

No. 21-5476

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

In re: WILLIAM BARRET SLADE , II - PETITIONER

vs.

STATE OF ALABAMA , et al., - RESPONDENT(S) OFFICE OF THE CLERK
SUPREME COURT U.S.

FILED
AUG 17 2021

ON PETITION FOR ISSUANCE OF AN EXTRAORDINARY
WRIT AS AUTHORIZED BY 28 U.S.C. §1651(a) , or
28 U.S.C. § 2241 , and or / 28 U.S.C. § 2254(a)
in all respects as may be construed by this Court.

Pro se, WILLIAM BARRET SLADE, II,

300303, J-48-1A. L.C.F.

28779 Nick Davis Road

Harvest, Alabama 35749

purposefully tampering with this mail. And again Slade sends this filing presently in another inmates name to ensure delivery.

II. Request for this Court to review under these circumstances

Slade now humbly prays for review in this court so he may have "equity tolling", and may have his day in this Court he forever prays, and under this Court's additional rules of practise Slade now does further plead and say;

QUESTION(S) PRESENTED

I. Whether or not during evaluations, decisions, and judgments, the Alabama Trial, State Courts, are in complete contradiction to this United States Supreme Court's Sixth Amendment Constitutional Law where Petitioner has shown, and the Eleventh Circuit Court of Appeals has admitted that (1) Petitioner's only opportunity to raise Ineffective Assistance of Trial Counsel would be under State Rule 32.1 et seq proceedings because Petitioner was represented at trial, and under direct appeal by the same attorney, and (2) Petitioner's Rule 32 post conviction counsel was ineffective for "abandoning" him in the Alabama Supreme Court under a filed "writ of cert", by removing that petition causing procedural default without any notice first to Petitioner, under this Court's ruling in Martinez v. Ryan, 566 U.S. 1, 132 S.Ct. 1309, 182 L.Ed. 272 (2012) ?

II. Whether or not during evaluations, decisions, and judgments, the United States Court of Appeals has erred in refusing to apply this United States Supreme Court's rule of Martinez as announced under the above same facts in this case, and in so doing implies the said Appeals Court refuses to allow all pro se inmates from the state of Alabama access to this United States Supreme Court's rule of law, yet, in proving this is true, the said U.S. Appeals Court has applied this High Court's ruling under Martinez to Georgia, and Florida prisoner's yet refuses to allow Alabama inmates fair review in violation of the First Amendment right of redress, or access to Federal or State Court's in a due process meaningful fashion as applied through force of the Fourteenth Amendment Clause ?

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 2254

28 U.S.C. § 2244

U.S. Const. amendment 1 . 6. and 14.

STATEMENT OF THE CASE

(Hereinafter—"Slade") was arrested for accomplice murder by the Madison County, Alabama prosecution, due to implicating statements of two other "co-defendants" (Mr. Brian McCrary, and Mr. Jessie Greene). There was no eyewitness identification of Slade as the killer, and the prosecution obtained no scientific nor physical evidence of Slade's guilt at trial. Just before trial the prosecution (which the court allowed) dropped all charges on (Mr. McCrary, and Mr. Greene), and used only testimony of Mr. Greene during trial for the conviction.

Slade's defense attorney made only general objections during trial, and filed no motions whatever to defend Slade, at the conclusion of the trial Slade was found guilty of Felony Murder and not complicity murder of the deceased.

After trial, yet, before sentence, a potential "exculpating witness" arose for Slade (by way of Affidavit), this witness told a story of Slade's co-defendant (Mr. Jessie Greene) as being bolderous about (1) the police were dumb-assess for not realizing certain evidence items were his and not Slade's during investigation stage, and (2) Slade was doin his time, thus, (3) at a later date Mr. Greene pointed to a pistol (possible murder weapon never recovered by the police) on a table and stated : "we've got to get rid of this".

