

No. 21-7389

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
MAR - 7 2022
OFFICE OF THE CLERK

JOHN P. ALEXANDER, II — PETITIONER
(Your Name)

vs.
MISSISSIPPI, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI
(based on newly-discovered evidence)
John P Alexander, II #30021
(Your Name)

10641 Hwy 80 W — EMCF
(Address)

Meridian MS 39307-9256
(City, State, Zip Code)

(601) 485-5255
(Phone Number)

QUESTION(S) PRESENTED

1. Does A pro se prisoner who is financially-solvent, but who notwithstanding lacks the freeworld logistical-support necessary to produce a (meritorious) petition in booklet-form, nevertheless qualify to proceed in forma pauperis in this Honorable Court?

2. What is THE Amendment XIV Due Process answer to the question of A prisoner who, after being granted a legally-valid "commutation and reduction" of 30-days by THE Mississippi Governor of his original life-sentence, THEN formally requests "written notice" of THE duration (in terms of years and days) of his new, commuted and reduced, non-life sentence? (This is A question of first-impression which this Honorable Court is duty-bound to decide [cf. footnote 2 of THE petition])

3. With THE newly-discovered documentation of THE "Sentence Computation Record" of THE 2,469 good-conduct days which THE MDCC Records Office had previously posted for PETITIONER back in THE year 1983, HAS JOHN PEYTON ALEXANDER, II already earned enough time-off-for-good-behavior to WARRANT his imminent total-release from THE custody of THE Mississippi Department of Corrections?

4. Due to AN ex post facto state-statute, THE Respondents will neither honor Mississippi Executive Order No. 217 nor PETITIONER'S 2,469 good-conduct days which THE MDCC Records Office has previously posted. Therefore, will THIS Court please COMMAND THE Respondents to perform THEIR Constitutional duty?

LIST OF PARTIES

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 judgement is the subject of this petition is as follows:

John P. Alexander, II, MDOC Register No. 3 0021, was sentenced on May 7, 1976 [Appendix C-5] to life with parole. In 1993, ABC-TV broadcast a motion-picture which is a fictional dramatization of John's criminal case. The movie, "Between Love and Hate," See Alexander v. State, 821 So. 2d 869 (Miss. App. 2002), contains scenes depicting fictional-events which never happened. Over the years, parole board employees have watched this movie on the Lifetime Channel so-many-times that fictional-events appearing in the movie have made their way as fact into John's official prison record.

Mississippi is a state where a prisoner's parole-records are secret, without any rules-of-evidence governing their content.

Ms. Te' Avia McCallum is an MDOC Records Office employee listed as the First Step Respondent in Administrative Remedy Petition (ARP) No. EMCF-21-221 [Appendix, hereafter App. B-4].

Ms. Durr is also listed on the First Step Response form [App. B-4].

Ms. Kamrya Thomas is the Second Step Respondent [App. B-3].

Ms. Karen Robinson, SPD-IV CMCF Records Supervisor is also listed on the Second Step Response form [App. B-3].

RELATED CASES

(only cases with written opinions are listed)

STATE of Mississippi vs. John PEYTON Alexander, II Hinds County
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entered November 24, 1995.
insanity-Acquittal See App. M-22 thru M-24

In re: John PEYTON Alexander, II, No. MSH-76 Hinds County
Chancery Court. Judgment entered November 25, 1995
Civil-Commitment See App. N-25 thru N-26

Alexander v. State, 358 So. 2d 379 (Miss. 1978) - direct-appeal
of THE petit-jury verdict See App. C-5
Robinson v. Howard Bros. of Jackson, Inc., 372 So. 2d 1074
(Miss. 1979). Civil-suit

Alexander v. Black, No. J-91-0005. U.S. District Court for
THE Southern District of Mississippi Judgment
entered May 5, 1992. Acquittal-Waiver See App. I-17

Alexander v. State, 649 So. 2d 693 (Miss. 1994) - parole-revocation

Alexander v. State, 667 So. 2d 1 (Miss. 1995) - rehearing-petition

Alexander v. State, 821 So. 2d 869 (Miss. App. 2002) - TV movie

Administrative Remedy Petition, No. EMRF-21-221-discharge-date
Mississippi Department of Corrections See App. H-16, B-3 AND B4

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APP. A-2	DEC 22, 2021, ORDER denying JOHN'S PETITION FOR WRIT OF HABEAS CORPUS. Cause No. 2014-M-01740.
APP. B-3	OCT 5, 2021, SECOND STEP RESPONSE FORM. ADMINISTRATIVE REMEDY PETITION (ARP) No. EMCF-21-221. MISSISSIPPI DEPARTMENT OF CORRECTIONS (MDOC).
APP. B-4	JUNE 16, 2021, FIRST STEP RESPONSE FORM. ARP No. EMCF-21-221. MDOC
APP. C-5	MAY 7, 1976, "JURY VERDICT AND SENTENCING OF THE DEFENDANT BY THE COURT." THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY MISSISSIPPI. Recording a life-sentence for JOHN P.

App. C-6

MARCH 16, 1976 Executive Order No. 217. MISSISSIPPI EXECUTIVE DEPARTMENT. JACKSON. THE Hon CLIFF FINCH, Governor, providing good-behavior "Commutation and reduction of sentence" for THE inmate workers AT THE GOVERNOR'S MANSION.

App. C-7

"Sentence Computation Record," newly-discovered evidence received by JPA on 04/02/21, recording 2,469 total good-conduct days credit for John P Alexander #30021 for THE years 1977 to 1983.

