

21-5435
No. _____

ORIGINAL

Supreme Court, U.S.
FILED

JUN 02 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE ANTONIO CRAWFORD — PETITIONER
(Your Name)

vs.

_____ — RESPONDENT(S)

ON PETITION FOR A _____
WRIT OF Habeas Corpus Petition
under 28 USC § 2241(c) (3) with Attached
memorandum

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

PETITION FOR WRIT OF CERTIORARI

ANTONIO CRAWFORD # 43793-424
(Your Name)

P.O. BOX 24550 USP-TUCSON
(Address)

TUCSON, AZ 85734
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

CAN A FEDERAL PRISONER RESORT TO
A ORIGINAL WRIT OF HABEAS CORPUS
PURSUANT TO A 28 U.S.C. § 2241 (C) (3)
IN HER DISTRICT OF CONFINEMENT
CHALLENGING HER CONVICTION JUST
SIMPLY OFF A ACTUAL INNOCENCE
CLAIM

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

UNITED STATES V. CRAWFORD 1:13 CR 10048 11.C.D

CRAWFORD V. B. LAMMER 2:20-CV-00148-MJD-JRS
SD.IN

UNITED STATES V. CRAWFORD 665 FED APPX 539, 541
7th CIR 2016

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memorandum

reference to Attached

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Writ of Habeas Corpus 28 USC § 2241 (1)(3)

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

Writ of Habeas Corpus 28 U.S.C. § 2241

see attached memorandum of law

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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 See (attached memorandum
in support Page 1)

☐ 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

Article ~~II~~ III section 2 of the UNITED STATES Constitution see (Attached memorandum of law page 1)

28 U.S.C § 2241 (c) (3) see (attached memorandum of law page 1.)

28 U.S.C § 1331 see (attached memorandum of law page 1)

Article I Section 8 of the UNITED STATES Constitution see (attached memorandum of law Page 11)

Fifth Amendment of the UNITED STATES Constitution see (Attached memorandum of law page 11)

STATEMENT OF THE CASE

While I was serving a unrelated concurrent state and Federal sentence in inhuman conditions of confinement (Illinois State Prison) I wrote threaten letters to Federal Judges and a Prosecutor in Maine with a intent to extract myself from those Duress Conditions. I was interviewed by Federal Marshals in those Duress Conditions. I Admitted I meant the Threat to get a Speedier Arrest out of those conditions. 2013 Prosecutor withheld the material evidence of my conditions of confinement and prior documents proving my inhumane confinement causing me to write the threaten letter at that time the Prosecutor and Courts thought just mailing the letter with threats sustain a conviction for subsection 876(c). I Plead guilty in 2014. 2015 the Supreme court ruled that this is not a crime then I was sentenced. After I filed my 2255 writ and direct Appeal I obtained this withheld evidence
Trying to Attack this unlawful conviction

Page 2 STATEMENT OF THE CASE

4 years later in my DISTRICT OF CONFINEMENT
but there PRECEDENTS set a very high standard
for a innocent person to reach prior to
receiving a hearing on a Actual Innocence
claim

Is a Transgender Female, That's a Federal Inmate, Serving a 70 month Federal, Imprisonment For mailing Dangerous Communications, in the UNITED STATES Penitentiary in Tucson, Arizona Address #43793-424 P.O. box 24550, Tucson, AZ 85734

INTRODUCTION/claim

Petitioner Alleges, that Due to a Fundamental miscarriage of Justice, She is Now, Actually INNOCENCE of the crime, She is Imprisoned For, Amended writ of habeas Corpus Circuit precedents, stops, Petitioner From being released, From a unlawful Confinement, This is IN direct violation, to the laws, Treaties and The constitution to, the UNITED STATES OF America

Historical related FACTS

8) At 22 years old, The Petitioner Asia, was Arrested by Federal and Illinois state officials, to contest, State and Federal bank robberies

9) Asia was Arraigned, Than remanded to the Cook County Jail,

10) 8-10-2011 Asia was Than, Federally Indicted on the bank robbery charges and writted to Federal custody to contest the charge, See (U.S. V. CRAWFORD Ill CR 500-1)

11) Approximately 11-30-2011, Asia Plead guilty to the Federal crime

12) sentencing Judge Matthew F. Kennelly, Then, ordered a Psychological evaluation, For Asia, to Determine IF she was suffering from mental illness during The Commission of the crimes

13) The, Psychological evaluation Proved, That Asia was See (U.S. V. Crawford 1:11 CR 500-1 11.N.D.)

