

21-5253

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

JUL 20 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

JOHN DAVID WILSON JR — PETITIONER
(Your Name)

vs.

SEC. DEPT. CORR "ET.AC" — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ELEVENTH CIRCUIT COURT OF APPEAL, (11th CIR.)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JOHN DAVID WILSON JR
(Your Name)

MARTIN CORRECTIONAL INST. 1150 S.W. ALLAPATTAH RD.
(Address)

INDIAN TOWN FL 34956
(City, State, Zip Code)

(Phone Number)

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JUL 28 2021

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1) I ENTER THIS COURT WITH "CLEAN HAND"¹ AS A HONORABLY DISCHARGED QUALIFIED SUBMARINER, WHO POSSESSED A QUALIFIED SUBMARINE INSIGNIA, (THIS MILITARY AWARD TO REPRESENT "NO DOOR SHALL BE CLOSED TO HIM" DUE TO NO OTHER MILITARY AWARD WILL BE ABOVE THIS AWARD EXCEPT THE CONGRESSIONAL MEDAL OF HONOR); PLEASE SEE, EXHIBIT, (EX) "DD244 IN THE DOORS OF THE SUPREME COURT SHALL LISTEN TO MY GRIEVANCE DUE TO THIS AWARD.
- 2) THAT 2 DAY PRIOR TO TRIAL, ON A FRIDAY THE STATE SUPERSEDED THE CHARGING INFORMATION IN CASE NO: 00-12480 ATTEMPTED FIRST DEGREE MURDER, AND OVER MY TRIAL COURT OBJECTIONS AND REQUEST FOR A CONTINUANCE, THE TRIAL COURT ABUSED IT'S DISCRETION BY FORCING ME TO PROCEED TO A SUBSTANTIALLY AMENDED CHARGING INFORMATION; THAT, NO CONTAINED COMPLEXED MANDATORY MINIMUMS, INCREASED SENTENCING MAXIMUM, NEW LEGISLATIVE STATUTORY LAW OF "10-20-LIFE", AND ADDITIONAL CHARGING CHARGES OF AGGRAVATED BATTERY. THIS IS A VIOLATION OF DUE PROCESS OF IT'S BASIC SORTS.
- 3) THE STATE INCREASED CHARGES DUE TO I REQUESTED A SPEEDY TRIAL. I WAS HOUSED INSIDE CONFINEMENT FOR APPROX 6 MONTHS UNDER CRUEL AND UNUSUAL STANDARDS. THE STATE INCREASED THIS CHARGE FOR MY DOING WHAT THE LAW ALLOWS.
- 4) IN CASE NO: 99-18481- AGGRAVATED STALKING. I ALSO REQUESTED A SPEEDY TRIAL. THE STATE REQUESTED A EMERGENCY MOTION FOR CONTINUANCE 2 DAY PRIOR TO TRIAL DUE TO THE DEATH OF HER FATHER. NEWLY DISCOVERED EVIDENCE DISCOVERED AFTER THE EXPIRATION OF THIS SENTENCE, THAT THE STATE REQUESTED THIS UNDER FRAUDULENT CIRCUMSTANCES. DUE TO THE DENIAL OF SPEEDY TRIAL, I WAS FORCED TO ACCEPT THE STATE PLEA THAT WAS OFFERED 5 MONTHS PRIOR.

¹ CLEAN HAND DOCTRINE; PLEASE SEE BLACKLAW DIET 6TH ED. 1983. PAGE 172 WHICH STATES "UNDER THIS DOCTRINE, EQUITY WILL NOT BE GRANTED RELIEF TO A PARTY WHO, AS ACTOR SEEKS TO SET JUDICIAL MACHINER IN MOTION AND OBTAIN SOME REMEDY IF SUCH PARTY IN PRIOR CONDUCT HAS VIOLATED CONSCIENCE OR GOOD FAITH OR SET EQUITABLE PRINCIPLE!"

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

1) CASE NO: 99 - 18481
MISSUE INTO A OCCUPIED DWELLING AGGRAVATED STALKING ; AND, THROWING A DEADLY

2) CASE NO: 00-12480 ATTEMPTED FIRST DEGREE MURDER (WITH A FIREARM
DISCHARGING FIREARM AND INFILCTING GREAT BODILY HARM) ; AND, AGGRAVATED
BATTERY (WITH A FIREARM DISCHARGING FIREARM, AND INFILCTING GREAT BODILY
HARM)

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TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

"CLEAN HANDS" DOCTRINE

OTHER

BLACK'S LAW DICTIONARY 6th ED. 1983

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~~^C 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 ~~A~~^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 _____ 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 July 21, 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: Sept 6, 2021, and a copy of the order denying rehearing appears at Appendix D.