App. D-8

Inmate Time Sheet, printed 01/12/2022, for John P. Alexander 30021 recording two 30-days entries on 04/03/79 and 12/30/79 pursuant to Executive Order No. 217.

App. E-9

Article 1 Section 10 Clause 1, UNITED STATES CONSTITUTION prohibiting ex post facto laws by THE states.

App. E-10

Amendment XIV Section 1, UNITED STATES CONSTITUTION protecting due-process.

App. F-11

Mississippi CONSTITUTION, Article 5 § 124 granting clemency powers to THE GOVERNOR.

App. F-12

Mississippi CONSTITUTION, Article 10 § 225 GRANTING THAT THE Legislature may provide for

THE commutation of THE sentences of convicts for good behavior, i.e. statutory good-time.

App. G-13 Miss. Code ANN § 47-5-139 (Supp. 1975), providing for statutory good-time of up to 30-days per month for all state-prisoners.

App. G-14 thru G-15 Miss. Code ANN § 47-5-139 (As Amended), an ex post facto state statute prohibiting good-time credits for prisoners sentenced to life.

App. H-16 Apr. 1, 2021 Request For Administrative Remedy (ARP) of PETITIONER John P. Alexander, requesting a maximum discharge date in light of PETITIONER'S good-conduct credits.

App. I-17 Aug. 4, 1977 Waiver by PETITIONER John P. Alexander requesting his transfer to THE MISSISSIPPI STATE PENITENTIARY AT Parchman.

App. J-18 Apr. 25, 1979, Executive Order No. 280, Governor Cliff Finch, providing for good-behavior "commutation and reduction of sentence" for inmate-workers on a river-flood work detail.

App. J-19 Apr. 12, 1994, Executive Order No. 747, Governor Kirk Fordice, providing for executive good time for inmate-workers on a clean-up work detail following a severe winter ice-storm.

- App. K-20 May 19, 2021 REFUSAL OF HEALTH CARE "referral to urology for evaluation of elevated PSA" (There is a strong likelihood THAT PETITIONER John P. Alexander now has prostate cancer.)
- App. L-21 Jul 4, 2019 "Gangs running prisons" newspaper article "The Northside Sun" JACKSON MS documenting THE present gang-control within THE MDCC.
- App. M-22 Nov. 25, 1975 "Notice" TO THE Hinds County Chancery Court FROM THE Hinds County Circuit Court OF THE "Certification OF THE Grand Jury" recording A not true bill. for PETITIONER.
- App. M-23 thru M-24 Nov. 24, 1975 "Certification OF THE Grand Jury" insanity-Acquittal OF THE criminal charges Against John P. Alexander.
- App. N-25 thru N-26 Nov. 25, 1975 "Order OF Admittance After Hearing" by THE Hinds County Chancellor directing A civil-commitment OF PETITIONER TO THE Mississippi STATE Hospital AT Whitfield.
- App. O-27 Jul 27, 1977 letter FROM Donald C. Guild, M.D., Director OF Forensic Psychiatry AT THE STATE hospital honoring John P. Alexander's request TO obtain psychiatrist treatment AT THE Mississippi STATE PENITENTIARY AT Parchman.

App. P-28 THRU P-32 - Paperwork documenting & illustrating THE unfolding of A 09/10/2020 retaliatory Rule Violation Report which had A favorable outcome for John.

App. Q-33 THRU Q-35 - THREE (3) December 2021 REQUEST FORMS WITH Responses from MS. J. Houston IN THE EMCF Business Office regarding PETITIONER'S requests for WAIVERS of THE dollar-AMOUNT limit AND THE 30-day waiting period for Inmate money WITHDRAWALS.

App. R-36 THRU R-37 - March 3, 2022 status-report from THE EMCF ARP Coordinator regarding Alexander's 12/24/2021 formal grievance [ARP] requesting WAIVERS.

App. S-38 THRU S-42 - February 2022 REQUEST FORMS (with exhibits) addressed to MDOC headquarters personnel regarding John P.'s need for A coordinator between Cockle Legal Brief Co., MDOC upper management officials and SCOTUS in order to get John's money released to Cockle and his certiorari petition printed, bound & filed in A timely-manner.

App. T-43 - March 3, 2022 REQUEST FORM, with AN ANSWER from EMCF (High) Warden Donald JACKSON stating he is "waiting for MDOC to make A decision" regarding THE release of funds to Cockle.

App. U-44 - John P.'s Dec. 30, 2021 tribute to his late MOTHER, ELIZABETH Reddock Alexander Langley.

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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

THE Order of the Supreme Court of MISSISSIPPI denying THE PETITION FOR Writ of Mandamus appears AT Appendix A-2 TO THE petition AND is unpublished.

THE opinion of THE MDOC Administrative Remedy Program (ARP) AUTHORIZING PETITIONER TO SEEK judicial review appears AT Appendix B-3 TO THE petition.

PETITIONER'S original commitment order recording A life-sentence appears AT Appendix C-5 TO THE petition.

MISSISSIPPI Executive Order No. 217 which commuted and reduced PETITIONER'S original life-sentence appears AT Appendix C-6 TO THE petition.

THE "Sentence Computation Record" from THE year 1983 appears AT Appendix C-7 TO THE petition. (This initial MDOC computation-record is newly-discovered evidence.)

