

(State) (Georgia)

(Federal)

No: # 11-SC-161827

① Superior court

No: # 20-SH-CV-49568

② Habeas court

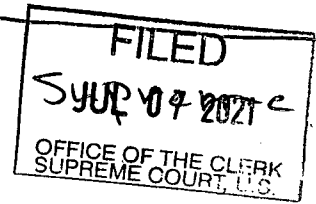
No: # A17/A0606

③ Appeal

21-5207

No: ORIGINAL

U.S.



"In the united states"

Supreme court

In re, David Martin And in re, D.M
(A child) et al. pro-se

"Extraordinary writ of ① prohibition"

And ② mandamus

Petitioner, David Martin et al, proceeding
In "former pauperis" And "pro-se" under Rule
12.2 And 39 hereby files both An Rule
20 ① prohibition And ② mandamus. The Rules
And information requirements under 20.3(a)
Are As follows to Grand writ. § 1651(a)
①

"Statement of claim"

①

(i). The ^①indictment And ^②Arrest Warrant is Null And void because Kent vs United States In re Gault And § 15-11-7(a)(b); State vs Belcher, protected "17 year old" petitioner (time of Arrest) from subsequent trial, And Adult procedures, that was not fulfilled, or recognized, even After Raised And Argued. ^①Retrospective Request And ^②unconstitutionality of State-trial Statute of § 15-11-560(b) is invoked.

The parties used the ^①Juvenile records Suppression, And ^②trial courts offense Jurisdiction defense; together, to aid In destroying the confidence of procedure, And its results. Rule 10(c)

②

"Relief in no other"
Court
①

Following Rule 20.3(a), petitioner(s) has filed every state remedies to thus challenge conviction in Georgia within its Postconviction procedures of Harper vs State, 286 GA 216, 216-217(1) (2009)

②

We have Also filed Application(s) in the district of Georgia in Federal courts that's been either denied or dismissed.

① Morton vs Ward, # 1:19-cv-2079-WMR (2019) (W.D GA); ② In re, Morton et al 1:21-cv-0581-WMR (2021) (W.D GA)

③

Nothing remains to have relief
And Appendix's Attached thereto.

③

(Address) "Parties location"

(Proof of the)
Service info.

①

① State of Georgia, Fulton county division.

* Paul L Howard, District Attorney of Atlanta
Ad/ 136 Pryor Street S.W 3rd floor, Atlanta,
GA 30303. (Ass. Docket: Judge Carver)

②

② Habeas corpus, Baldwin county division,

* Terry W Massed, Baldwin county courthouse,
Ad/ P.O. box ~~687~~ ⁹⁸⁷, Hardwick GA 31054-0987
(Ass. Doc: Judge Massed) Milledgeville, GA.

③

③ Attorney General, Atlanta (Fulton)

* Meghan Hill (Ass. A.G.), Fulton county,
Ad/ Department of law, 40 Capitol Square
S.W., Atlanta, GA 30334-1300.

(head A.G: C. Carr). Rule 29.4(c)

④

"Prohibition ¹/₃ mandamus"

①

① Rule 20.3(a): Respondent(s) (is) (are) now
Employed by the State of Georgia in the
official capacity of ① Fulton ¹/₃ ② Baldwin
County, and AS such (is) (are) subject to
the Jurisdiction of this court. SEE: 28
U.S.C. § 1251(a)(b); 28 U.S.C. § 1651(a)(b)

②

① Petitioner Statement of claim is hereto
Attached, And ② relief is within conclusion,
And has ③ exhausted remedies in Appendix
A And B. § 20.3(a); § 2254(b); § 1251(a)(b)

③

② Rule 20.3(b): petitioner has listed the
parties to be served, A pauperis And
pro-se, AS here, is "only required" to file
original And motion. Rule 12.2.

⑤

"Information"
Petitioner

Name: David Martin

Address: Baldwin state prison, P.O. box 218, Hardwick ^{GA} 31034

G.D.C.: # 1001403016

Number: # 404-790-0872 (mother)

"Juvenile information"

Name: David Martin, a child

Address: Fulton county Juw Court, 395 Pryor Street
ATL, GA 30312

File: # 204638-01

Cases: # 09-w-08355 And 08-w-02975

Signature: David 

"Information of parties"
Involved et al.

(*) ① Shawnale Martin (mother)

② Martin family (Family)

* Although parties Above does not sign An Affidavit of indigence (etc) the parties do not Waive involvement with David or his Juvenile Records or files[#], And Aids petitioner in this matter.

