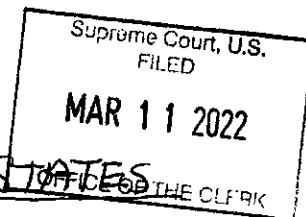


No 21-7480

IN THE
SUPREME COURT OF THE UNITED STATES



WILLIE GEORGE MOORE - PETITIONER, PROSE.

VS.

STATE OF GEORGIA - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT.

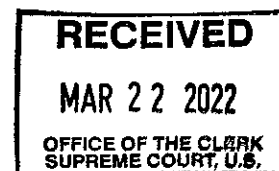
PETITION FOR WRIT OF CERTIORARI

WILLIE GEORGE MOORE
(NAME)

POST OFFICE BOX 549

TELFAR STATE PRISON

HELENA, GEORGIA, 31037
CITY (ADDRESS) STATE (ZIP CODE)



QUESTION(S) PRESENTED

(1.) Will this Hon. Court allow me to proceed with my 2005 Habeas corpus?

(2.) I PRAY THE PETITIONER, HAS IN HIS APPEAL TO THE UNITED STATES DISTRICT COURT, THE NORTHERN DISTRICT, TO BE ALLOWED TO PROCEED WITH HIS FEDERAL HABEAS CORPUS OF 2005 FOR PURPOSE OF ATTACKING THE ILLEGALITY OF HIS CONVICTION, BUT WAS PROCEDURALLY BARRED FOR FAILING TO meet HIS ONE YEAR DEADLINE IN WHICH TO FILE. AS REQUIRED BY LAW, PETITIONER GAVE REASONS BEYOND HIS CONTROL AS IS ALSO REQUIRED IN ORDER TO BE ALLOWED TO CONTINUE PETITIONER GAVE THE COURT A COLORFUL SHOWING OF HIS INNOCENT AS IS ALSO REQUIRED IN ORDER TO SHOW A MISCARriage OF JUSTICE AND CONSTITUTIONAL VIOLATIONS, PETITIONER WAS ILLEGALLY AND WRONGFULLY CONVICTED BY THE STATE. NOW YEARS LATER he WAS ACCUSED OF A INSTITUTIONAL VIOLATION OF A STATE PRISON. BUT ONLY TO FIND OUT THAT PETITIONER HAD NOT VIOLATED ANY INSTITUTIONAL RULES WHICH CAUSED him to miss THE REMAINING DAYS he HAD LEFT TO FILE TIMELY. CHARGES WAS DISMISSED AND EXPUNGED WHICH PETITIONER WILL GIVE THIS COURT MORE DETAILS ON. BUT WHY WAS PETITIONER APPLICATION DISMISSED AFTER THE LOWER COURT SAW THAT PETITIONER WAS NOT AT FAULT ONCE ALL PROVABLE REASONS WAS GIVEN IN FULL, OF HIS LOST OF DAYS IN WHICH TO EVEN FILE HIS STATE HABEAS CORPUS.

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

N/A

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APPENDIX A-DECISION OF THE UNITED STATES COURT OF APPEALS, THE ELEVENTH CIRCUIT.

APPENDIX B-DECISION OF THE UNITED STATES DISTRICT COURT OF GEORGIA, NORTHERN DISTRICT.

APPENDIX C-DECISION OF THE UNITED STATES COURT COURT OF APPEALS, THE ELEVENTH CIRCUIT.

APPENDIX D-DECISION OF THE UNITED STATES DISTRICT COURT OF GEORGIA, NORTHERN DISTRICT.

APPENDIX E DECISION OF THE UNITED STATES COURT OF APPEALS, THE ELEVENTH CIRCUIT.

APPENDIX F-DECISION OF THE UNITED STATES DISTRICT COURT OF GEORGIA, NORTHERN DISTRICT.

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 N/A; 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 to the petition and is

☐ reported at N/A; 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 N/A; 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 N/A; 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 AUGUST 30, 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: JANUARY 1, 2022, 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 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).

☐ 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

FOURTEENTH AMENDMENT OF THE UNITED STATE
CONSTITUTION, A RIGHT TO INQUIRE INTO THE
LEGALITY OF THE RESTRAINT, AND A RIGHT
TO ATTACK A ILLEGAL imposed sentence.