PETITIONER'S current Inmate Time Sheet appears AT

Appendix D-8 TO THE PETITION. ^{FNI}

JURISDICTION

The date on which THE Supreme Court of Mississippi decided my case was December 22, 2021. A copy of THAT decision appears AT Appendix B-2.

A timely petition for rehearing was thereafter denied ON JANUARY 5, 2022, AND A COPY OF THE ORDER denying rehearing appears AT Appendix A-1.

The jurisdiction of THIS Honorable Court is now invoked under 28 U.S.C. § 1257(2).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The key issue in THE CASE-AT-BAR (for which there is NO KNOWN precedent) is THE Amendment ~~XIV~~ Due Process [Appendix, hereafter App. E-10] effect of AN Executive "commutation and reduction" of good-conduct days [App. C-6] ON THE maximum discharge date of A prisoner who was originally sentenced to A life-

FNI. A more restrictive-version of THE earned-time allowance statute WAS USED to make THE calculations of good-conduct credits ON PETITIONER'S current Time Sheet, AS-opposed-to THE calculations ON THE 1983 "Sentence Computation Record." This discrepancy is AT-issue in THE instant-petition.

term [App C-5]. PETITIONER simply asserts THAT IN SUCH A case, "written notice" of a judicial-determination of THE duration (in terms of years and days) of THE commuted and reduced, non-life sentence is now required.

While Article 5 § 124 of THE STATE constitution [App. F-11] gives THE Mississippi Governor THE authority to grant time-cuts; AND while various governors over-the-years have exercised THIS power on a widespread scale [App. C-6, J-18 and J-19]: THE STATE Supreme Court has metaphorically punted [App. A-1 thru A-2] THIS case-of-first-impression TO THIS Court. After state and federal penitentiaries in THE 1970s were transformed into correctional facilities, parole boards across-the-country became more inclined to allow lifers to die in prison. A sentence of life-without-parole WAS A creation of THE late 20TH Century; which, in-turn, has contributed TO THE mass incarceration phenomenon; that, in turn, is quickly becoming economically-untenable. A decision by THIS Honorable Court FN2 TO give maximum discharge-dates TO A nationwide demographic of life-long prisoners (who ARE serving life-sentences WITH THE possibility of parole) who ALSO have numerous health-problems, will not only be A much-needed,

FN2. Although THE various state-governors did indeed grant us lawfully-rendered good-behavior commutations of our sentences, PETITIONER is appealing TO THE more noble aspects of THIS Court; so THE good which THE Justices will do, would not arise AS A matter-of-right, but AS one of grace!

A political solution to the financial-burden due to runaway medical expenses, but will also demonstrate the rare quality of magnanimity during a time of intense national political-divisions.

Additionally, Article 10 § 225 of the Mississippi Constitution [App. F-12] likewise gives the legislature the authority to provide for good-behavior commutations to prisoners. In the year of our Lord 1983, the MDOC Records Office posted 2,469^{FN3} statutory good-conduct days for petitioner [App. A-7]. However, circa 1992, the state solons enacted an ex post facto [App. E-9] Amendment [App. G-14 thru G-15] to Miss. Code Ann. § 47-5-139 (Supp. 1995) [App. G-13]. This amendment to the statute-in-effect at the time of petitioner's original life-sentence, banned any good-time credits to lifers. In Weaver v. Graham, 450 US 24 (1981), this Honorable Court has already found a similar gain-time statute to be repugnant^{FN4} to the U. S. Constitution.

FN3. It is a statistical reality that John P. Alexander, II will not now live very-much longer than 2,469 calendar days.

FN4. Even though petitioner has not been found guilty of any prison rule-infractions which would warrant the loss of any of his 2,469 good-conduct days, Alexander's current Time Sheet [App. D-8] lists only the 60-days from Executive Order No. 217: [A loss to petitioner of 2,409 good-conduct days, cf. App. C-7]. Furthermore, no executive or statutory gain-time deductions whatsoever for maximum-discharge dates are recorded.

NEWLY DISCOVERED EVIDENCE

STATE OF MISSISSIPPI

COUNTY OF Lauderdale

RE: ARP No. EMCF-21-221

AFFIDAVIT

PERSONALLY, appeared before me the undersigned authority in and for the aforesaid jurisdiction, being duly sworn by me does depose and state the following:

I, John Peyton Alexander, II, do hereby state that the following is true

and correct to the best of my belief and knowledge.

1. I AM A MENTALLY-COMPETENT PRISONER-IN-CUSTODY WHO WAS BORN ON DECEMBER 30, 1954 AND AM NOW 67 YEARS OLD.
2. CIRCA MARCH 28, 2021, I SUBMITTED A LEGAL-ASSISTANCE FORM TO THE LAW-LIBRARY REQUESTING A COPY OF MY MAY 7, 1976 COMMITMENT ORDER [APPENDIX C-5] DOCUMENTING MY ORIGINAL LIFE-SENTENCE.
3. CIRCA 1992, THE MISSISSIPPI LEGISLATURE ENACTED AN EX POST FACTO PROHIBITION OF ANY TIME-OFF-FOR-GOOD-BEHAVIOR FOR PEOPLE WITH LIFE-SENTENCES [APP G-14 THRU G-15]
4. ON APRIL 1, 2021 [APP. H-16], I FILED A FORMAL REQUEST FOR ADMINISTRATIVE REMEDY [ARP] REGARDING THE CURRENT COMPUTATION [APP. D-8] OF MY INITIAL 1976 LIFE-SENTENCE.
5. INSTEAD OF SENDING MY COMMITMENT-ORDER, THE PRISON

librarian mistakenly sent me THE "Sentence Computation Record" contained in Appendix C-7 of this instant petition.

