

CASE #21-5258

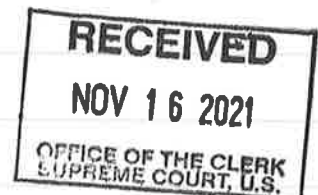
"CASE #21-5258"

"PETITION FOR REHEARING"

THIS PETITION IS TIMELY FILED PER
RULE 44 OF UNITED STATES SUPREME
COURT. THE GROUNDS SET FORTH IN THIS
PETITION ARE LIMITED TO INTERVENING
CIRCUMSTANCES OF A SUBSTANTIAL CONTROLLING
EFFECT "AND" SUBSTANTIAL GROUNDS NOT
PREVIOUSLY MENTIONED.

I, CALVIN JAMES, THE PETITIONER ALSO
CERTIFY THAT THIS PETITION IS PRESENTED
IN GOOD FAITH AND NOT MEANT FOR DELAY.

Signature
NOV 7, 2021



No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CALVIN JAMES — PETITIONER
(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

CALVIN JAMES #22715-021
(Your Name)

FCC COLEMAN USP-1 P.O. Box 1033
(Address)

COLEMAN, FLORIDA 33521
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1.) COURT MADE A DECISION IN THIS CASE THAT WAS RULED IN A DECISION IN THIS COURT SEE "REHAIF VS. UNITED STATES 2019." PROSECUTION DID NOT PROVE "KNOWINGLY" NOR ALL ELEMENTS TO SUSTAIN A 18 U.S.C § 922(g) CONVICTION.
- 2.) HOW ARE COURTS MAINTAINING A CONVICTION UNDER THE § 922 STATUTE WHICH IMPLIES NO TERM OF IMPRISONMENT?
- 3.) 18 U.S.C § 924(b)(2) STATES I MUST "KNOWINGLY" VIOLATE 18 U.S.C § 922(g). HOW ARE COURTS / HOW DID COURTS "CONVICT" KNOWINGLY POSSESSED AND KNEW FIREARM TRAVELED IN INTERSTATE OR FOREIGN COMMERCE?
- 4.) HOW IS GOVT. CONSTRUCTIVELY COMBINING 3 YEAR PROBATIONARY PERIOD IN EXCESS TO "MAXIMUM STATUTORY TERM OF IMPRISONMENT?"
- 5.) HOW WAS PETITION NOT GRANTED WHEN GOVT. FILED NO OPPOSING ARGUMENT?

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

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REHAIF VS. UNITED STATES

STATUTES AND RULES

18 U.S.C § 922 (g)

18 U.S.C § 924 (2) (2)

28 U.S.C § 636

FED. R. CIV. P. 72

OTHER

B.A. LAW SPLIT SENTENCING

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 _____ 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 _____ 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 _____.

☐ 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

5th AMENDMENT OF U.S. CONSTITUTION: "DUE PROCESS OF LAW IN ALL PROCEEDINGS." CRIMINAL OR CIVIL, STATE OR FEDERAL.

8th AMENDMENT OF U.S. CONSTITUTION - "PROHIBITION AGAINST CRUEL AND UNUSUAL PUNISHMENT."

14th AMENDMENT U.S. CONSTITUTION - "GUARANTEE ALL CITIZENS EQUAL PROTECTION FROM LAW."

STATEMENT OF THE CASE

THESE/LISTED BELOW ARE THE INTERVENING CIRCUMSTANCES THAT HAVE A SUBSTANTIAL AND CONTROLLING EFFECT TO THIS CASE AND A SUBSTANTIAL GROUND NOT PREVIOUSLY MENTIONED, TO SUBMIT THIS PETITION FOR REHEARING ON CASE #21-5258.

GROUND FOR RELIEF

- #1) RESPONDENT NEVER SENT WAIVER OR NOTICE OF RESPONSE OR OBJECTION TO WRIT OF HABEAS CORPUS. (SEE OBJECTIONS 28 U.S.C §636 AND FED.R. CIV. P. 72) GROUND FOR A DEFAULT JUDGEMENT.
- #2) A NEW GROUND HAS BEEN DISCOVERED NOT PREVIOUSLY MENTIONED, FEDERAL LAW HAS TO RUN CONCURRENT WITH STATE LAW UNDER THE "ELEMENTS CLAUSE" VOTED IN BY U.S. SUPREME COURT. I.E.; THE ELEMENT OF THE FEDERAL OFFENSE CAN NOT BE BROADER OR MISMATCHED THAN THE STATE OFFENSE UNDER STATE LAW (GA. LAW) 3 YEARS PROBATION AND A 10 YEAR SENTENCE IS A SPLIT SENTENCE, THEREFORE CONCLUDING THAT MY SENTENCE EXCEEDS MAXIMUM PENALTY FOR OFFENSE 10 YEARS (SEE 18 U.S.C § 922(g)). THE ELEMENTS OF SENTENCING DO NOT MATCH MAKING MY SENTENCE IN VIOLATION OF U.S. CONST. AMEND. 5 "DUE PROCESS" 8TH AMEND. OF U.S. CONSTITUTION PROHIBITION AGAINST CRUEL PUNISHMENT, AND 14TH AMEND. U.S. CONST. "GUARANTEE EQUAL PROTECTION FROM LAW".
- #3) SUPREME COURT MADE A DECISION IN REHAIF VS. UNITED STATES, 2019. IT IMPLIES THAT COURTS MUST PROVE "KNOWINGLY" POSSESSED TO SUSTAIN A 18 U.S.C § 922(g) CONVICTION. COURTS DID NOT PROVE "KNOWINGLY" TO HAVE THE KNOWLEDGE OR UNDERSTANDING POSSESSED. THIS DECISION HAS A SUBSTANTIAL AND CONTROLLING EFFECT ON THIS CASE.


REASONS FOR GRANTING THE PETITION

- 1) OPPOSING COUNSEL DID NOT FILE NOR FORWARD BRIEF IN OPPOSITION TO PETITION.
- 2) GOVT. DID NOT "PROVE POSSESSION" OR "KNOWINGLY" TO SUSTAIN A 18 U.S.C § 922(g) CONVICTION.
- 3) GOVT. OVERSENTENCED NOR DID THEY OFFER PLEA PER FED. CRIM. 11. AMBUSHED ME TO TRIAL WHICH LED TO THIS UNLAWFUL CONVICTION.
- 4) LOWER COURTS (DISTRICT AND CIRCUIT) HAVE CONSPIRED AND OBSTRUCTED JUSTICE IN VIOLATION OF 18 U.S.C.S. 241, 242.

CONCLUSION

The petition for a ^{REHEARING} writ of certiorari should be granted.

Respectfully submitted,



Date: NOVEMBER 7, 2021