* please note, clerk has rejected filing over two times for correction. (① Dates And ② Signature from Past filings),

"Questions presented"

- (i). Should Kent vs United States, 383 U.S. 541 (1966) be Applied "Retrospectively" to the states because state trial courts are jumping the gun for criminal jurisdiction over very young children and juveniles when they do have a statute for protection that overlooked that calls for overall compliance?
- (ii). Should petition be "granted", And Rule 20.1 prongs shown, because trial court "lacked Jurisdiction" over David for 10 years under Kent, And correction is required in this court regardless under Cotton, 535 U.S. 625, 630 (2002)? Id 630.
- (iii). Did the state-appeal court, And counsels, violate "clearly established" Federal law under § 2254(d), And Rule 10(c), for "not giving" petitioners A chance to prove Strickland, on Jurisdiction, on appeal in light of Kent, Belcher, R.S And 15-11-7(a)(b)?

"List of parties"

[✓] * All parties who "do not" Appear in the caption of cover page. A list of All Parties whose Judgement is subject of this Petition is AS follows:

① State of Georgia, Rule # 20.3(a)

② Attorney General of Georgia, Rule # 29.4(c)

③ Governor of Georgia, Rule # 17

④ Judge Massey, Rule # 20.3(a)

"Related cases"

① State vs Martin, #11-SC-101827(2011) (Fulton Sup)

② Martin vs State, #A17A0606 (2017) (GA Appeal)

③ Martin vs brahmer, #20-54-CU-44568 (2020)
(Habeas)

④ Martin vs Ward, #1:19-CU-2075-WMR (W.D 2019)
(Fed Hab)

⑤ In the interest of, File # 204638-01 (2008)

⑥ David Martin (A child) Case # 06-m-08355

"Table of Authorities cited"

Cases:

Kent vs United States, 383 U.S. 541 (1966)

In re Gault, 387 U.S. 1 (1967)

United States vs Cotton, 535 U.S. 625 (2002)

Breed vs Jones, 421 U.S. 519 (1975)

Wiggins vs Smith, 534 U.S. 510 (2003)

Wilkins vs Teylon, 529 U.S. 362 (2000)

Strickland vs Washington, 466 U.S. 668 (1984)

Kyles vs Whitley, 514 U.S. 419 (1995)

Haines vs Kerner, 404 U.S. 519 (1972)

United States vs C.G., 736 F.2d 1474 (11th Cir 1984)

State vs Belcher, 157 GA App 137 (1981)

State vs Crankshaw, 243 GA 183 (1979)

R.S. vs State, 156 GA App 460 (1980)

Sperry vs Florida, 373 U.S. 375 (1963)

Paez vs Sec'y Fla Dept, No #16-15705, op 2-3 (11th Cir)

"Table of Authorities cited"

"Statutes And Rules"

"Rules"

Supr. Ct. Rule 17, 1.3, 7

Supr. Ct. Rule 20, 1.4

Supr. Ct. Rule 36

Supr. Ct. Rule 29.4(c)

Supr. Ct. Rule 10(c)

Supr. Ct. Rule 12.2

Supr. Ct. Rule 26

Supr. Ct. Rule 21.2(a)

Supr. Ct. Rule 14

Supr. Ct. Rule 39

Supr. Ct. Rule 33 And 34

Supr. Ct. Rule 16

Supr. Ct. Rule 24 And 28

"Statutes"

28 U.S.C. § 1251(c)(b)

28 U.S.C. § 1651(c)(b)

28 U.S.C. § 2254(b)(1)

28 U.S.C. § 1746

O.C.G.A. § 15-11-1

O.C.G.A. § 15-11-2(b)(1)

O.C.G.A. § 15-11-7(c)(b)

O.C.G.A. § 15-11-8

O.C.G.A. § 15-11-56(b)

O.C.G.A. § 15-11-56(c)

O.C.G.A. § 17-5-4

O.C.G.A. § 1-3-1(c)

O.C.G.A. § 17-5-21(c)

O.C.G.A. § 16-6-4(b)(1)

"Table of Authorities cited"

"Others"

- ① In the interest of David Martin,
A Child, File: # 204638-01, cases: # 08-
ln-08355 And # 08-ln-02975. (2008-2010)
(Fulton county "Juvenile court case" of Juvenile).
- ② Kent 89 ALR2d 506 (Age AS grounds for)
Juvenile Juris.
- ③ Atty Gen Op. 684-30 (1984).
- ④ State vs belcher "Headnotes" (Subject-matter Juris).
- ⑤ pre 2 Supra. (taking "Judicial notice" of online)
Records
- ⑥ Constitutional law: ³ 854, ³ 831.5, ³ 840.3 (Kent)
- ⑦ GA. L 1973, PP 882, 889 (17-21 concurrent).
- ⑧ Infant(s) ³ 68.7(1) - (3).
- ⑨ U.S Supreme courts Justice duty laws (omitted)

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Martin vs State

Appendix B: "State-Habeas corpus decision"
In Martin vs brother.