14) Both Parties replied, to the Psychological report in there Presentence Investigation report, stressing, for Asia to serve her Imprisonment Not, in a Illinois State Prison due to it lacks, Adequate health care to treat Asia, illness that caused The commission of the crimes See (U.S. V. CRAWFORD 1:11 CR 500-1 11.N.D A.U.S.A P.S.I response.)

15) Judge Kennelly agreed, to both Parties recommendation for Prison Services, See (U.S. V. Crawford 1:11 CR 500-1 Aff'd Crawford V. U.S. 1:14 CV-4098 3-9-2015 memorandum Transfer to Federal custody)

16) The FED'S Intent, for Asia to be housed in Federal custody was Defeated, with the return of Asia back to state

Custody to resolve, the undischarged crimes

17) Asia was Than, designated to Hill Correctional Center (a Illinois State Prison) to serve the concurrent state and Federal 8 year imprisonment

18) Asia Filed, a Complaint concerning her Inhumane housing in the Illinois State Prison (that had no health care) to the Federal Bureau of Prisons designation center, and to Sentencing Judge Kennelly See (U.S. v. Crawford Ill CR 500-1 Ill.N.D 2012 Year letter wrote App'd Crawford v. U.S. 1:14 cv 4098)

19) The complaints was not, timely answered

20) While in those Duress conditions, Asia mailed Dangerous communications to Unknown, Federal Judges in a Prosecutor in Maine, as a scheme, to escape the inhuman State Prison.

21) 12-5-2012 year, Federal Investigators interviewed, Asia about the letter in those Duress conditions, where Asia admitted to meaning, the threat with a rational intent to obtain, a speedier, Apprend from, those Duress conditions

22) The Investigators found No, connections between Asia and The Federal Actors she, Threatened and Asia did not, have The means to carry out the Threat

23) The Federal Prosecutor believed, that to sustain a Proper conviction under Federal Statute 876(c) Mental State not, Apply and withheld, material Evidence Surrounding, my, men rea state, and conditions of Duress, I was Forced into

24) Approximately 4-29-2013 Year in the Federal courthouse in Central Illinois, Asia was Indicted, for knowingly mailing Dangerous communications for DNE Count See (U.S. V. CRAWFORD 1:13 CR 10048 JES 11.c.D)

25) This, misunderstanding than, mislead The Whole, Criminal Proceedings

26) Asia Got her wish and was Transferred out, of the, Duress conditions back into Federal custody to Contest the Charge of 876(c)

27) Arraignment hearing the charging indictment Informed, Asia in open Court that the government need to only Prove that she mailed the letter

28) While Remanded, IN Federal Custody Asia obtained, The needed, health care the Illinois State wouldn't provide

29) Asia Then, went Pro-SE after enduring Incompetent Public Defenders

30) Asia Petitioned, The courts for the Prosecutor to release, all discovery materials, Pursuant to the Brady law See (U.S. V. CRAWFORD 1:13 CR 10048 11.C.D.)