After a sentence of life was imposed (as a first time offender), and Slade's "trial/direct appeal" counsel failed to raise ineffective assistance on himself, Slade retained Rule 32 post conviction counsel whom argued ("IATC") for (i) trial counsel's failure to bring a substantive evidence challenge to "Greene" being the actual killer, and not Slade, and (ii) Slade's trial counsel's failure to call an 'alibi witness' (Mr. Germaine Parker).

Slade's retained Rule 32 counsel (Mr. Leroy Maxwell) filed briefs in the Alabama Lower Appeals Court, however, after Mr. Maxwell filed a "petition for writ of cert" (as state law requires) he withdrew same, and never noticed Slade of the withdrawal. The state of Alabama then "procedurally precluded" (and the Federal Court's agreed) to 'deny' Slade's 28 U.S.C. § 2254 application on procedural default grounds, stating Slade never presented his IATC claims to the state's highest court.

REASONS FOR GRANTING THE PETITION

1. Slade filed in the United States Court of Appeals for the Eleventh Circuit for C.O.A. (it was denied), he filed for three judge en banc "reconsideration" (it was also denied), Slade argued therein that (i) because under application of this Court's rule of law as articulated in *Martinez v. Ryan* (2012), *supra*, (ii) the Eleventh Circuit even recognized Slade was "abandoned" by his post conviction counsel (Mr. Maxwell) when he withdrew Slade's Alabama Supreme Court petition for writ of cert, without noticing him, and (iii) Slade's IATC claims were not available for review except under the Rule 32 mechanism, due to Slade having the same trial and direct appeal counsel, yet, the Eleventh Circuit decided Slade had presented no legal issues or cited any points of authorities.

2. This ruling by the Eleventh Circuit is contrary to Slade's pleadings as he clearly set forth this Court's decision under *Martinez v. Ryan* (2012), the Eleventh Circuit refused to apply any evaluation, assessment or fact of law of Martinez fits squarely on point directly to allow Slade an entire review of his § 2254 IATC claims, and his actual innocence under the windows of Martinez in this case, where if viewed the Eleventh Circuit will find "reasonable" facts and evidence to move forward to a proper evidence hearing, Slade forever prays under two recent affidavits of (Mr. Brian McCrary) stating: Slade was not even with him or Mr. Greene this morning of the murder, and Slade was at another entirely different location, and (Mr. Germaine Parker) Slade's alibi witness has attested that he saw Slade the morning of the murder at that very location stated by Mr. McCrary during the time of this murder, making it physically impossible for Slade to have committed the murder of the deceased.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William B. Shultz". The signature is somewhat stylized and cursive.

Date: August 4th 2021

Office of the Clerk
United States Court of Appeals
Eleventh Circuit Division

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

WILLIAM BARRETT SLADE, II,)
Petitioner/Appellant,)
v.) No. 19-13966-B.
WARDEN DEWAYNE ESTES,)
et al.,)
Respondents/Appellees.)

CERTIFICATE OF INTERESTED PERSONS/CORPORATE
DISCLOSURE STATEMENT

YOUR PETITIONER/APPELLANT, by and through himself Pro se litigant, hereby certify, pursuant to Rule 26-1 of the Federal Rules of Civil Procedure and Eleventh Circuit Rule 26.1-1, that the following persons may have an interest in the outcome of this case:

1. Bowdre, Hon. Karen Owen - Chief United States District Judge, Northern District of Alabama;
2. Broussard, Esq., Robert L. - District Attorney, Madison County, Alabama;
3. Dill, Esq., Ralph L. - Assistant District Attorney, Madison County, Alabama (prosecutor of case in Madison County Court);
4. England, Hon. John H. - United States Magistrate Judge, Northern District of Alabama;
5. Estes, Warden Dewayne - Respondent/Appellee;
6. Hall, Hon. Ruth Ann - Presiding Judge, Madison County, Alabama Circuit Court (trial presiding judge);
7. Marshall, Esq., Steve - Attorney General for the State of Alabama;