Appendix C: "Appellant counsels brief"
On Appeal.



"In The"

Supreme Court of United States

"petition for extraordinary writ" of
Habeas, under "original - Jurisdiction" procedures

* petitioners respectfully prays, And begs the
Court, that "Writ of Extraordinary" issue to review
the Judgement below. 28 U.S.C. § 1251 And § 1651(a)(b).
§ 2254(b), (d) (Rule 20).

[✓]. ^① From state courts: (Opinions)

The opinion of the Georgia Court of Appeals*
Appears At "Appendix A" to petition And is

[✓]. ^② is unpublished. Martin vs State Supr.
(Mar 29, 2017).

* The U.S. Supreme Court Rule 20.4(c), is shown
of "exhausted", or come within § 2254(b), Id

⑭

* Notice is given that once denied by the Court of
Appeals in Georgia, he is deemed "exhausted", without
Review by the GA Supreme Court. GA.S.Ct.R. 40. ~~(40)~~

"Statement of Jurisdiction" of Supreme Court

[✓] Cases from State Courts;

The date on which the "Court of Appeals
of Georgia" decided my case was: March 29th

2017, Martin vs State (2) #A17AUG06 (2017).

(unpublished opinion) (Exhausted) GA. S. Rule 40

A copy of that decision appears At:

"Appendix A" (pages: 4-7), § 2254(b), (d)

[✓] No "rehearing" was filed, And "no extension
of time" to file normal writ of certiorari
was granted. (no dates on Application no.).

(*) The Jurisdiction of this court is "invoked"
under 28 U.S.C. § 1251 And 28 U.S.C. § 1651(a)(b)

of "original-Jurisdiction" procedures. Rule 17.
§ 2254(b), (d)(1), § 20.3(a)

"Constitutional And Statutory"

Provisions involved

"Constitutional Amendments" ^{14th}, ⁸§315, ⁸§54, ⁸§40.3.

(1)st ^{4th} Fourth Amendment: ³petitioner, David, was 17 years

old under "Juvenile-Statute" until 21, And the

Superior court or Adult court couldn't Abrogate the

Juvenile court to issue warrant, Granted only by

statute, to Arrest 17 year old David, And there

power was "not-limited", ⁸§5-11-7(c)(b); balder

Supra.

(8)th ^{2nd} Eighth Amendment: ³17 year old David was thus

"Entitled" to the "custody" of Juvenile facilities,

And not Jail, which violated his rights And was

cruel And unusual punishment, Kent Id 555-556

(14)th ^{3rd} fourteenth Amendment: ³David had A procedural

Due-process "right" to his ⁸§5-11-7(c)(b) transfer-

hearing that was not held, or fulfilled. (15)

"Constitutional And Statutory"

provisions involved

Prohibition and mandamus

"Statutory provisions". "Rule 20 And 17" (etc)
"Extra. Habeas"

① 28 U.S.C § 1651(a)(b), permitted by congress, has
Given this court power to issue And Rule has
or writ in aid of these Jurisdiction.

② 28 U.S.C § 1251(a)(b), Gives this court "original
Jurisdiction" to review state-court Judgement
of State-Appeal, even though there is "no-time-
limit" to file An original Action. Appendix A.

③ 28 U.S.C § 2254(b), gives this court Appellate
Jurisdiction from A state-court Judgement
because petitioners is "exhausted" of state-
Remedies- under GA.S.Ct. Rule 46. The cited

⑦ Appendix A, is in aid of this procedure
under Supr.Ct. Rule 20.4(a); Rule 17.1

"Statement of case"

①

In following Rule 14.2)(i) to petitioners best, petitioner David Martin was found guilty of ^①Aggravated child molestation, And ^②Sexual battery, in 2014 in Fulton county Georgia. He was 17 years old when ^①Arrested, And 18 when ^②indicted in Adult court, but was released back to his mother June 1st, 2010. At 17 years old by A "Juvenile court order" to Extend Supervision from 17 to 21 under O.C.G.A § 15-11-2(10)(D), And (19)(B), or until proper Waiver before 21 under due process. SEE: in the interest of David Martin, Case # 04-m-08355 (2010).

