

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

 — PETITIONER
(Your Name)

vs.

 — RESPONDENT(S)

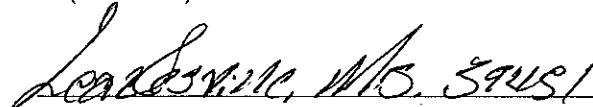
ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

 _____
(Your Name)

 _____
(Address)

 _____
(City, State, Zip Code)

(Phone Number)

RECEIVED

MAR - 8 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Questions presented

1. Whether Court erred in denying Mr. Sayes a new trial.
2. Whether Court erred in permitting pictures of the glove's didn't reduce the accurate evidence before the Grand Jury.
3. Whether Court erred in denying Mr. Sayes motion for correct verdict.
4. Whether Court erred in the laboratory analysis of finding of DNA in the boot.
5. Whether Court erred in allowing prosecutor to put the two defendants in the car without having found on the fingerprints.
6. Whether Court erred in excluding evidence that should have been admitted so that sustains right of Mr. Sayes to a fair and impartial trial.
7. Whether Court erred in permitting jury instructions offered by the state and the Court stated that even though the parties were in agreement on the instruction, did not want to upset prior holding in such a situation.
8. Whether Appellant was denied his right to ineffective assistance of counsel as guaranteed by the 6th Amendment and, further, attachment to the United States Constitution and by Miss. Article 3 section the Miss. Constitution of 1890.
9. Whether Court was ineffective for failing to object to counsel on the state failure to prove of fact.

10. Whether the verdict of the jury is against the over-whelming weight of the evidence.
11. Whether counsel was ineffective for failing to object to comments by Officer Detective Christopher Wenzel in allowing the state to present the testimony of Detective Wenzel finding of the gloves.
12. Whether counsel erred in allowing Tangle #8 jury to stand violated Tangle #8 jury.
13. Whether Court committed reversible error in admitting the testimony of Officer Wenzel to admit and admit.
14. Whether Court committed reversible error in allowing testimony of Dr. Wenzel, being "Dr. 139 lines 12-20 (P. 134) lines 18-27.
15. Whether Court committed reversible error in allowing testimony of Nurse Julie and Dr. 131 lines 15-29 Dr. 131 lines 8-26.
16. Whether Court allowed for false evidence error.
17. Whether jury's finding that the victim was raped was against the over-whelming weight of evidence.
18. "I am shield law."
19. Whether errors taken the cause for reversal.
20. Whether Prosecution committed reversible error in closing on defendant's testified testimony.

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:

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Post Conviction Collateral Relief Motion*

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OPINIONS BELOW

The Opinion of the Mississippi Supreme Court (Highest State Court), denying Petitioner's Application for Leave To file Motion for Postconviction (Collateral Relief), is attached hereto as APPENDIX A.

The Opinion of the Mississippi Supreme Court, denying Petitioner's Motion for Reconsideration is attached hereto as APPENDIX B received on or about 05/10/2019
14:39:54

Jurisdiction
The date of which the Highest State Court decided Petitioner's case was May 14, 2019.

Constitutional And Statutory Provisions Included

The sixth Amendment to the United States Constitution states in pertinent part, as follows:

"That the accused shall have the right to the effective assistance of counsel in all criminal prosecutions, for his defense."

The fourteenth Amendment to the United States Constitution states in pertinent part, as follows:

"No person shall be deprived of life, liberty, or property, without due process of law."

Statement of The Case

Petitioner Jeffrey D. S. was indicted in the Circuit Court Multi-count indictment of Harrison County Miss. 35:35:PPi for the offense of: 1. Robbery - C. 2. Unlawful & forcible sexual intercourse.

Petitioner D/S entered not guilty to such charges and case was entered on Grand trial referred by Lisa Collins counsel. Petitioner D/S was convicted of All offense in the Circuit Court of Harrison County, Miss. 35:35:PPi and was subsequently sentence to (corrective Prison) sentence for a total sentence of 3-life sentence to be served in the custody of Miss. 35:35:PPi Department of corrections as a habitual offender pursuant to Miss. Code Ann. § 99-19-83 and conviction and sentence rendered and D/S entered about 22 day of February 2017.