6. The state no longer honors this computation-record (which is newly-discovered evidence) because it records 2,469 good-conduct days which I earned between 1977 and 1983.

7. I received this newly-discovered evidence on April 2, 2021, which is the day after I filed the ARP.

8. I was able to incorporate this "Sentence Computation Record" at the second step of my ARP [App. B-4 and B-3].

9. Subsequent attempts to once-again obtain this "Sentence Computation Record" from the prison-library have been futile.

10. Since 1983, I have not been found-guilty of any MDOR Rule Violation Reports which resulted in the loss of any of these 2,469 days of good-conduct credits.

11. Further Affiant saith not!

SIGNED, this the 16th day of February, 2022.

John G. Alexander, II
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, this the 16 day of Feb., 2022.

Casey Newell
Notary Public

My Commission Expires: Jan 18 2025



CERTIORARI REVIEW Considerations

Rule 10

This is A CASE of first impression which this Honorable Court is duty-bound to decide [cf. footnote 2]

Circa THE 1970s, state & federal prisons across THE COUNTRY were transformed into correctional-facilities. With THE widespread use in THE 1980s of THE illicit-drug cocaine, many middle-class people THEN found themselves in prison. In THE 1990s, legitimate-government adopted A MASS INCARCERATION "lock 'em up and throw-away-the-key" Agenda for law-breakers. In response to THE vacuum created by legislation such AS THE Prison Litigation Reform Act, THE big-city street-gangs (during THE Double Naughts) began offering prisoners basic-services such AS protection/security AND discipline/justice [App. L-21]. By THE second decade of THE 21st Century, THE illicit-drug epidemic had sent many more rich-kids to prison with life-sentences. Currently, social-media coupled-with climate-change & Covid-19 are redefining many of society's norms. The prison-population in America today contains A large-demographic of old men & women WITH A multitude of health-problems. The medical-expenses WITH WHICH taxpayers are now saddled in order to incarcerate & care-for THESE old-convicts are by-far more costly THAN THE freeworld-price of nursing-home care.

So many of us lifers have now spent our entire lifespans in prison THAT we ARE ASKING THE important, yet still unsettled question of federal-law, "How long is A life-sentence anyway?"

STATEMENT OF THE CASE

After, regretablely, I committed THE homicide on October 4, 1975, my ATTORNEYS & I did not ARGUE THAT I should be released immediately: we ARGUED THAT I should be incarcerated somewhere that I could obtain competent, qualified treatment for my mood disorder. ^{FN5} Therefore, we presented an insanity-defense. In an effort to lessen the negative-aspects of a public-trial, ^{FN6} I agreed to allow my defense psychiatrists to TESTIFY before THE November 1975 Term of THE Hinds County Grand Jury; which utilized a rarely-used state-statute to certify THAT I WAS NOT responsible for my actions AT THE TIME of THE homicide [App. M-23 thru M-24]. A STATE Circuit-judge THEN gave written notice [App. M-22] of THIS certification TO THE Chancery court, which sent me to the Mississippi STATE Hospital at Whitfield [App. N-25 thru N-26] on a civil-commitment for an initial twenty-days.

FN5. Kyle Rittenhouse is AN example of A man who gained THE whole world, but lost his soul. MORE THAN ANY-thing else, I wanted to be treated, which ultimately WAS realized!

FN6. If THE district-attorney had not caved-into pressure from THE local news-media and brought me to trial before A petit-jury, THERE would have been A diminished amount of scandal and absolutely NO TV-movie about THE case playing over-and-over on THE Lifetime Channel. See Alexander v. State, 821 So. 2d 869 (Miss. App. 2002).

After this secretive grand-jury disposition (which was viewed by the fake-news as a whitewash), a public-outcry ensued. Therefore, after the initial twenty-days had expired, I was transferred back to pretrial detention in the Jackson City Jail.^{FN7} In May of 1976, I was tried before a petit-jury,^{FN8} which convicted me of murder. I was sentenced to life [App. C-5] in the Mississippi State Penitentiary at Parchman.

The Trial Court was keenly-aware of the conflict between the insanity-verdict [App. M-22 thru M-24] of the grand-jury, and the guilty-verdict [App. C-5] of the petit jury. Therefore, after the public-trial, the sentencing-judge sent me back to Whitfield while my lawyers perfected a direct-appeal to the state supreme court. [App. O-27].

FN7. Due to the unconstitutional conditions-of-confinement at the (old) Hinds County Jail, Mississippi government officials would not house me there. From my window at the city-jail, I watched the construction-crews as they were building the (new) Hinds County Detention Center.

FN8. What I did not know when I went through a public 1976 petit-jury trial is that, earlier that spring, the state legislature had enacted sweeping-reforms for the notorious Parchman prison, including effective July 1, 1976, the creation of the Mississippi Department of Corrections, Miss. Code Ann. §§ 47-5-1, et seq (Supp. 1976), and the MDOC Department of Psychiatry.