Although "Age" At the time of ^①offense, on ^②Legal proceeding is merittful grounds to Assent Juvenile Jurisdiction under Kent, "89 ALR2d 506" This fact was never raised. (18)

After found guilty, he filed the ^① "motion for new trial" that "Appellant counsel" raised Juvenile Jurisdiction "In error" with no statute, or cases, (Appendix C). The trial court denied motion, stating that U.C.G.A. § 15-11-56(b)(6) granted superior court Jurisdiction over the offense, thus trial counsel was not ineffective. And petitioner showed "no proof" of his supervision order before, or after 17* State vs. Wrenn # 11-SC-101827 (2011) (order on new trial).

On Appeal ^②, Appellant counsel filed the brief that merely "Abandon" his Juvenile claim for true Review, for the brief admits that there were "disagreements" between his Appendix C.

* For the record, petitioner "did have" evidence and proof back during motion for new trial, "counsel failed to relay and file it, And Also failed to cite § 15-11-7 And Belcher"

case no statute or cases, was cited in support of the Jurisdiction, the Appellate court denied ^① An evidentiary hearing, And ^② denied Appeal in like of 95-11-566(b)(6). Mention US State (2) [#] Al7K0666 (2017). (Appendix A). (continued to Kent)

As an Appeal, And to this court, I still "Reserve my right" to Challenge Juvenile Juris-

diction, noted on Appeal. Mention (2). Supra ^③

And After Appeal, Petitioner filed other motions to assert Jurisdiction but was bound

by the court of Appeals in error. State vs Mention Supra. (Extrajudicial motion And Arrest orders). ^④

Next, he filed A Federal habeas in 2015

but the "motion in Arrest" didn't tell the one(1)

Year limitation to be timely. Mention US [#] Used, 1:19-cv-2075-LMR (W.D Va 2020).

After being "untimely filed" in Federal habeas, we
filed A ⁽³⁾ State-habeas petition in Martin vs Brewer, #
SH-CU-49568 (2020). Although correct Statutes, And
Cases were cited, the Court relied on the Court of
Appeals in Martin vs State to deny relief, holding
Appellant counsel not ineffective in light of the
decision on appeal of trial counsel not ineffective.

Appendix B pg. 10-11. Martin vs Brewer supra

The review had to be "prejudice" in habeas be-
cause Although I cited 15-11-7 And Kent, it held
there was "no prejudice" because: "I didn't show (when I
did show) that A waiver hearing would need to occur,
or my case would have been dismissed if trial

counsel had sought to do so." Appendix B, pg. 6-7.

That "Assumed" waiver in error of Kent Id 561,
And ignored, not cited, And of my citations. Id:

After habeas denial this year in 2021, the family of the Martins, And Mother, got really involved in this matter because there was "no misapprehension" of the law or statutes, we All agreed.

This court left "No doubt" in Kent that before A Juvenile boy Statute be tried, his Statutory-transfer ^①Acting And ^②disposition is Absolute before A Juvenile Court can leave And transfer for proper prosecution, And its waiver must have its ^①reasons And ^②findings to be valid. Kent Id 553-557, 561; 15-11-7(b).

That the parent (mother) has "parental rights" to her son which includes ^①notice, ^②presence of his parents or counsel, And counsel considerations(etc) under In re Gault, Gault Id 30-45. (not had).

This court made clear in Kent and Gault these grand daddy rights that petitioners were "Entitled-too", but due to the "nature of the crime", courts has turned ~~an~~ "blinded eye" on review. 

Now in the Supreme Court, this family filed every motion, and petition, in State and Federal Courts to challenge his conviction. And no form remains, or In no court, under Rule 20.1, requirements to Grant petition writ under §1651(c)(b); §1251(c)(b)

And §254(d), ^① The "Appendix A" is in aid of this Court's Appellate Jurisdiction, ^② that there is "exceptional And compelling" circumstances that warrant federal powers, And Adequate relief under Kent, and Gault, cannot be had in no

Form or in no other court. Rule 20.1.4(c), 20.3(c)

That lastly, the state-courts decided An Important Federal Question that is in conflict with this Court's relevant decisions governing review by Certiorari, or Extraordinary writ, Rule 10(c); Rule 20.6. Supreme Court review is warranted.