31) Unfairly, Trial courts denied, The motion

32) leading Asia to Avoid, Trial and Plead guilty to this, Charge

33) Asia Plead guilty to mailing The letter and knowing, the contents in the letter See (U.S V. CRAWFORD 1:13 CR 10048 Change of Plea)

34) Asia was never, charged or Plead guilty to the essential, Element OF Intent

35) Thus, Supreme Court ruled in bousley That if an element of an offense is not established a defendant is necessarily Innocent, of that, offense (523 U.S. 614 118 S.Ct. 1604 140 L.Ed. 2d 828)

36) In Support of that, One Year later,

This, Supreme Court Passed IN a Statutory
construe law that knowingly mailing Dangerous
Communications is not, a crime See
(Elonis 135 2001 S.Ct at 2011)

37) 28 days After, the Elonis law, I was
Sentenced, to 70 months imprisonment
Consecutive, to the undischarged state
and first Federal conviction See (Crawford
1113 CR 10048 JES)

38) I did not, challenge this conviction
on direct Appeal but the Appeal courts
on its own, brought, up the Elonis
Claim, and Affirmed, that the Prosecutor
or the courts did not, understand the
Essential Elements of the crime, in
the Plea hearing*1 but Affirmed, my conviction

39) This, Supreme Court ruled, That IF the Prosecutor
OR, The courts did not, understand the Essential
Elements of the crime then, the Plea is
Invalid, under the Federal Constitution See
(Bailey v. U.S 516 U.S. 137, 133 L.Ed. 2d 472
116 S.Ct. 501)

40) Asia was Then, returned back to state
custody, to finish, the undischarged imprisonment

*1 ~~-----~~ before Elonis we did not understand 3876(c)
Elements --- quoting Seventh Circuit U.S. v. Crawford
665 FED. APPX 539, 541 7th CIR 2016)

41) Asia ceased, The unlawful Act, in those Duress conditions, due to she obtained, the Needed health care for her mental illness that was Affirmed, by the First Federal Trial Courts see (Crawford v. U.S. 1:14 CV 4098 I.L.N.D.)

42) Years, later in 2019 Asia filed her only, Federal habeas corpus Pursuant to a 2255 Challenging, her Duration of Confinement Not Yet, Challenging this, conviction see (Crawford v. U.S. 1:19 CV 1152 JES)

43) When Asia then, completed The First conviction in 2019 she was Transferred in Federal custody, to serve the 70 months for this judgment

44) while confined, at the Federal Penitentiary in Terre Haute Indiana Asia obtained, The Prosecutor withheld, evidence revealing, That Asia committed, This Threaten crime due to she was in, Duress conditions

45) Asia filed a Federal Habeas Corpus in her, District of confinement, Pursuant to a 2241(c) (3) Challenging her Actual Innocence

46) That, Seventh Circuit Precedent laws Foreclosed, a Actual Innocent claim to elude there high hurdle laws, because Asia had the opportunity to raise

The Elonis Claim on Direct Appeal or in First 2255 Petition see (Crawford v. B. Hammer 2:20-cv-00148 MJD-JRS)

47) The Courts refused to hear the withheld evidence stoped Asia from raising the Elonis Claim

48) This Supreme Court ruled that all Statutory construed laws are RetroActive and Applies to All on collateral review see (Bousley v. U.S. 523 U.S. 614, 118 S.Ct. 1604 140)

49) Sadly Asia was Discriminated by the Courts from benefiting from the Elonis law like other Prisoners like Twitty see (Twitty 689 FED APPX 890, 891 10th CIR 2017)

50) Asia is now serving the unlawful conviction at the Federal Penitentiary in Tucson, Arizona which is the Ninth Circuit

51) This Circuit also adheres to Seventh Circuit Precedents concerning the Amended writ of habeas corpus laws

52) Filing a writ of habeas corpus in Asia district of confinement Pursuant to a 2241 will be Futile due to even though Asia Claims a Actual Innocence but she had the opportunity to raise the Elonis Claim see (Allen v. Ives 976 F.3d 863, 864 9th CIR 2020)

IF Asia knew That this conviction of 876(c) required, a mental state element I would of Never, Plead guilty I would of went to Trial, Presenting evidence That Duress conditions caused, the commission of the crime

54) This, Plain error affected my Substantial Rights due to this constitutional Violation, resulted in a conviction of a Transgender Human, who is Actually INNOCENT

55) Granting certiorari will indeed set a Precedent, that Actual innocence complaints eludes, any Procedural bars, when filed under the historical writ of habeas corpus

56) This Supreme court has long explained that Habeas corpus has traditionally provided, a means to seek release from unlawful Detention, quoting Justice Alito (DEPT of Homeland SEC V. Thuraissigiam 140 S. Ct 1959 at 1967)

57) Denying, this certiorari will be inconsistent with That, law due to this Actual innocence claim will have no, other Judicial remedy to turn to.