TABLE OF CASES AND

AUTHORITIES CITED.

CASES, McQUIGGIN V. PERKINS, 569 U.S. 383 (2013) to LIMITATION^{DOC.} (2517).
CASES, AND SECTION OF RULING,
BLACK V. HARDIN - 255 GA. 239, 240(5) 336 S.E.
2d 754 (1978) ●

Civil Practice Act: O.C.G.A. SECTION 9-14-41 (G.C.A.S.
50-127).

SECTION - 9-14-51 (G.C.A.S. 50-127).

JACKSON V. VIRGINIA, 444 U.S. 890, 100 S. CT. 195,
62 L. Ed 2d 126 (1979).

MCCLESKEY V. ZANT, 499 U.S. 467, 111 S. CT. 1454,
113 L. Ed. 2d 517 (1991), 49 CR. L 2031.

O.C.G.A. 9-14-1 (G.C.A.S. 50-101) (1967)

MCDUFFIE V. JONES, 248 GA. 844, 283 S.E.
2d 601 (1981).

UNITED STATES V. FRAY, 456 U.S. 152, 107 S. CT. 1584,
71 L. Ed. 783 (1982).

EQUAL PROTECTION CLAUSE,

FOUR~~TE~~TH AMENDMENT RIGHT,

THE U.S. COURT - THE SUPREME COURT RULING
OF CONSTITUTIONAL RIGHTS.

GRAHAM V. STATE, 171 GA. APP. 242, 250(7) 319 S.E. 2d
484 (1984).

TABLE OF AUTHORITIES CITED AND CASES.

HENDERSON V. SARGENT, 926 F.2d 706, 713-14 (8th Cir. 1991), Amended, 939 F.2d 586 (8th Cir. 1991).

GONZALEZ V. ABBOTT, 967 F.2d 1499, 1504 (11th Cir. 1992), Amended, 486 F.3d 46 (11th Cir. 1993)

SENA V. N.M. STATE PRISON, 109 F.3d 652, 654-55 (10th Cir. 1997).

JOHNSON V. MITCHELL, 585 F.3d 923, 945 (6th Cir. 2009).

GOODMAN V. BERTRAND, 467 F.3d 1022, 1023-31 (7th Cir. 2006).

BURNS V. PA DEPT OF CORRECTIONS, 544 F.3d 279 (3d Cir. 2008), which deals with violations of a prison, but it is to show that incidents in prisons can interfere with and stop inmates' legal actions or recur.

NOWACZYK V. WARDEN, 299 F.3d 69, 74 (1st Cir. 2002). CONTINU-
ANCE PROPERLY GRANTED, WHEN JEOPARDIZING PETITIONER CHANCE.

See PROCEDURAL DEFAULT AT HENDERSON V. SARGENT,
926 F.2d 706, 713-14 (8th Cir. 1991). PROCEDURAL DEFAULT
EXCLUDED UNDER ACTUAL INNOCENCE EXCEPTION BECAUSE
STATE TRIAL COUNSEL FAIL TO INVESTIGATE AND DEVELOP
OBVIOUS LEADS THAT WOULD HAVE IMPLICATED VICTIMS
HUSBAND IN MURDER. (AS PETITIONER TRIAL COUNSEL
FAIL TO INVESTIGATE FIRST SUSPECT EDDIE MOON
PRIOR CONVICTION FOR ARMED ROBBERY WITH A SAWED
OFF SHOTGUN AS HE WAS SHOWN ON VIDEO TAPE INSIDE
THE STORE PETITIONER WAS ALLEGED TO HAVE ROBBED.
PETITIONER FILED IN HIS APPEAL A MOTION FOR NEW
TRIAL UNDER INEFFECTIVE ASSISTANCE OF COUNSEL.

See GONZALEZ V. ABBOTT, 967 F.2d 1499, 1504 (11th
Cir. 1992) AMENDED BY 986 F.3d 461 (11th Cir. 1993).
ONE CIRCUIT HAS HELD THAT IN ADDITION TO MEETING
THE CAUSE/PREJUDICE OR MISCARRIAGE OF JUSTICE
EXCEPTION, FEDERAL HABEAS PETITIONER ALSO MAY
OVER-COME A PROCEDURAL BAR. IF CIRCUMSTANCES
DICTATE THAT THE VERY NATURE OF PETITIONER'S CLAIM
RENDERS IT EXEMPT FROM THE PROCEDURAL BAR.