"Reasons Granting writ"

①

① Rule 10(c): The "Appendix" Judgements

Is in conflict with Kent And Gault that the State of Georgia is using

① Juvenile discovery, And ② Superior courts offense Jurisdiction of § 15-11-560(b) to

"circumvent" Juvenile code, prohibited by this court that has affected thousands of Juvenile with due process. Id (compelling Reasons)

② Rule 20.1: ① petitioner is exhausted, the Above ② warrants discretionary powers,

③ no relief (Adequate relief) lies to file in no forum, or no court. Id

"Reasons for Granting writ"

① Petition in aid of Appellate Jurisdiction

Prong 1:

(i). In following the Rule 20.1 requirements to Grant Petition. This petition is in aid of the Supreme Court's Appellate Jurisdiction located in Appendix A of Georgia State, Supra.

In Georgia, once an Appeal is Affirmed by the Court of Appeals, petitioner is deemed "exhausted" of claim, without seek discretionary-state Appeal or relief by the State Supreme Court. SEE: GA. S.Ct. Rule 40 And Rule 41.

In compliance with Rule 20.4(a), exhaustion of State remedies has been shown and cited In Appendix A, for petitioners come within Federal Jurisdiction under § 2254(b) And § 1651(a) And § 1251, And § 1257(a). petition in aid.

"Reasons Granting Unit"

② Exceptional and compelling circumstances

Warrant Federal powers

Prong 2
②

(ii). ② The next, And maybe hardest prong to meet, is Exceptional circumstances that warrants federal powers. 20.1; 20.4(a)(b); Infants 68.7(1)-(3).

The family argues in dept here in this prong to grant review. This is An Jurisdictional issue And question "Already decided" by this court, but the states has Abrogated Federal protected Rights under states powers. Cf: Sperry US Florida, 373 U.S. 379, 382-384 (1963). However, when there Is "no Absent" of Federal precedents, rules, And laws, As here, the state must yield to Federal Supremacy. Sperry Supr. There was Federal Rights here. ~~26~~ 26

In Kent vs United States, 383 U.S. 541, 89 ALR2d 506 (1966); In re Gault, 387 U.S. 1 (1967) A Juvenile until 21 years old, "by Statute", is protected from loss of civil rights, And Adult convictions, And has special rights And immunities that Adults don't have, that Juveniles are entitled too transfer-hearings by statute, Along with ① counsel during lower hearings, ② protection from self-incrimination clause, ③ to review his own Juvenile files, And ④ entitled to the "custody" of his parent, or Juvenile care in there interest of the child. Kent Id 553-557, 561-565; Gault, Id 18-26, 32-58.

Furthermore, Juvenile Jurisdiction is never waived, or forfeited, or estopped, And "correction is required regardless." U.S. vs Cotton, 535 U.S. 625 (2002)

Violation of "Subject-matter Jurisdiction" is of
"Exceptional circumstances" Alone in this prong,
As trial court lacks, As we speak, Jurisdiction
In counting and over 10 years. This court should
follow Cotton to correct Jurisdiction. Cotton Id
630, O.C.G.A. § 17-4-4, § 2254(d)(1), (2)

Moving on, the Appellant counsel held this
claim had "no merit", And no statute, or case, is
found to support David. Appendix C, Pg. 6-10.

Petitioners "disagree" with Appellant counsel and
his brief. Id

If counsel would have "extended investigation"

under Wiggins vs Smith, 534 U.S. 510, 534-38 (2003)

Into David's "Juvenile background" As A general

duty of the ABA models of counsel, then he

would have found that David had A "statute" by

(28)

the Juvenile code, not properly divested.

Kent vs United States Supra made clear that the Juvenile court couldn't have in isolation "without" hearing? without counsel? without reasons? Id 553-554. Indeed, the error was there in David's files, And is still there, that counsel failed to review, Wiggins Id 518-520. Moreover Kent Entitled counsel to review Juvenile files in the child's interest. Kent Id 562-563.

Appellant counsel's failure to fully research files[#] And case[#] laws was below the ABA of "Reasonableness" conduct, for the evidence was "Favorable" to defense. Wiggins Supra.

* Indeed, based off David and Shawndale's personal knowledge, we remember the June 1st 2010 extended from 17 to 21 order, However, after that, we never heard, or came to divest, that order later. The Juvenile files shows he waited in chambers. Kent Id 553.

After showing counsel's ineffectiveness under
The Strickland vs Washington, 466 U.S. 668, 687-694
(1984) test, under Wiggins, we now turn to the
Appellate court, Appendix A, pg 5-8. Martin Supr.

