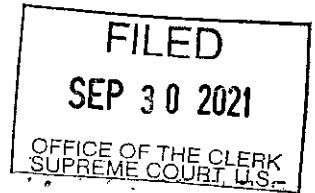


No. 21-5842

IN THE
SUPREME COURT OF THE UNITED STATES



Raymond Lee Bosarge PETITIONER #158686
(Your Name)

vs.

STATE OF ALA et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Alabama's Supreme Court (#1200473)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Raymond Lee Bosarge
(Your Name)

9677 Hwy 21 - North, Fairbairn 3800
(Address)

Atmore, Alabama 36503
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) WHETHER YET NOW, Alabama's Supreme Court's decisions, striking timeliness of Petitioner's ancillary challenges, remains "contrary to" or an "unreasonable application of clearly established Federal Law," viz, its June 16th 2021 order, notwithstanding its misapprehension of Houston vs Lack — U.S. — () progeny; and its effectuations of Petitioner's petition being otherwise timely — under the governing mailbox-rule, when delivered to authorities for legal mailings, delivery purposes to a deadline, not giving consideration of said pro se pleadings, in the interests of justice, under Haines vs Kerner — doctrine, too? "Yes"

AND

Continued:

QUESTION PRESENTED

- 2) Whether Vel Non, premised upon Federal Rules of Evidence - Rule 201(d) - is of record - that of Petitioner's Ancillary predicate, yet squarely addressed - fully - and fairly, but for the clearly erroneous State Appellate ruling, both chilling - negating Houston vs Lack 487 U.S. 266 (1988) above, in that Petitioner's Juvenile Judgment remains repugnant to the U.S. Const., 5th and 14th Amendments, and Imprisonment is an Eighth Amendment prohibition, see 28 USC § 2241(c)(3), *inter alia*.

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:

1. Bridges, Ray, Sheriff Mobile County
2. Butler, R. Charles Jr., ^{ASST} DA Mobile County
3. Brendle, Gordon Jr., Asst D.A Mobile County
4. Crawford, Geo., Police Chief, Bayou La Batre, Al.
5. Finch, Warren, Attorney of defendant
6. Hodnette, Judge, Mobile County
7. Phillips, Judge, Mobile County
8. Marshall, Steven, Montgomery
9. Rich, Ashley, D.A. Mobile County
10. Windom, Mary B., Judge, Montgomery
11. John, Weekly, Clerk of Ala Sup Ct.

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- 1) *Haines v. Kerner* 404 US 519 (1972) i,
- 2) *Houston v. Lack* 487 US 266 (1988) i,

STATUTES AND RULES

- | | |
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- | | |
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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 N/A to the petition and is

☐ reported at NONE; 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 N/A to the petition and is

☐ reported at NONE; 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 A to the petition and is

☒ reported at Supreme Court #1200473; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Court of Criminal Appeals court appears at Appendix B to the petition and is

☒ reported at CR-2019-0737; 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 N/A.

[] 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: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

28 USC § 1251(b)(2);

28 USC § 1257(2);

28 USC § 1746 et seq.

[] For cases from **state courts**:

The date on which the highest state court decided my case was May 27th 2021.
A copy of that decision appears at Appendix C.

[X] A timely petition for rehearing was thereafter denied on the following date: JUNE 16th 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 N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

28 USC § 1251(b)(2)

28 USC § 1257(2)

28 USC § 1746 et seq.

28 USC § 2241(c)(3)

I.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) U.S. Const, Amendments: Fifth & Fourteenth;
- 2) U.S. Const, Article VI, Clause 3;
- 3) Antiracism and Effective Death Penalty Act of 1996 (AEDPA's) exclusive - exhausted, exemption - doctrines.

II.

28 USC § 1251(b)(2);

28 USC § 1254 (1);

28 USC § 1257(2);

28 USC § 1746

28 USC § 2241(c)(3)

STATEMENT OF THE CASE

SEE Attached Sheets numbered pages
4 through page 7, attached.

4-7, Extra

statement of Case

§1) Bosarge was arrested in 1970 (D.O.B. 04/18/53) and of the age (17), around December 7th, 1970 in Bayou LaBatre, Al.

Both Chief of Police - Geo. Crawford and Detective Ray Bridges of Mobile County Sheriff's Dep't were responsible for detention and Interrogation of said minor, absent parents, attorney at law.

Said Interrogation Lasted for more than two (2) hours through verbal-physical threats of violence, by the above agents, employers of the State of Alabama.

§2) Upon said investigative-interrogation Bosarge was charged-booked into Mobile Metro, while in jail-handcuff placed into an Adult holding Area with violent offenders-threatened with Rape and sodomy, via Adult offenders-and alerted jailors to NO-AVAI

§3) Bosarge was booked in regards to C³-1971-24878; 24881; 25434; 25181; 25663 (last cases) of record (12/07/1970).

Formal documents - arising from agents,
employee's arrest - interrogation, above,
were manifested into Five (5) separate Grand
Larceny charges "GL" from which an
Indictment accrued in time of 1971; guilty
pleas were effectuated by said arrest,
admissions under duress.

§ 4.) Having been adjudicated - guilty, upon said
blind pleas, Bosarge was sentenced on Febru
9, 1972, to Five (5) years and Five (5) day
suspended to Five (5) years and Five (5)
days probation

§ 5.) Retained Counsel to Bosarge in 1971-72
coerced said juvenile to plead blindly -
because "The Judge behind the Bench, will
lock you up and throw away the keys!"