If THE district-attorney had not brought me to trial before a petit-jury, I never would have accepted responsibility for my actions [App. 0-27, I-17]; which is THE fundamental reason I credit for my ultimate healing. Not only did my conscience, which had been well-developed through my strict early home-training, began to bother me; but the burden of likewise being treated as someone who was not to be trusted with anything as simple as a paper-clip, became intolerable as well. The Whittfield psychiatrist, who was also a reserve deputy-sheriff with a law-degree, offered THE advice that a life-sentence in Mississippi FN9 did not mean "life," but was recognized by common parole-practice as being ten-years. FN10

FN9. In Grubb v. STATE, 584 So. 2d 786 (Miss. 1991), THE STATE supreme court upheld a lower-court decision, finding:

The (lower-court) judge concluded that the (life) sentence was exactly what was represented to Grubb by his attorneys, i.e., THAT he would be eligible for parole in ten years and would serve no more than fifteen years.
- 584 So. 2d AT 787-788

FN10. This measure of a Mississippi life-sentence was accurate from THE time-period post World War II up-until THE mid-1990s, when Joe Biden's 1994 Crime Bill (as-well-as OTHER legislation) set-the-stage nationwide for THE MASS Incarceration phenomenon in our country. [Your parents changed our wages ten-times (cf. Genesis 31:7).]

Dr. Donald C. Guild, the forensic psychiatrist at Whitfield, also informed me that, the sooner I arrived at Parchman, the sooner I could additionally begin to earn good-conduct credits; which would further shorten my time in prison.^{FN11} Therefore, on my own initiative and volition, I asked to be transferred to Parchman in order for me to participate in the experiment of the newly-formed Mississippi Department of Corrections. Dr. Guild honored my request [App. O-27].!

On July 28, 1977, I arrived at the (also new) Hinds County Detention Center; on August 4, 1977, I waived [App. I-17]^{FN12} my right to remain in county-custody pending a decision in my direct-appeal; and I arrived at Parchman Prison on September 28, 1977. The Supreme Court of Mississippi handed-down its decision in my direct-appeal on April 19, 1978, Alexander v. STATE, 358 So. 2d 379 (Miss. 1978). There were no immediate (until 1991) post-conviction challenges, and in May 1978, I confessed my guilt in open-court in a wrongful-death civil trial. See Robinson v. Howard Bros. of Jackson, Inc., 372 So. 2d 1074 (Miss. 1979).

FN11. The newly-discovered MDOC "Sentence Computation Record" [App. C-7] (which the state no longer honors) reflects 2,469 good-conduct days posted for me for the time-period 1977 to '83.

FN12. A U.S. magistrate-judge later ruled THAT, by signing this waiver, I had waived my collateral-estoppel insanity-acquittal as well. Alexander v. Black, No. J-91-0005 (S.D. Miss. May 5, 1992).

I WAS PAROLED IN 1984 [App. D-8], AND ON SEPTEMBER 23, 1986, I WAS RETURNED TO MDCC CUSTODY FOR THE UNDERLYING REASON THAT I QUIT TAKING MY PSYCH-MEDS. See Alexander v. STATE, 647 So. 2d 693 (MISS. 1994). I HAVE REMAINED A PRISONER-IN-CUSTODY EVER SINCE!

IN SUMMARY, BASED ON NEWLY-DISCOVERED EVIDENCE FROM THE YEAR 1983 [App. C-7], JOHN P. ALEXANDER, II SEEKS CERTIORARI REVIEW OF AN MDCC ADMINISTRATIVE-REMEDY CHALLENGE [App. H-16] TO THE CURRENT SENTENCE-COMPUTATION [App. D-8] OF HIS COMMUTED AND REDUCED ORIGINAL LIFE-TERM. RATHER THAN CHALLENGING HIS GUILT IN THE UNDERLYING CONVICTION OF MURDER [App. C-5], HE WOULD NOW SHOW THAT, ON AUGUST 4, 1977 [App. I-17], HE WAIVED A COMPELLING COLLATERAL-ESTOPPEL CLAIM REGARDING HIS INITIAL INSANITY-ACQUITTAL [App. M-22 THRU N-26] IN ORDER TO PARTICIPATE IN THE (THEN) NEWLY-FORMED MDCC. HE NOW ASSERTS THAT HIS 2,469 GOOD-CONDUCT DAYS [App. C-7] WHICH THE MDCC POSTED FOR HIM IN 1983, ARE SUFFICIENT GAIN-TIME TO RESULT IN THE EXPIRATION OF HIS COMMUTED, NON-LIFE SENTENCE.

JOHN ASSERTS, IN LIGHT OF EXECUTIVE ORDER NO. 217 [App. C-6 THRU D-8], WHICH REDUCED HIS LIFE-TERM BY A TOTAL OF 60 DAYS, DUE PROCESS [App. E-10] REQUIRES THE GOVERNMENT TO GIVE HIM "WRITTEN-NOTICE" OF THE DURATION OF HIS NEW, COMMUTED, NON-LIFE SENTENCE. HE ALSO RESPECTFULLY ARGUES THAT THE MDCC'S CURRENT APPLICATION [App. D-8] OF THE VERSION [App. G-14 THRU G-15] OF THE EARNED-TIME ALLOWANCE STATUTE, WHICH BECAME EFFECTIVE AFTER HIS CONVICTION, VIOLATES THE EX POST FACTO CLAUSE [App. E-9]; AND THAT, UNDER THE NEWLY-DISCOVERED 1983 APPLICATION [App. C-7] OF THE STATUTE-IN-EFFECT AT THE TIME OF THE CRIME [MEGA § 42-5-139 (SUPP. 1975) - App. G-13], 2,469 GOOD-CONDUCT DAYS HAVE ALREADY BEEN POSTED: WHICH IS ENOUGH GOOD-TIME TO WARRANT ALEXANDER'S IMMINENT-RELEASE FROM MDCC CUSTODY!