An extension of time to file the petition for a writ of certiorari was granted to and including NR (date) on NR (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

A PETITIONER CAN OVERCOME THE PROCEDURAL BAR ONLY BY DEMONSTRATING

- 1) CAUSE FOR THE PROCEDURAL DEFAULT AND ACTUAL PREJUDICE AS A RESULT OF THE ALLEGED VIOLATION OF FEDERAL LAW.

PLEASE SEE, COLEMAN VS THOMPSON, 501 U.S. 722, 750 (1991), WHICH IN PART STATES,

ALSO SEE, MURRAY VS CARRIER, 477 U.S. 478, 485 (1986), WHICH IN PART STATES,

- 2) THE COLEMAN COURT ESTABLISHED THAT THE CAUSE AND PREJUDICE STANDARD WILL BE APPLIED "[I]N ALL CASES IN WHICH A STATE PRISONER HAS DEFECTED HIS FEDERAL CLAIMS IN STATE COURT PURSUANT TO AN INDEPENDENT AND ADEQUATE STATE PROCEDURAL RULE" 501 U.S. AT 750. ALSO IN CARRIER, THE COURT APPLIED THE CAUSE AND PREJUDICE STANDARD TO A PETITIONER'S FAILURE TO RAISE A PARTICULAR CLAIM IN HIS STATE COURT APPEAL AND DENIED PETITIONER FEDERAL HABEAS REVIEW.

- 3) THAT FAILURE TO REVIEW THE CLAIM WILL "RESULT IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE"; SEE, CARRIER, *id.* WHICH IN PART STATES, (IN CARRIER, THE COURT STATED THAT PROCEDURAL DEFAULT WOULD BE EXCUSED IN THE ABSENCE OF CAUSE, WHEN "A CONSTITUTIONAL VIOLATION HAS PROBABLY RESULTED IN THE CONVICTION OF ONE WHO IS ACTUALLY INNOCENT") 477 U.S. AT 496.

STATEMENT OF THE CASE

DUE TO ACTUAL INNOCENCE IN CASE NO: 99-18481 AGGRAVATED STACKING AND BEING HELD 5 CONTINUAL MONTHS WITHOUT BOND, I PETITIONED THE FRANC COURT FOR A SPEEDY TRIAL.

2 DAY PRIOR TO TRIAL THE STATE REQUESTED A EMERGENCY MOTION FOR CONTINUANCE. THE REASON AND BASIS IS "THE DEATH OF HER FATHER".

DUE TO THIS CONTINUANCE MOTION MY PAID ATTORNEY CALLED ALL MY WITNESSES AND INTIMIDATED THEM NOT TO ATTEND MY TRIAL.

AT TRIAL THE STATE'S EMERGENCY MOTION FOR CONTINUANCE WAS DENIED, MY ATTORNEY USED TO ME AND THE COURT OF THE WHEREABOUTS OF MY WITNESSES.

DUE TO A CONSTITUTIONAL DENIAL OF A FAIR AND SPEEDY TRIAL I WAS OBLIGED TO ACCEPT THE STATE'S DEAL.

UPON RELEASE I DISCOVERED THAT MY WITNESSES WERE INTIMIDATED TO NOT COME TO MY TRIAL.

THIS TRIGGERED MY PTSD THAT WAS CONTRACTED IN THE HONORABLE COMMISSION OF MY DUTIES IN THE U.S. NAVY SPECIAL FORCES. I SHOT MY DAUGHTER AND MYSELF.

AT TRIAL THE AGGRAVATED STACKING, AND NEW CHARGE OF ATTEMPTED MURDER WAS CONSIDERED FOR "ALL PURPOSES". THE STATE AND TRIAL COURT HELD MY APPEAR FOR 7 YEARS.

I EXPIRED MY SENTENCE FOR AGGRAVATED STACKING, THIS HABEAS ADDRESSES THE EXPIRED SENTENCE AND THE CURRENT SENTENCE. DUE TO CONSOLIDATION ~~IS SHOW~~ I'M LEGALLY ABLE TO APPEAR THEM BOTH BUT THE DISTRICT COURT DENIED MY HABEAS WRIGHT REACHING THE MERTS, AND SUPREME COURT REVIEW IS NEEDED.