

SEP 27 2021

OFFICE OF THE CLERK

No. _____

21-6350

IN THE

SUPREME COURT OF THE UNITED STATES

Michael S. Greene — PETITIONER
(Your Name)

vs.

Charles Williams — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court Of Appeals For The Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Sermaine Greene
(Your Name)

P.O. Box 1
(Address)

Huttonsville, WV 26273
(City, State, Zip Code)

304-335-2291
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

① Was Petitioner Plea Agreement Unfulfilled upon his juvenile rights being violated at (19) nineteen years old??

② Did this court not find unfulfilled plea bargain in case Santobello v. New York, 404 U.S. 262 (1971) equivalent to case at hand??

③ Looking at the enclosed plea agreement, is it safe to say that petitioner plea agreement was unfulfilled because petitioner should have remain in juvenile jurisdiction until his 21st birthday, which is the seed of this appeal at hand??

④ Is Petitioner in state custody in violation of the constitution or laws or treaties of the United States upon the district court considering what the state circuit judge said mistakenly what the plea agreement meant instead of considering what the plea agreement says itself?? (see District Court Memorandum Opinion AND order Page 8 AND 9)

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

State ex rel. M.L.N. V. Greiner, 360 S.E. 2d 554
(W.Va. 1987)

AND

Santobello V. New York, 404 U.S. 257, 262 (1971)

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TABLE OF AUTHORITIES CITED

CASES

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State ex rel. M.L.N. V. Griener, 360 S.E.
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STATUTES AND RULES

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OTHER

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 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 B-C 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 2nd, 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: August 24th, 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 _____ (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

This case involves (both) a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the supreme court of the United States,

AND

involves a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceedings.

STATEMENT OF THE CASE

In 2012 at (18.) eighteen years old (after refusing to sign the same plea (at least) two times before agreed to sign it) I decided to sign the enclosed plea agreement to ~~stay~~ stay in Division of Juvenile Services (DJS) ~~and~~ until my 21st birthday, Pursuant to WV code #49-5-13, stated in plea agreement. see case: State ex rel. M.L.N. V. Greiner, 360 S.E. 2d 554 (W.Va. 1987)

(Note: The WV code #49-5-13 provide the legislature intended a prohibition against jailing youths between the ~~ages~~ ages of eighteen and twenty years, who remain under juvenile jurisdiction, within the sight or sound of adult prisoners. Importantly, this holding applies to youths "who remain under juvenile jurisdiction")

The plea also state once im released from Division of Juvenile Services at age 21 I would start my adult case for first degree robbery on probation.

Less than a year after I signed the plea in 2012, at (19) nineteen years old state court scheduled an review hearing on May 24th, 2013 and the prosecuting attorney made motion to place me on adult probation for first degree robbery (before my 21st birthday) in violation of my juvenile rights (unfulfilled plea bargain), the court granted it's motion, and my attorney's at the time did not object with good cause shown.

Four days later I violated probation, AND got sentenced to (20) years of first degree robbery without an direct appeal by attorney upon unfulfilled plea bargain, etc. ~~and~~ I had an jail inmate write a letter for me (with my signature on it) asking Mr. Huffman to file an direct appeal to the WV Supreme

court of Appeals, but he ~~did~~ refused.

Further, considering what the plea says, Petitioner believe his plea agreement was unfulfilled because by plea he should have remained in Division of Juvenile Services until his 21st birthday (regardless), ~~the state~~ and believe if it wasn't for his early (wrongful) release from juvenile jurisdiction, he would have never got convicted of first degree robbery as well.

The West Virginia Supreme Court of Appeals denied my habeas appeal on juvenile rights being violated (unfulfilled plea bargain) upon ignoring or overlooking fact that I was released from juvenile jurisdiction at (19) nineteen years old instead of age 21 like the plea said. Me graduating in earning my high school diploma (only) is not equivalent or the same in completing a juvenile program and/or completing a program is not the same as staying in Division of Juvenile Services until my 21st birthday, which is what the plea actually say. See page 5 to 6 in Memorandum Decision by WV Supreme Court of Appeals.

Now see the district court proposed findings and recommendation on page 13, 14, and 15: From page 13 to 14 (from the June 18th, 2012 plea hearing transcript) the district court acknowledged the trial state judge.

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explain directly what the plea meant and/or said, but on page 15 the state trial judge change the meaning of what the plea actually said in contradiction of his statements on page 13 "...what that does is that gives the court juvenile jurisdiction over you until you turn 21."

The district court refused to acknowledge my plea do not say I will stay in either program until I turn 21 years old, or it don't say I will stay in program until I complete it. As long as I'm in juvenile jurisdiction until 21 is all that matter is what the plea agreement does say, and it say "... I will stay in ~~juvenile~~ Division of Juvenile Services until my 21st birthday," but was unfulfilled equivalent to case *Santobello v. New York*, 404 U.S. 257, 262 (1971). see enclosed May 24, 2013 hearing transcript.

Also see enclosed letter from my lawyer ~~at~~ dated May 25th, 2012 saying "I will not ~~at~~ leave juvenile custody before my 21st birthday if took the plea" in other words, but same meaning.

Petitioner don't understand why his claim above was ignored (he rather say) in the U.S. Court of Appeals ~~For~~ For The Fourth Circuit as well, yet he know the state prosecuting attorney did not fulfill the plea, and he was tricked into taking it when he was set for trial.

REASONS FOR GRANTING THE PETITION

A United States Court of Appeals has entered a decision in conflict with the decision of this court on the same (equivalent) matter or a state court has, which is the seed of this appeal.

AND/OR

A United States Court of Appeals has decided an important question of federal law that has not been, but should be, settled by this court, or has decided an important federal question in a way that conflicts with relevant decisions of this court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael J. Greene

Date: 9/24/21