See SENIA V. N.M. STATE PRISON, 109 F.3d 652,
654-55 (10th Cir. 1997). PETITIONER CAN OVER-
COME THE PROCEDURAL BAR ONLY BY DEMONSTRATING
EITHER (1.) CAUSE FOR PROCEDURAL DEFAULT AND
ACTUAL PREJUDICE AS A RESULT OF THE ALLEGED
VIOLATION OF FEDERAL LAW, OR (2.) THAT FAILURE
TO REVIEW THE CLAIMS WILL RESULT IN A FUNDA-
MENTAL MISCARRIAGE OF JUSTICE. (AS PETITIONER
DID DO WHEN GIVING MAGISTRATE JUDGE SERIOUS

(6.)

Sincere circumstances beyond his control, which both the delay in being able to obtain his trial transcript as a indigent person, a due process violation, and being falsely accused of a institutional prison rule which resulted in a later dismissal in the commission level once appealed. But never the less cause petitioner to miss the remaining days he had left to file his Federal Habeas corpus timely. Prejudice petitioner in the District Court. But magistrate judge disregarded petitioner right to file after making a colorful showing of his (petitioner) innocence. Trial counsel was ineffective and violated petitioner's sixth amendment. And trial counsel, along with court reporter both interference rendered procedural compliance impracticable, see also Johnson v. Mitchell, 585 F.3d. 923, 948 (6th Cir. 2009). Counsel failure to discover and present mitigating evidence, was ineffective. And Goodman v. Bertrand, 467 F.3d 1022, 1023-31 (7th Cir. 2006). Defense counsel failure to subpoena crucial witness (first suspect Eddie Moon, the man that was the original driver of the car fruit and tools of the alleged robbery was in, also the man that brought petitioner to the area claiming he had to report to his probation officer as officer testified to, but never reported.)

AUTHORITIES CITED AND CASES.

RESPONDENT AUTHORITIES CITED

THE ONE YEAR LIMITATION OF THE ANTI-TERROISM AND EFFECTIVE ACT OF 1996, FOR HABEAS CORPUS IN THE FEDERAL COURTS.

TIME-BARRED PURSUANT TO 28 USC § 2244. ADC. 13 AT 4-7 UNTIMELY FILED.

APPEAL DENIED FOR PETITIONER IN THE 11TH CIR. MARCH 2010. DISMISSED AND RULED FOR LACK OF JURISDICTION (DOCS 21-24) FROM RULING OF PETITIONERS 2004 HABEAS CORPUS IN THE NORTHERN DISTRICT COURT OF UNTIMELY FILING.

PETITIONER'S AUTHORITIES CITED

RIGHT TO FILE FEDERAL HABEAS CORPUS. WHICH TRIAL WAS FUNDAMENTALLY UNFAIR WITH DUE PROCESS VIOLATIONS MAY BE REVIEWED. A FOURTEENTH AMENDMENT RIGHT. SEE -

UNITED STATES V. FRANK, 456 U.S. 152, 102 S. CT. 1584, 71 L. ED. 783 (1982).

SEE - GRAHAM V. STATE, 171 GA. APP. 242, 250 (7) 319 S.E. 2d. 484 (1984). TWO ERRORS OF STATE WHICH CAUSE PETITIONER NOT TO BE ABLE TO MEET HIS ONE LIMITATION TO FILE WITH THE DISTRICT COURT. THE TIME IN OBTAINING HIS TRIAL TRANSCRIPT WHICH HE HAD A RIGHT TO. AND THE ERROR OF STATE PRISON BY CHARGING PETITIONER FALSELY OF PRISON VIOLATIONS WHICH HE FAIL

in his deadline in not being able to file his Federal Habeas Corpus, petitioner had a right to a free trial transcript by being indigent.

See EQUAL PROTECTION CLAUSE, A VIOLATION OF PETITIONER FOURTEENTH AMENDMENT RIGHT.

TO HAVE A COPY OF HIS TRIAL TRANSCRIPT THE SAME AS A PERSON THAT CAN PAY FOR HIS.