REASONS FOR GRANTING THE PETITION

John P. Alexander, II, MDOC Register No. 30031, MSP No. X42492, was originally sentenced to a life-term [App. C-5] in the Mississippi State Penitentiary. In 1979, John P. participated in two work-details for the Governor's Mansion, and Gov. Cliff Finch (1976 to '80) "commuted and reduced" his life-sentence by a total of 60-days through Executive Order No. 217 [App. C-6 thru D-8]. At the time of the first work-detail, Gov. Finch told Alexander and his co-workers that the Executive good-time would be deducted from both parole-eligibility and "the end of the sentence." John P. now asks this Court for "written notice" of the duration (in terms of years and days) of his new, commuted and reduced, non-life sentence. This is a case of first-impression which this Honorable Court is duty-bound to decide. Actuarial life-expectancy, a legal-tool which is used routinely by courts in litigation involving pension-plans, is useful here.

Article 5 § 124 [App. F-11] of the Mississippi Constitution gives the governor the power to grant time-cuts and pardons. Additionally, Article 10 § 225 [App. F-12] gives the State legislature the authority to provide for commutations for good-behavior. The applicable statute — Miss. Code Ann. § 47-5-139 (Supp. 1975) — states:

Commutation of time for good conduct [is] to be deducted from a maximum term and/or parole eligibility time. [App. G-13]

To commute is defined: "To exchange one penalty or punishment for another, less severe." Webster Dict. "The change of a punishment to which a person has been condemned into a less severe one." Bouv. Law Dict.; 3 Am. & Eng. Enc. Law 365. "The substitution of a less for a greater penalty or punishment." And. Law Dict. See Rich v. Chamberlain, 107 Mich. 381, 383 (1895).

The Hinds County Circuit Court handed-down John P.'s life-sentence on May 7, 1976 [App. C-5]. Alexander's current Time Sheet [App. D-8] reflects two 30-days "Commutation(s) and reduction(s)" [App. C-6] (on Apr. 3, 1979 and Dec. 20, 1979) by Executive Order No. 217. John P. now asserts that his claim for a maximum-discharge date was previously unripe, and hence he is yet making it at this time. Panetti v. Quarterman, 551 U.S. 930, 947 (2007). As soon as the commutation is made, the new penalty becomes the one fixed by law. See In re Victor, 31 Ohio St. 206, 209 (1877). Furthermore, Mississippi state-law-claims concerning maximum-discharge dates (expiration-of-sentence) are never time-barred. Miss. Code Ann. § 99-39-5(2)(b). See also Alexander v. State, 647 So. 2d 693 (Miss. 1994); and 667 So. 2d 1 (Miss. 1995).

John P. was born on December 30, 1954; and Alexander's post-pandemic Mississippi life-expectancy is approximately 74.2 years. [Source: worldometer.com]. Additionally, John P. has been taking necessary pharmaceutical-medications for decades. [See

Alexander 1994, supra]. These medications affect John P.'s liver-functions and further shorten his STATISTICAL life-expectancy. There is also A strong likelihood THAT John P. currently has prostate-cancer [App. K-20].

While a life-sentence is AN indeterminate sentence, it is not AN infinite one: AT some future date, it will end. While it is impossible to predict the exact date of Alexander's death, it is indeed possible (through actuarial life-expectancy) to set AN accurate outer-boundary.

Seventy-five calendar years (which is A reasonably interpolated figure for AN outer-boundary of A life-expectancy of 74.2 years) from December 30, 1954 will be December 30, 2029. Therefore, by honoring THE April 3, 1979^{FN13} application of Executive Order No. 217 and deducting 30 days from December 30, 2029, John P.'s initial commuted discharge date—effective April 3, 1979—then becomes November 30, 2029. The commuted and reduced non-life sentence is for 54 years and 57 days.

In keeping WITH THE decision by THIS Honorable Court in Weaver v. Graham, 450 US 24 (1981), John P. is further

FN13. April 3, 1979 is THE date of THE first Parchman Band performance, THE work detail AT THE Governors Mansion for which Gov. Finch reduced (by 30 days) Alexander's original life-sentence.

entitled to the additional 2439 good-conduct days [App. C-7] which the MDOR Records Office FN14 posted for him in 1983.

The tentative discharge date for John P. Alexander, II [which is calculated by deducting 2439 days from November 30, 2029] is therefore set at July 23, 2023. FN15

John P. humbly asks this Honorable Court to "make it so!"

Epilogue

"Is this not rather the fast that I choose:
releasing those bound unjustly?"

— Isaiah 58: 6 (NAB)

Prior to the Mass Incarceration Agenda in the United States, which was made possible by the 1994 Crime Bill, the Antiterrorism and Effective Death Penalty Act, and

FN14 In the year 1983, the MDOR posted a total of 2469 good-conduct days for John P. [App. C-7]: sixty (60) days from Executive Order No. 217, and 2409 days of statutory good-time pursuant to Miss. Code Ann. § 47-5-139 (Supp. 1975) [App. G-13].

FN15 This date will coincide with the date when this Court, after granting certiorari, issues its final ruling in this case.

