

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

PETITION FOR WRIT OF CERTIORARI

Jamar J. Draper
(Your Name)

1605 East Main RD,
(Address)

Sayre OK 73662
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

petitioner should have effective Counsel on imposed sentence by Right of 5th Amend and 14th Amend. Why Counsel did not bring up key facts to Judge in petitioner's defenses. This was never considered in Court and wholly ignored, for no reason. Still lower Courts ruled Bias to this. Even after petitioner brought all the Constitutional Violations to the lower Courts. The D.N.A evidence should have been considered, being that it is physical Evidence to the crimes on imposed sentence. Trial Counsel Jay Trenary did not do anything in defense of the petitioner on imposed case, still the lower Courts ruled that Trial Counsel was effective without showing proof of the effectiveness of the petitioner's Trial Counsel. Furthermore when petitioner requested for an Attorney in Denton, TX at the interrogation he should have had one present upon request, however petitioner never received an Attorney on request this is violation of 5th Amend Const. Petitioner should have never been coerced into plea deal by Trial Counsel, or threaten when the petitioner wanted to go to trial, know petitioner had right to Speedy Trial. U.S.C. should never order petitioner to exhaust remedies that were already exhausted, causing bar on the petitioner's claims. Petitioner should have never been charged twice for one Transaction of crime (Double Jeopardy).

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. v. Halper, 490 U.S. 435, 448, 109 S.Ct. 1892, 1901-1902, 104 L.Ed.2d 487 U.S.C.A.

Benton v. Maryland U.S.C.A. June 23, 1969, 395 U.S. 784 89 S.Ct. 2056

Murray v. Carrier U.S.C.A. June 26, 1986, 477 U.S. 478 106 S.Ct. 2639

~~Slack v. McDaniel~~

Jackson v. Virginia 444 U.S. 890, 100 S.Ct. 1952 789.

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

McQuiggin v. Perkins U.S.C.A. May 28, 2013 ~~██████████~~
569 U.S. 383, 133 S.Ct 1924
Schlup v. Delo U.S.C.A. January 23, 1995, 513, 115 S.Ct 851
House v. Bell U.S.C.A. June 12, 2006 547 U.S. 518, 126 S.Ct
2064
Strickland v. Washington U.S.C.A. May 14 1984, 466 U.S. 668
104 S.Ct 2052
Murray v. Carrier U.S.C.A. June 26, 1996, 471 U.S. 478, 106 S.Ct 2639
Jack v. Virginia 444 U.S. 890, 100 S.Ct 195, 2709

STATUTES AND RULES

5th Amendment, 14th Amendment, 6th Amendment,
~~██~~

28 U.S.C. 2254 (E)
28 U.S.C. Sec 2253 (1)(2)
Title 22 15-14 (6)
U.S.C.A. Const 14th
U.S.C.A. Const 5th
U.S.C.A. Const 6th

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)(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 _____ 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 _____ 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 ~~02-04-2021~~, 02-04-2021.

☐ 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 8-13-20.
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

My Constitutional Rights that were violated are the following:

5th Const Amend U.S.C.A.
14 Const Amend U.S.C.A.
6 Const Amend U.S.C.A.

Violation of Double Jeopardy
Violation of Effective Counsel
Violation of Due process
Violation of Humistic Rights

STATEMENT OF THE CASE

I was Arrested in Denton TX, and interrogated by Investigator ~~Mike~~ Mike Dean. About an Home invasion that took place in Langston OK. I asked the investigator Mike Dean for an attorney to be present, never received one at that time. ~~Mike~~ I was ex-patriated to Logan County without an attorney. My retained Attorney at the time was Warren Plunk he assisted me at preliminary Hearing, then he withdrew from my case. I was bound over to trial after my preliminary Hearing, and I received Jay Trenery as my Counsel for trial. He coerced me into taken a plea deal I did not want, I asked to withdraw my plea deal because I was Innocent and coerced into to plea deal. My Application to withdraw was denied and I was sent to prison. Then I started filing an Appeal on my sentence, by Exhausting State remedies. I filed an Appeal - out-of-Time my third post conviction was granted and I received Appellate Counsel Rana Hill. She file an Brief to O.C.C.A, relief was denied then I filed Habeas Corpus.

REASONS FOR GRANTING THE PETITION

Reasons why I should have petition granted is,

That I did not have effective counsel to assist me on my imposed sentence that lead to violation of my Const rights. physical Evidence proves that I'm innocent of Heinous Crimes.

There was not physical Evidence that proved I committed any crime that I've been incarcerated for 11 yrs for. I was charged

Twice for one transaction of crimes. The Courts ruled Bias to key facts that should not been ignored. I've proved that Constitutional Rights were violated by trial Court. This is my first felony conviction. My due process violated as well during trial court proceedings.

I never had a fair day in trial Court because I was coerced by my public defender. I took plea deal under Duress. My public defender lied to me about Criminal conviction.

The investigator made false statements about crimes on my behalf in trial Court, the judge over look this key fact.

The Appeal Courts tried to barr my claims without reason.

IN THE UNITED STATES SUPREME COURT

Jamar Draper,)
Petitioner,)
v.) Case No. 20-6163
State of Oklahoma,)
Respondent.)

MOTION FOR LEAVE TO SUPPLEMENT INFORMATION

COMES NOW, Jamar G. Draper, Petitioner appearing pro se in his "Motion for Leave to Supplement Information" as ordered by the Court. Petitioner prays this Honorable Court will¹ liberally construe his motion now before this Court.

1. Petitioner was also denied his right to writ of Habeas Corpus, U.S.C. Courts by ordering him to exhaust remedies that were exhausted, this violation 21 OKI ST ANN 835
2. When Petitioner was interrogated by Mike Dean (Investigator) in Denton TX, he the Petitioner was said to confess to crimes, however this is false statement OKI ST ANN Sec 453 (violates)
3. Petitioner's Extradition was illegal, because Petitioner asked for an attorney to be present at interrogation and extradition hearing, Petitioner never received an attorney Violation of 5th Amend Right (U.S.C.A.) and this violates 21 OKI ST ANN Sec 453.

Petitioner now comes before this Court seeking leave to supplement his motion with additional information.

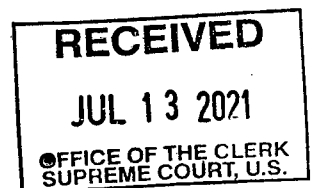
Relief Requested:

Petitioner Request that this information be added to writ Certiorari
Filed on 6-28-21.

Respectfully Submitted,

/s/ Jamar Draper
Jamar Draper
7-2-21

¹ Haines v. Kerner, 404 U.S. 519 (1972) pro se type pleadings will be liberally construed.



Please. Allow me to have relief sought granted, because of my Constitutional Rights were violated by my trial Counsel and the Courts. I should have my Constitutional Rights enforced by the higher Courts.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James G. Shapiro

Date: 6-28-21