The Appeals court held that petitioners couldn't
prove Strickland test because the court had ex-
clusive jurisdiction over his case. At 17 under
U.C.G.A. § 15-11-560(b)(6), And counsel would not
have been ineffective* for not filing motion to
dismiss, no evidentiary hearing required. Martin
vs State (2) Supr.

Thanks to Appellant counsel "brief" that aided
not the court, the court violated "clearly established"
Federal law. Williams vs Taylor, 529 U.S. 362, 405-13(2000).

* The court of Appeals even follows Kent. R.S vs State,
156 GA App 460, 461-462 (1)(2) (1980). If "counsel's brief" would
have cited § 15-11-7, And R.S, the Appeal was different.

Kent demanded An ^① evidentiary hearing, demanded ^② § 15-11-560(b)(6) to be limited until § 15-11-7(c)(b) fulfilled first by proper waiver, And ^③ demanded motion to dismiss Granted for failure to comply. Kent Id 552-557, 561, 565. Williams Id 402-13.

If this citation was raised on appeal, having merit contrary to brief, then the court would have Reversed in light of R.S And Kent. Also, trial Counsel could have been held ineffective under Strickland by R.S. RS Id 462(2); Kent Id 563.

David's Juvenile facts "are not wrong", the Extended supervision was intended, in Georgia, to Extend Jurisdiction from 17 to 21 for the Court to enforce more orders, And § 15-11-2(10)(D)

⑤1 Was placed on David. SEE: In the interest of
~~David~~ David Martin, Case # 05-14-08355 (2010 Fulton)

§ 15-11-2(10)(D) triggered § 15-11-7(c)(b) if David violated Supervision of Juvenile Court from 17 to 21. State vs Crankshaw, 243 GA 183, 184, 184 (1979) (§ 15-11-2(10)(D) extended to class of persons 17 and older that triggers the "court of inquiry" § 15-11-7(c)(b)) Id 184. (§ 15-11-2(10)(D) Amend).

The Juvenile Court Supervising David At 17 and up, powers was "not limited" by anything by Statute, but even § 15-11-56(b)(6). As An "Court of inquiry", that granted Juvenile Court All Powers under § 15-5-2(a) to issue warrants, or summons, over David, And review And violations of penal codes. State vs belchen, 157 GA App 137 (1981) (Headnotes and citation omitted).

§ 15-11-7(b), And belchen, granted "Subject-matter Jurisdiction" over David At 17, or 18, regardless of the crime. Id ~~32~~ 32

Accordingly, the Appendix A, Contrary to Federal
laws determined by Supreme Court, ^① findings of facts,
And ^② law, was clearly in error, aided by counsel's
brief, § 2254(d); § 1651(b); Cotton Id 630.

As background, the 11th (Eleventh) Cir has held
In United States vs C.G., 736 F.2d 1474, 1476
(11th Cir 1984), that the district court (or any court
for that matter) couldn't "Assume" waiver, the waiver
order shows compliance of the statute, C.G. Id
1476, Kent Id 561. (Federal courts use Kent)
The court of Appeals, And ^② State-habeas
court, All "Assumed" that § 15-11-566(b)(6) was the

Absolute without discovery of waiver. Appendix

B, pg. 7, 11; Appendix A, pg 6-7. petitioners
cannot prove relief because it gets denied
In "prejudice" review of Judges. ~~33~~ 33

If proper, it would be faster if the court
can "Judicially Notice" David's Juvenile records
online. SEE: praz vs sec'y Fla dept, hv# 16-15705,
op 2-3 (11th cir 2020) (district court may Judicial
Notice online records). (# ^{Juv case} 09-wm-08355)

An "online Judicial notice" of: in the interest of
D. Martin, Juvenile File# and case# numbers in the
Fulton Juvenile Court could do everything promote
Justice. praz op. 2-3. (File and case omitted).

Indeed, Suppression of Juvenile files by the
① State under Kyles, and further investigation by
② Counsel(s) under Wiggins, both in its failure,
would have "in fact" affected the Jury's
determination "in its Absent" of these files.
Kyles Id 434-441, Wiggins Id 518-520, 524-
528, Strickland Id 693-694, Kent Id 558-559.

Being 17 or 18 when Arrested or indicted
"didn't meet statutory requirements" by the Juvenile
Court, And there is An "reasonable probability"
under Strickland that David was denied A
"fair trial", that the Juvenile files Affected
the Jury, in its Absents, determination.
Kyles vs Whitley, 514 U.S 419, 434-441 (1995).