The Supreme Court of Miss. 35:35:PPi the Court of last jurisdiction denied Petitioner's Application for leave to file Post conviction Petition/ Petition for or about Nov. 9 2021, Motion for reprobation for reprobation was denied and which he is not entitled to this Court and assigns the following error. Court can only reinforce in the hearts and minds of our society's less fortunate members the unsettling message that their Plans/ Motion are not

well come here. To cut off an indigent defendant's right to proceed in forma pauperis is to cut off his access to the courts. This in itself violates a defendant's constitutional rights, for among the rights recognized by the courts as being fundamental are the rights to be free from invidious racial discrimination, is necessary to vindicate all constitutional rights. Petitioner charges that the state holds him in confinement without due process of law in violation of the fourteenth Amendment of the Constitution of the United States. The grounds of his charge are, in substance, that the sole basis of his conviction was Perjured testimony - Conspiracy which was knowingly used by the Prosecuting authorities in order to obtain his conviction, and also that these authorities deliberately suppressed evidence which would have impeached and refuted the testimony thus given against him. Petitioner alleges that he could not be reasonable diligence have discovered prior to the denial of his Motion for a new trial, and his appeal to the Supreme Court of the state. The evidence which was subsequently developed and which proved the testimony against him to have been Perjured. The Justice Dies, Petitioner urges that the 'knowing use' by the state of Perjured testimony to obtain the conviction and the deliberate suppression of evidence so impeach that

that Fort. Mervin constituted a denial of due Process of Law, Petitioner further contends that the State deprives him of his Life Liberty without due Process of Law by its failure, in the circumstances set forth, to provide any effective judicial process by which a conviction so obviously may be set aside reversed and remanded. The Liberty of the Citizen against deprivation through the action of the State, constitutes the fundamental Exceptions of Justice which lie at the base of Civil and Political institutions. . .

Hebert v. Louisiana, 272 U.S. 312, 316, 317, 47 S. Ct. 103, 71 L. Ed. 270, 45 A.L.R. 102, it is a requirement that cannot be deemed to be satisfied by mere notice and hearing if a state has obtained a conviction through the pretense of a trial which in truth is but used as a means of depriving a defendant of Liberty through a deliberate or testimony deception of Court and Jury by the representation of testimony known to be untrue, Case in Chicago Police, in order to avoid Brady violation, but whether prosecutor succeeds or fails in meeting such obligation rests responsibility for failing to disclose known material evidence rising to material level of importance is in Ex parte, U.S.C.A. Const. Amend. 5, 14, when probable cause of evidence depends on circumstances under which it was obtained and those circumstances raise possibility of fraud, indication of prosecutive Police work will enhance probable cause

and slowly word will diminish it, for purpose of determining whether nondisclosed evidence of sickness of Police investigation is material as required for Brady violation, punish the defendant for the frequency of his Motion filing. However, an individual who, even believes that filing, he has been deprived of his freedom should not be expected to sit idly by and wait to be forgotten. "Historically, the convictions with the best chances of being overturned were those that got repeatedly reviewed on appeal or those given by legal institutions such as the Innocence Project and the Center for wrongful convictions. "Emily Danne, The wrongful convicted: why more falsely accused people are being exonerated today than ever before, US united states Supreme Court Justice Thurgood Marshall stated, "In filing its brief today to another indigent litigant, the Court moves even closer to the day when it leaves an indigent litigant with meritorious claims out in the cold. And with each barrier that it places in the way of indigent litigants, and with each instance in which it castigates such litigants for having 'abused' the system..."

Trial Court error in accepting following Jury Number 8, Toussie A Motion Mr. Cyles 3, 14, Amendment to the U.S. Constitution, Tr. 22 Lines 19-28, Please read Tr. 30 Lines 23-28 Toussie did not abide by those Instructions Tr. 33 Lines 22-29 Tr. 34.

Trial Counsel failed to provide adequate advice and
therefore the defendant for his testimony, *Baylson v.*
United States, 489 Fed. App. 871, 882-83 (6th Cir. 2012); effective
assistance of counsel. Tr. 242 Motion Lines 9-14.
Court: Now, you'll make a decision with regard to going
forward?

Ms. (counsel): well, we're not disagreeing at, but I think
Mr. Baylson needs to tell you what his decision is because
he's flip-flopping back and forth.

Throughout the state criminal proceeding, it has
been plainly (clearly) shown (evident) that Petitioner's
conviction and sentence was derived at from fundamental
constitutional rights violations, Petitioner's rights to
"The effective assistance of trial counsel" and "The
right to due process of law" - under the provisions of
the Sixth Amendment and Fourteenth Amendment to
the United States Constitution, respectively. See -
Strickland v. Washington 460 U.S. 688, 687-88 (1983);
Strickland v. Washington 460 U.S. 688, 692 (1983).