THE Prison Litigation Reform Act, ^{FN16} prisoners in THE American South were routinely used as first-responders during weather-disasters such as tornadoes, hurricanes, river-floods and ice-storms. Many of these inmate first responders had life-sentences. Nevertheless, all of the prisoners who responded to THE 1979 Pearl River flooding [App. J-18] and THE 1994 DELTA Ice Storm [App. J-19] received Governors' commutations of their sentences; ^{FN17} with the exception that Governor Kirk Fordice's Executive Order No. 747 [App. J-19] specifies that the good-conduct credits would not be applied to parole-eligibility dates for lifers (although Executive Order No. 747 does indeed apply to discharge-dates.) Executive Orders No. 277, 280 and 747 are just three examples of the traditional Mississippi practice of governors granting good-time

FN16. When legitimate government took its metaphorical hands off of our nation's penal-system, the way was opened for the big-city street gangs to take-control over our rural-prisons [App. L-21] in order to fill the vacuum. The February 2022 "successful" escape of the same inmate (known as Pretty Boy Floyd) from MDOC custody for the 3rd time is indicative of this gang-control. For this reason alone, Mass Incarceration has proved to be a colossal-mistake!

FN17. However, there is no known instance where a lifer had served a sufficient amount-of-time to warrant a maximum discharge-date on a life-sentence. The question of how to apply Executive good-time commutations to the discharge date of a life sentence has never been decided by any court! (This is a case of first-impression.)

Commutations to prisoners with life-sentences.

NEVERTHELESS, THE STATE legislature Amended Miss Code Ann. Sec. 47-5-139 [App. G-13] in 1992 to proscribe good-conduct credits for lifers; AND THE CURRENT statute, §47-5-139(4) (AS Amended) contains the following Admonition:

Any officer or employee who shall willfully violate the provisions of THIS section... shall be removed from office or employment.
— App. G-15

The above due-process violation AND explicit FACTS WARNING explains THE terse-language found in THE record of John P's Administrative remedy petition [App. H-16, B-4 AND B-3] AS-well-AS the fact that THE Supreme Court of Mississippi has only given Alexander one-page denial-orders [App. A-2 AND A-1] in THIS cause-of-action.

Additionally, despite the facts THAT John P. was sentenced to life WITH parole; that he long-ago accepted responsibility for his actions [App. I-17]; THAT his parole was revoked for a misdemeanor charge for which he was later exonerated; ^{FN18} THAT THE MDOC considers him to be an honor-trusty,

^{FN18} Alexander v. State, 647 So 2d 693 (Miss. 1994)

And therefore allowed him for 14 years (before and after his parole) to move freely in-and-among society as a member of THE Parchman (Show) Band; THAT he now has a monetary-income sufficient to sustain him in THE freeworld; AND THAT he expresses contrition, and deep-remorse for his 1975 crime: prison-officials will not release John P. Alexander, II.

If THE Justices of THIS Court are looking for a means to bypass THE politics-inherent-in-corrections and give meaningful relief to deserving-members of AN aging population of prisoners-in-custody with excellent institutional-records (and loyalties to legitimate-government) THE granting of THIS instant petition will be A good-way to achieve THIS worthy goal. John P. is imploring THIS Honorable Court to intervene and decide THIS important case of first-impression which affects A large demographic of lifers such as Alexander. FN19

CONCLUSION

"With trust in your compliance, I write to you,
knowing THAT you will do even more THAN I say"
— Philemon 21 (NAB)

Therefore, in light of John P.'s Executive good-time Governors'

FN19. John P (Age 67) has been a prisoner-in-custody for 45 of THE last 47 years AS A result of one felony-conviction.

Commutations, AS-well-AS THE newly-discovered
"Sentence Computation Record" which is found in Appen-
dix C-7, certiorari should be granted. ^{FN20}

Under penalty of perjury, THE Above & foregoing is
true & correct, to the best of my belief & knowledge.

This THE 8TH day of March, in THE year of our
Lord 2022.

respectfully submitted,

John Peyton Alexander, II
JOHN PEYTON ALEXANDER, II 30021
10641 Hwy 80 W-EMCF
Meridian MS 39307-9256
(601) 485-5255

EXECUTED March 2, 2022
ASH WEDNESDAY

FN20. In light of THE Certification [App M-22 thru M-24]
of THE November 1975 TERM of THE Hinds County Grand
Jury, John P. Alexander, II never would have had to go
to prison, until & unless he chose to do so [App. O-27,
I-17]. However, during a critical-time in THE concerns of
humankind, Alexander placed his faith in a newly-formed
institution known as a "department of corrections."
John P. is now ASKING THIS Court to honor THIS faith
which, in-turn, will bring honor to THE Court!

Postscript: In Forma Pauperis

[Aside] Besides our financial-limitations, MDOC prisoners are constantly exposed to dangers from gang-members; ^{FN21} dangers from illicit-drugs; dangers from retaliatory Rule Violation Reports; ^{FN22} dangers from communicable disease; ^{FN23} cold showers; inadequate laundry service; lack of mobility during lockdowns; hunger; ^{FN24} and exposure to the cold — from lack of heating in the winter, to excessive air-conditioning in the summer. All of these factors act to negatively affect our ability adequately to prosecute meritorious claims in the courts. However, it is a far, far better thing that I do to seek relief through appropriate legal-channels than to join the penitentiary gang-members in their violent riots and brazen escapes! [Stay tuned].

FN21. To the MDOC's credit, on 3/3/22, U.S. marshals transported four EMEF inmate gang-leaders to the Lucasville, OH super-max prison. The MDOC is now gradually being cleaned-up, and a favorable decision in my case by this Court will amount to a major-breakthrough in my fervent efforts toward prison-reform.