The family is "only required" to show "reasonable
probability" of different outcome at Strickland, we
"do not" have to show that counsels deficientness
Altered the entire case (Although he did) in order
to prove "prejudice", or should have resulted in
An Acquittal, Kyles Id 434-35; Strickland Id
693, 698. We Showed multiple constitutional
Errors, poor review, A "prejudice" crime in
nature, An time consuming procedures unduly.

"Retroactive" Application of Kent is united
States is *requested* because it will fill most
of the gaps, And loose procedures, of Juvenile
Courts to Criminal courts. Indeed, if investigation
fully. At first sight of statutory-rights, it
would stop A lot of courts from "Assuming"
Criminal Jurisdiction. Gault, 18-20, 50-51.

This court is "Aware" that the Juvenile
System is not fully promising in procedures,
but this court "does not" determine the sole
benefit of improving the system with An
"Retroactiveness" upon the States to obey
the Juvenile Statute provided by there own
Rules And law. CF: Kent Id 555-556,

③⑥ Gault, Id 18-19, 50-51, Its needed! ③

The Question to this court is O.C.G.A. § 15-11-560(b) unconstitutional?

We believe so, because this state-statute has been overruling, sub-silent, other Juvenile Code statutes that permits procedures. For Example, SEE: Appendix B pg 7, 10-11 (state-habeas).

The court held based on the crime, that § 15-11-560(b)(6) would have denied: "Any" motion to dismiss, or "Any" Allegedly invalid Waiver order, pg 10-11. (overruling Juvenile Code)

Therefore, Kent ^① statutory-transfer, and ^② Reasons of Waiver order, has been overrule by state-statute. Regardless if there was A Juvenile State code to the contrary.

Which is what "Serve upon" the ^①Attorney General of Georgia, And ^②Governor of Georgia, Should be made under Rule 29.4(c) And Rule 14.1(c)(v) "because the "State-Statute" Is drawn into Question". Id

The two Statutes Are ^①O.C.G.A. 15-11-7(c) (b) And ^②15-11-560(b), Rule 29.4(c).

O.C.G.A. 15-11-7(c)(b) permits Georgia Juvenile courts to Act AS court of inquiry over 12 year olds, And over, And bound for, or others to proper prosecution. ^③15-11-7(b); State vs Belcher supra; Kent supra.

O.C.G.A. 15-11-560(b) gives the trial court Exclusive original Jurisdiction over high crimes, but overrules And Notion of other Juvenile procedures, like here. Id

The General Assembly of Georgia under
O.C.G.A. § 1-3-1(a) And § 15-11-1 intentions
was to protect the children 17 years
And older. State vs Belcher (Headnotes
omitted); Att'y Gen op, # 684-30 (1984).
GA. L 1973, pp. 882, 889. § 17-9-4.

Although D.M. was charged with An
penal code § 16-6-4(a)(1) (Agg child mole)
that would give Superior Court Jurisdiction
that didn't mean An "legal waiver of
statutory requirements" of § 15-11-7 or
An "legal waiver of Jurisdiction" of
Cotton. Congress didn't Also intend this
overruling state-statute of § 15-11-560(b)

Constitutional laws: ⁸854, ³831.5, ³840.3, And

The 14th (Fourteenth Amendment) due process,
was intended to protect Juveniles of there
civil rights And fair treatment.

*^① David Martin didnt receive none of
these rights under Kent, ^② didnt have
counsel during waiver, ^③ No findings were
made, ^④ he waived Jurisdiction in lieu
of the ³15-11-7(c)(b) Statute, ^⑤ didnt
Review the "transfer-prongs" under ³15-11-
562(c), ^⑥ the State treated this violation
As ³15-11-560(b) Absolute, And ^⑦ Strickland
can never be proved, contrary to
Kent And Gault*, Rule 10(c), ~~⑧~~

Another reason why counsel's treated this claim without merit, is because the files of D.M Juvenile records was not disclosed At discovery state on stage. SEE: State vs Martin # 11-SC-101827 (Fulton Super court). (Records void of Any brady evidence, on Juvenile records). Kent Id 558-563 (relevant).

Indeed, As said in united states vs bagley, 473 U.S 667, 682 (1985) counsel's represented that, this evidence and facts now in question, "did not exist". Due to the "non-disclosure" by state, "he abandon lines of investigation, defenses, And trial strategies", he would have pursued. Bagley Id 682, 685; Kyles Id 434-441. 