During the course of the criminal proceeding
petitioner with no assistance from trial counsel as to
burden of ensuring that the defendant is informed
of nature and existence of the right to testify is a
component of the effective assistance of counsel as to
the drafting, argument of Motion for Court Appoint.
Trial Counsel allowed Petitioner with no legal reference
to argue the motion on his own behalf. The Motion

explained the need for an expert counsel. Trial counsel left during the present of defendant trial but call for her 1300 summons several times she later stated she was not feeling well so went to her office and laid down on the floor. Mary v. State, 370 S.W.2d 460-461, 113 S. 690.

1. The trial court erred in denying Mr. Jones a new trial.
2. Trial court erred in permitting pictures of the glove's did not produce the accurate evidence before the Grand Jury.
3. The trial court erred in denying Mr. Jones motion for acquittal verdict.
4. The Trial court erred in the laboratory analysis of finding of DNA in the jacket.
5. The Trial court erred in allowing the prosecutor kept the public defendant's in the dark "about fluid found on the Hunderbich's".
6. The Trial court erred in excluding evidence that should have been admitted so that Substantive right of Mr. Jones to a fair and impartial trial.
7. Trial court erred in permitting jury instructions offered by the state and the court stated that even though the parties were in agreement on the instructions, did want to upset prior holding on such instructions.
8. Whether appellant was denied his right to ineffective assistance of counsel as guaranteed by

The 5th Amendment and fourteenth amendment to the United States Constitution and of Miss Article 3 section The Miss Constitution of 1890.

9. Trial Counsel was ineffective for failing to object to comment on the state failure burden of proof.

10. Whether the verdict of the jury is against the over whelming weight of the evidence.

11. Trial Counsel was ineffective for failing to object to comments on officer, Detective Christopher Warner in allowing the state to present the testimony of Detective Warner finding of the glove's.

12. The trial court erred in allowing Tanya #8 Jury to stand violated Batson v. Kentucky.

13. The Trial Court committed reversible error in granting the Prosecution's Motion to Amend indictment.

14. The Trial Court committed reversible error in allowing testimony of "Garry King" Tr. 139 lines 12-20 (P. 11. 134 lines 18-27.

15. The Trial Court committed reversible error in allowing Perjured testimony by nurse Deborah Tr. 130 lines 13-29 Tr. 131 lines 6-20.

16. The Trial Court excuses for cause were error.

17. The Jury's finding that the victim was raped was against the over whelming weight of evidence.

18. ~~One~~ shield law."

19. The errors taken are cause for reversal.

20. The Prosecution committed reversible error in

Closing on defendant's testified testimony

The ADA district attorney in this case failed to disclose certain critical evidence to the defense as required by the M.33.33:PP; uniform Criminal Rules of Circuit Court Practice, when the "surprise"

evidence to the defense as required by the M.33.33:PP; was admitted at trial, the lower court refused to follow the procedures adopted by this court for remedying such problems. This court can conclude that these errors denied Eyes a fair trial. There was to reverse his conviction and sentence. The evidence withheld from the defense was not in the form nor testimony of expert opinion testimony, and was the only fact offered on the issue of rape and fluid on the Hannely coat, a necessary element of the offense charged in the indictment. Under these circumstances it was also error for the lower court to refuse Eyes request for an effort to aid in his defense.

Kathleen Rogers D.A. expert stated that there were no complete footprints. That means that not only did that evidence not conclusively point toward Eyes but that fact did not belong to Eyes. The authority cited under this issue is rule 8.4 of the Rules of Professional Conduct which states that it is professional misconduct for ADA to engage in conduct that is prejudicial to the administration of justice.

In this capital case case told that the trial court erred by failing to grant defendant and better understanding to the Grand Jury a lesser-included offense on instruction where the lesser offense was charged in the indictment and by denying defendants where the presence of unidentified funds was considered throughout this case as further proof of sexual penetration of the victim, it's deliberations for further instructions on the definition of penetration and to be allowed to allow the Grand Jury to see the victim's statement and rape kit. The standard of review of the trial court's denial of the statement and rape kit is an abuse of discretion occurred such that defendant was denied due process where the trial was fundamentally unfair. (Clemens v. State, 697 So. 2d 777, 780 (Miss. 1997); "We know that there was a very constitutional violation that the Prosecution did not make a complete and detailed accounting to the defense of all investigatory work on this case."

"Mississippi PP."

Mississippi PP is a Politically Conservative state with a "law and order" Criminal Justice Culture. In the 2006-2007 session of the Mississippi legislature, a state senator and former Police Officer introduced Post-Conviction DNA testing legislation, and the Policy Director of the Innocence Project testified at a Judiciary Committee hearing on the bill. Unfortunately, the bill failed.