58) Petitioner Alleges That Due to a Fundamental miscarriage of Justice She is now Actually Innocent of the

Crime she is imprisoned for and Amended writ of habeas corpus Circuit Precedents stops, Petitioner from being released from a unlawful confinement, This is in Direct Violation to the laws, Treaties and Constitution of the UNITED STATES

CAUSE OF ACTION

The Petitioner Asia incorporates The above Paragraphs 1 - 58 to support her claim

59) The 70 month Judgment, Asia is Challenging was Imposed in Strict Violation, to the Fifth Amendment Due Process of the Federal Constitution

60) The 70 month Judgment Asia is here Challenging, was Imposed in Strict Violation To Federal law *Elonis v. United States* 135 S. Ct 2001 at 2011

61) The 70 month Imprisonment was Imposed in Strict Violation of the Separation of Powers Enforced by the Federal Constitution See Article 1 section 8 Powers of Congress

Relief

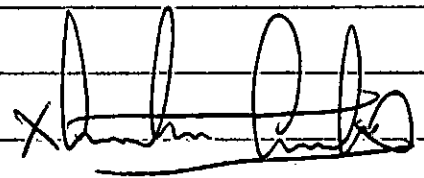
Wherefore Petitioner request hereunder

1) Accept Jurisdiction of case

2) liberally construe in Pro-se Favor

- 3) order a Evidentiary hearing
- 4) Than order Petitioner to Show Cause
off the Produced Evidence
- 5) order off Factual findings of unlawful
Detention for the Respondent to Immediately
Release The Petitioner
- 6) set a opinion that Actual Innocence
claim preclude Procedural bars
- 7) Vacate 70 month Judgment

Petitioner Prays for Relief



Pro-se

Antonio Crawford
43793-424

United States Penitentiary
P.O. box 24550
Tucson, AZ
85734

UNITED STATES SUPREME COURT

IN RE ANTONIO "ASIA" CRAWFORD } CASE
[PETITIONER]

PETITION FOR AN ORIGINAL WRIT OF HABEAS
CORPUS Pursuant to 28 U.S.C. § 2241 (1)(3)
MEMORANDUM OF LAW IN SUPPORT OF WRIT
CERTIORARI Petition

Jurisdiction

- 1) This, Supreme Court gains Jurisdiction
Pursuant to Federal law, 28 U.S.C. § 2241 (a)
- 2) This, Supreme Court gains, Jurisdiction
Pursuant to Federal law, 28 U.S.C. § 1331
- 3) This Supreme Court gains, Jurisdiction
Pursuant to the original, Federal Constitution,
Article III Section 2
- 4) This, Supreme Court gains Jurisdiction
Pursuant to Supreme Court Rule 20

PARTY INTRODUCTION

- 5) Antonio Crawford Also known as Asia

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE ANTONIO "ASIA" CRAWFORD — PETITIONER
(Your Name)

VS.

_____ — RESPONDENT(S)

PROOF OF SERVICE

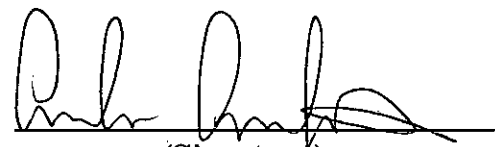
I, ANTONIO CRAWFORD, do swear or declare that on this date, August 8th, 2021, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General U.S. Department of Justice
building 950 Pennsylvania AVE N.W Washington, D.C
Room 5616 20530

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 8th, 2021


(Signature)