FN22. See App. P-28 thru P-32.

FN23. e.g., Covid-19, Tuberculosis, MRSA (staph).

FN24. The MDOC allows the inmate kitchen-workers [most of whom (like me) are now ineligible for remuneration for our labors through good conduct-credits] to steal & sell significant portions of our food-rations, which are designated for consumption by the rest of us.

Question 1: Does a pro se prisoner who is financially solvent, but who notwithstanding lacks the freeworld logistical support necessary to produce a (meritorious) petition in booklet form, nevertheless qualify to proceed in forma pauperis in this Honorable Court?

This ground also presents a question of first-impression which this Court is duty-bound to decide [cf. footnote 2].

Circa April 2, 2021, Alexander received newly-discovered evidence^{FN25} in this expiration-of-sentence claim which dramatically clarifies & elucidates his arguments. At the time, Cause No. 20-7366 was pending in this Court, which therein had denied petitioner's in forma pauperis application on March 29, 2021.

John P. thereafter filed a "Motion to Reinstate" (which was based on this newly-discovered evidence). This Honorable Court treated petitioner's motion as an application to reconsider the in forma pauperis dismissal. And, on June 1, 2021 [App. S-40], denied relief.

Alexander's refreshed expiration-of-sentence claim (based on this newly-discovered evidence) has now made its way

FN25. See pp. 5-6 of the petition.

through not only THE MDOR Administrative Remedy Program [App. B-3], but also through THE Mississippi courts as well [App. A-2]. PETITIONER is now seeking certiorari^{FN26} review by THIS Honorable Court.

Sadly, John's 91 year-old momma died on October 12, 2021 [App. U-44]. IN connection with Alexander's status as beneficiary of her pension-plan, (prior to THE processing of ACH direct-deposit) PETITIONER received large sums of money into his MDOR inmate-account which — if learned about by gang members — would create all kinds of problems for John P.^{FN27}

As part of THE CARES Act, THE IRS sent stimulus money to all U.S. prisoners. Therefore, many inmates began transferring cash out of THEIR inmate-accounts to family members, etc. Due to THE sheer-volume of money-withdrawal requests, THE MDOR placed a limit of one \$2500 maximum inmate money-withdrawal for each 30-day period.

In December 2021, John P. filed paperwork seeking to obtain waivers not only of THE dollar-amount limit, but

FN26. Per Rule 20.1, Alexander chose not to seek MANDAMUS relief, because certiorari review is available.

FN27. One common gang-tactic is to slip fentanyl into the food of wealthy-inmates in order to foster addictions to illicit-drugs (whose sale is a source of revenue for THE gangs).

Also of THE 30-day waiting period for money withdrawals-^{FN28} PETITIONER'S formal-grievance [ARF], which he filed ON December 24, 2021, is now still pending-^{FN29}

FURTHERMORE, Alexander has written THE Cockle Legal Brief printing company [App. S-42], AND THE EMCF CASE manager has telephoned Cockle AS-well. JOHN P. has also contacted THE upper-management personnel AT MDCC headquarters.^{FN30} Therefore, PETITIONER has now done all that he CAN do.^{FN31}

Alexander now humbly ASKS THE Court to delay docketing THIS petition IN THE EVENT MDCC officials do indeed follow-through ON THE request for a timely-release of his money to Cockle.

FN28. See App. Q-33 thru Q-35.

FN29. Mississippi prison-officials operate on their own time-table, and they do not get into a hurry for anyone [See App. R-36 thru R-37].

FN30. See App. S-38 thru S-42. The EMCF (High) Warden, Mr. Donald Jackson, received THESE "S" appendices ALSO ON March 2, 2022 when he toured JOHN'S housing-unit; AND has expressed a genuine-desire to help [See App T-43].

FN31. IN THE MEAN-TIME, THE April 4, 2022 filing-deadline for JOHN'S petition is looming-large!

THE controlling case here is Houston v. Lack, 487 U.S. 266 (1988), which STATES:

Worse, THE pro se prisoner has no choice but to entrust THE forwarding of his notice of appeal to prison authorities whom he cannot control or supervise and who may have every incentive to delay.

— 487 U.S. AT 271

Houston also states:

And if THERE is a delay THE prisoner suspects is attributable to the prison authorities, he is unlikely to have any means of proving it, for his confinement prevents him from monitoring THE process sufficiently to distinguish delay on THE part of prison authorities from slow mail service or THE court clerk's failure to stamp THE notice on THE date received.

— Id AT 271

Houston further states:

Unskilled in law, UNAIDED by counsel, and UNABLE to leave THE prison, his control over THE processing of his notice necessarily ceases AS SOON AS he hands it over to THE only public officials to whom he has access—

the prison authorities — and THE only information he will likely have is THE date he delivered THE notice to THOSE prison authorities and THE date ultimately stamped on his notice.

— Id AT 271-272

Finally, Houston states:

The notice of appeal was filed AT THE TIME petitioner delivered it to the prison authorities for forwarding to the court clerk

— Id AT 276

Due to the fact that he lacks THE NECESSARY freeworld logistical support, PETITIONER would OTHERWISE get his BANK to pay Cackle.

For THE ABOVE and previous arguments presented by PETITIONER in his earlier pleadings, John P. Alexander, II humbly throws himself AT THE mercy of THIS Honorable Court and fervently prays for both general and meaningful relief!

AMEN!

THIS THE 7TH day of March, in THE year of our Lord, 2022. SS Perpetua & Felicity.

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