Caused the bill to languish in committee, and it expired at the end of the legislative session, providing a silver of hope to state Prisoners. The Supreme Court of Miss. 33:PP has adopted a favorable stance toward providing them with access to Post-Conviction DNA testing under the general state Post-Conviction statute. However reliance on Court opinions gives judges unilateral discretion over Prisoner's rights to DNA testing. This is a major drawback. It is preferable to no recourse at all, but it is still inferior to the uniformity and enforceability of an explicit state law. With a political environment that has not explicitly opposed legislation, and the conjunction of a public education campaign with the promise of federal funds to cover the cost of administering the new law, it seems as though Miss. 33:PP could be expected to enact legislation in the coming session. One other relatively unique and notable factor that influences the perceived urgency of legislation is Miss. 33:PP's status as one of the few states in which no wrongfully convicted Prisoners have been exonerated by DNA evidence. This is often favorably viewed as evidence that the Mississippi criminal justice system only imprisons the guilty. But this view is tempered by the experience of other states where exonerations have taken place. In these exonerations judges or juries found the defendants guilty ...

perfect a reasonable doubt and appellate courts affirmed these convictions--in some cases citing "overwhelming evidence" in the record of the defendant's guilt--but DNA evidence later vindicated the convicted defendants. Sustaining inaction to these standards is always "no merit" denied" in state legislation with "overwhelming evidence" thus rings hollow. It would be a marvelous victory if Miss. 331PP had only implemented the guilty but that cannot be ascertained without a state post-conviction DNA testing statute. While the overriding hope is for operations not to occur and for the results of the Criminal Justice system to be consistently upheld, the existing laws regarding new evidence fail to contemplate the power of DNA testing that exists today. Simply- Plus years after a crime was committed, rather than taxing the resources of the courts, attorneys, and law enforcement officers, the State should create a fair and standard procedure to deal with these claims. The environment in Miss. 331PP, while not necessarily welcoming, is not overly hostile, and could be ripe for activism in the coming legislative session. However, the work is not yet done, as long as innocent people continue to be victimized by wrongful convictions, the Criminal Justice system has a duty to improve. The Public deserves this, and the Principles of Justice demand it. There is no question that our Criminal Justice system is flawed: as new information becomes

unable to correct these flaws, state must be willing
to take responsibility for their mistake and adopt
measures to ensure that they do not persist. Motion
that it doens, and imposes monetary on indigent
defendants. The fact that poor, likely poor are unable
to pay the m. fee, in causing to perpetuate...
efficiency over justice. This court forgets the
oath stated in relevant Part 2... solemnly swear
(or affirm) that I will administer justice without
respect to person, and do equal right to the poor
and to the rich... Miss. Const. at 6 § 153.

Respectfully
J. D. Smith
3/5/12 Office of the S.

01-26-22

Reasons for Granting writ:

Making false entries in or altering public records

M33 Code Ann 97-11-1 (w/ 11. of Perse

M33 Code Criminal Contempt

M33 Code M33 Contempt 8.1

97-9-59 "Perjury" defined 241 Conspiracy against Right 3

97-9-53 intimidating or influencing judges others: Perverts

§ M.C.A. 99-33-1 § 99-33-2 § 99-33-3 97-1-1.

Comes now Deft. Kap. Sr. state subject to Perverts
of Perjury that the state want here in true and correct
to test of My Ability and knowledge Pursuant to M.C.A.
241 Conspiracy against rights 97-9-59 "Perjury" defined
seeking to induce the courts jurisdiction to hold
the following Perverts involved in obstruction of
Justice M.C.A. 2d 642, 644.

Affiant seeks
on about October 2, 2015 through February 21-24, 2017
Leonard Boulton - Michele D. Anderson Deputy Chief
Chris LaPasse, Detective James Macgregor, Detective Christopher
Manner - Detective Clayton Fultz - M.D. Kathy Deming -
Nurse Terecia former Judge Roger T. Clark Assistant
District Attorney W. Coby and District Attorney -
Christopher Carter. Have committed "Perjury"

Conspiracy against rights Making false entries in or
altering Public Records To Cover Violate Mr. Dyes
due Process, Constitution Rights Kidnapping of Mr. Dyes
Action Connection with Arrest Violation Civil Rights
Hold These Per Petition Account for those wrong doing.

Robert J. [unclear]
3/8/5 [unclear]
01-20-22