Waiver of Indictments were preformed
withdrawing Bosarge's earlier plea of not-
guilty, to "save time" as was told to
Bosarge by Counsel - "you may get probation"
doing so Unconstitutionally

Being only Seventeen (17) years of age
neither the Court, nor Counsel ever said
anything ~~regard~~ regarding no criminal
records nor Youthful offender, under
laws controlling.

§ 61) Based upon the above, Bosarge filed a
writ of Error Coram Nobis on Jan. 24th, 2020
Attacking the above "factual overments", yet
refuted, in CC-71-24878 through CC-1971-
25663 which controlled the jurisdictional
challenge.

(7) In the middle of both granting I.F.P.
and assignment of docketing - the Clerks
Shape-shifted said Error Coram Nobis,
At the behest of Mobile Dist Atty's - pleadings
submitted electronically on 03/13/2020
which (Bosarge didn't receive until
January 2021)

§ 8) Timely objections to the above were submitted as pled in facts, adopted herein for brevity sake. Appeals were timely submitted pursuant to Involving mail box Rule, to NO-AVAIL

§ 9) At no relevant time frame-involved in this Limited Federal Constitutional denial of Bosarge 5th and 14th Amendment-Rights violations-his Bosarge missed timely "submitting" Legal Documents to prison officials involving Houston v. Lack, 487 US 266 (1988)

§ 10) This timely application for Certiorari was-like wise giving to ADOC's Legal Mail Clerk for submission-delivery before September 15th 2021, prepaid-first class postage, properly addressed to this Court using Lack, presence.

REASONS FOR GRANTING THE PETITION

Petitioner's underlying Juvenile judgment cannot withstand Jurisdictional - constitutional scrutiny, but for the chill usurpation of a controlling U.S. Sup. Ct case - governing the timeliness of submissions, in light of Houston v Lack progeny, whereas the Alabama Supreme Court did not apply this Court's applicable rule of law - in Federal contrast with the Fifth and Fourteenth Amendments, inter alia;

But for Clerk Hon Julia Jordan Welles's June 16th 2021 (Exh-D) denial, despite Houston holding otherwise, viz, this Court's controlling authority (subordinates usurped) the pro-se Litigant's access to Court, otherwise adequately - timely submitted to States' legal mail services - for subsequent delivery, for Petitioner's deadline, notwithstanding (Exh-D pp 5 & 7).

Predicating facts, of record, shows herein that Petitioner timely invoked said Houston progeny - beneath, when he submitted his brief to ADCC's mail box for legal delivery, ancillary to the Wait & Certiorari - being timely, it was stricken "untimely"!

Absent such manifest injustice, an appearance of an impropriety shall exist - naught, to the justice-system, on its face - beneath, remain - reverse with Instructions to Alabama's Supreme Court, for "acceptance and adjudication" warranted heretofore, to facts being ripe for plenary -

Review, beneath, in accordance with Houston timeliness, and pro pro "leniency" under Haines v Kerner, liberality.

Continued

Reason For Granting Petition
Supporting - facts

Bosarge filed on JANUARY 24th 2020
upon his juvenile guilty plea, arising from
said 1970 "Judgment" remaining unconstitutional
and thus void, resulting in submitting, filing
a controlling writ of Error Coram Nobis "petition"
Applicable to the time of the offenses,
See: CC-71-24878, 24881; 25434; 25181; 25663.

Mobile County ~~DA~~ Atty's office filed its
affirmative response to dismiss - under Rule 32,
Ala. R. Crim. P. procedures on March 13, 2020

Circuit Court Judge Phillips on Mar. 16,
2020

Notice of Appeal was timely submitted
on _____, assigning CR-19-0737

Upon receipt of trans-mitted appellate
records documents were omitted. Cause
for requesting supplement, granted on
June 16th, 2020.

Bosarge on Oct. 30th 2020 filed his original
brief to Court of Appeals CR-19-0737 in
the above styled case.

State file its reply Brief on, Nov. 23, 2020 (Note Bosarge didn't receive until Jan 2021).

Bosarge filed Rebuttal to States' Reply on January 8th, 2021

Court of Criminal Appeals Issued an Order affirming trial courts denial and Certificate of judgment arose on Jan. 28th, 2021.

Bosarge filed Application for Rehearing in Cr-19-0737 on Feb. 10th 2021, briefing schedules were issued for parties Court of Appeals Denied Application for Rehearing on 02-10-21

On March 6th 2021 Certiorari was submitted to Supreme Court, case no 1200473 docket notice issued April 4th 2021

Bosarge received Show Cause, via, April 20, 2021, why Certiorari petition shouldn't be dismissed as untimely

On April 25th 2021, Bosarge filed his Answer Requesting judicial notice of Houston v Lack mailbox-ruling

~~Down~~ Then on May 27th 2021, Clerk of Supreme Court issued a Notice, Bosarge's certiorari petition was stricken as untimely (when received).

Bosarge filed an Extraordinary Motion for Suspension of Rule 2(b) Ala. R. App. P. Curing manifest Injustice, it was denied June 16th, 2021.

Wherefore Premises shown, of record, as exhibited, this
Issue is plain upon the merits, records, and authentication
of invoking Houston's mailbox ruling - overlooked by Clerk
Weeler (Ala Sup Ct, Docketed beneath, at Exh-D p. 6 of 7, now
requesting limited "relief" in the form of Certiorari,
grant shall in no prejudice, delay the State of Alabama's
Courts' otherwise overtaxed system, due to massive overcrowded
conditions - 6 - confinement.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Raymond Lee Bosarge
Raymond Lee Bosarge

Date: September 15th 2021