In fact, the state had "no evidence" At
All because Juveniles Subject to Jurisdiction
At the "time of offense", As here, cannot be
Use in A trial Against him Subsequently.
Kent, evidence³ 683; Kent Id 555-557

The state, Contrary Again to the U.S,
David Martin's ^① Confession WAS used Against
him At trial, ^② his Juvenile history WAS never
brought to the Juries Attention, ^③ he WAS
held in Jail, not the "custody" of the
Juvenile facilities, ^④ the mother and son
WAS deprived the special rights, ^⑤ the state
withheld these items At trial, And ^⑥ It
WAS held "reasonable" to do so with
more. And writ must issue.
^⑦

Such A "Combined effects" of no disclosed Evidence, no extended investigation cause of how Existed evidence, And § 15-11-560(h) to deny Further review of Juvenile files And Written order, Did more than Just deny A fair trial.

* And sense the U.S Supreme Court denies Some many petitions, this Jurisdiction was for sure done, And finished in the states Eyes. This court "Should Stop Georgia" from Sending Juveniles And Children straight to Jail And prison Without And other Considerations under Kend and Gault.

"Retractiveness" may not stop error forever, but will do most Justice in

④③ the system now, And in Future. 

Apart from David, The mother ^①Shawdale Argues that no matter how bad the charges were to the courts, she was still were entitled to due process to her son before, And After Arrest. She cites that Gault Supra, gave her "parental rights" to her son and that counsel, or her was not present during interrogations (etc), Gault II At 30-58; Kent II 555-557.

Apart from David And Shawdale, the Martin ^②Family Argues that the transfer-hearing when 17 years old must have had to be important to us under ⁸15-11-7(b) because 5 years, compared to 25 years, was A more probable outcome to have. Breed US Jones, 421 U.S. 519, 531-538 (1975) (citations omitted). (compare)

The mother and family has A "valid interest"
In the case to David, And the U.S Supreme
court made these rights clear long before we
were born AS "Grand daddy" precedents.

Accordingly, have "no-precedents-overruling"
Juvenile statutory rights, AS having no reason to
Reverse such clearly established Federal law
under Williams vs Taylor supra, this Juris-
diction being "warranted" to correct in
Review by Cotton supra, And having given
Requirements to Grant writ, or petition,
under Rule 20, This court should Act
promptly And issue Rule nisi, or other,
And remand the case. ³1651(a)(b); 20.6.
 

"Reasons Granting Writ"

③ No Adequate relief in no form or court

Prong 3:

(iii) ③ AS for the last ③ prong in Rule 20, This family has filed All state-motions and petitions in the Georgia courts. Harper vs State, 286 GA 216, 216-217 (1) (2009) (① Extraordinary motion, ② Arrest motion, ③ petition for habeas corpus, state). All filed! State vs Martin Supra. (Denied or dismissed).

We Also filed An ① Federal habeas And An ② Original Jurisdiction under Rule 20.4 writ, in Federal courts in Georgia. ① Martin vs Ward, And ② In re, Martins And family Supra. (denied or dismiss)

In light of All this, No Avenue remains to "Adequately" Attack conviction As proper Relief under Kent And belcher Supra. Thus,

④ A "Rule Writ, or Writ", should issue if this Court promulgate. 28 U.S.C. § 1651(a)(b); Rule 20.6

"Adequate relief" under Kent, Gault, And
RS is: ^① "discovery of social history, And
^② Judgements, And ^③ Waiver orders, produced in
court", And ^④ have An "de-novo" hearing of
Waiver order in compliance with Georgia
transfer-statute before tried under O.C.G.A
15-11-76(b) And 15-11-562(a). Kent Id 561-
565, Gault Id 50-58, RS Id 461-462(1)(2).

However, no court has ever, At this time,
have never produce ^① Waiver order of petitioner,
or ^② findings of facts of Waiver required by
this court in Kent of An valid Waiver
order. The Kent And Gault relief
cannot be had in no firm, or court,
And urges to review case And "order
Release if Waiver order improper." Id
(47)

This 15 day of June 2021 151 David ✓
Petitioner, Pro-Se

"Conclusion"

①

After showing the foregoing, An writ
of Both prohibition And mandamus under
Rule 20.3(a) And 28 U.S.C. § 1651(a)(b) of
Mandamus nisi And Absolute.

Georgia has been sending Juvenile
from All Ages to Jail in prison not
for Justice, but to "circumvent" the
Juvenile Statute codes which has
Resulted in "miscarriage" of fundamental
Justice. O.C.G.A. § 15-11-1 And § 15-11-2.

Discretionary powers Are indeed
warranted And Affects the whole State
of Georgia, to Grant nisi And the
Absoluteness of Kent And § 15-11-7(c)(b)
And release petitioner, with And
other relief Just by law. (etc).