THEREFORE THE MAGISTRATE JUDGE DID ERROR IN NOT FINDING PETITIONER'S CIRCUMSTANCES EXTRAORDINARY AND AFFECTED PETITIONER

FEDERAL LIMITATION REQUIREMENT, ALSO ERRORED IN NOT FINDING PETITIONER PRISON CIRCUMSTANCES SERIOUSLY CONTRIBUTED TO VIOLATING PETITIONER RIGHT TO FILE HIS FEDERAL HABEAS CORPUS, CAUSING PETITIONER TO CONTINUE TRYING TO OBTAIN HIS RIGHT TO ATTACK HIS ILLEGAL CONVICTION. See GRAHAM V. STATE, 171

GA. APP. 242, 250 (7) 319 S.E. 2d 484 (1984) A DEFENDANT MAY BE DEPRIVED OF DUE PROCESS WHERE THERE IS AN INORDINATE DELAY IN THE APPELLATE PROCESS, INCLUDING AN EXCESSIVE DELAY IN THE FURNISHING OF A TRIAL TRANSCRIPT.

THIS CIRCUMSTANCE PLUS THE PRISON INSTITUTIONAL CONFINEMENT BOTH WAS NOT PETITIONER FAULT, BUT THEY DID PREJUDICE PETITIONER IN THE UNITED STATE DISTRICT COURT.

(9.)

THE CIVIL PRACTICE ACT, GOVERNS THE SUFFICIENCY OF PLEADINGS. ADMISSIBILITY OF EVIDENCE UNDER THE PETITION AS DRAWN AND ~~AMENDMENTS~~ TO THE PETITION. ALSO "HENCE, SUCH A PETITION IS NOT LIMITED TO THE GROUNDS SET OUT IN THE PETITION. ALSO, A PETITION SHOULD NOT BE DISMISSED FOR FAILURE TO COMPLY WITH THE TECHNICAL REQUIREMENT OF O.C.G.A. SECTION 9-14-41 ET SEQ. (G.C.A. § 50-127) THIS INTERPRETATION GIVES ADDITIONAL SUPPORT TO THE PROVISIONS OF O.C.G.A. SECTION 9-14-51 (G.C.A. § 50-127).

(A.) THE SUPREME COURT OF THE UNITED STATES.

A JUDGE THEREOF, A CIRCUIT JUDGE, OR A DISTRICT COURT SHALL ~~ENTERTAIN~~ AN APPLICATION FOR A WRIT OF HABEAS CORPUS IN BEHALF OF A PERSON IN CUSTODY PURSUANT TO THE JUDGEMENT OF A STATE COURT SHALL NOT BE GRANTED UNLESS IT APPEARS THAT THE APPLICATION, OR THE APPLICANT HAS EXHAUSTED THE REMEDIES AVAILABLE IN THE COURTS OF THE STATE, OR THAT THERE IS ~~EITHER~~ AN ABSENCE OF AVAILABLE STATE CORRECTIVE PROCESS OR THE EXISTENCE OF CIRCUMSTANCES RENDERING SUCH PROCESS ~~INEFFECTIVE~~ TO PROTECT THE RIGHTS OF THE PRISONER. ALSO THAT HE IS IN CUSTODY IN VIOLATION OF THE CONSTITUTION OR LAWS OR TREATIES OF THE UNITED STATES.

See SIBRON V. NEW YORK, 392 U.S. 40-55 (1968).
See U.S. SUPREME COURT, THAT ILLEGAL CONDUCT
DOES NOT DEPRIVE THE TRIBUNAL OF POWER TO
HEAR AND DETERMINE THE CASE. LOS ANGELES
COUNTY VS. DAVIS, 440 U.S. 605, 631 (1979).
MCDUFFIE V. JONES, THE GEORGIA SUPREME COURT
248 GA. 544, 283 S.E. 2d 601 (1981)

THE UNITED STATES SUPREME COURT ATTEMPTED
TO CLARIFY HOW FEDERAL COURTS SHOULD DETERMINE
WHETHER A PETITIONER FILING A HABEAS CORPUS HAS
ABUSED THE WRIT WHEN A PETITIONER ~~FILE~~ FILING
A SECOND OR SUBSEQUENT PETITION FOR HABEAS
RELIEF, THE PETITIONER MUST SHOW THAT HE HAS NOT
ABUSED THE WRIT IN SEEKING HABEAS RELIEF TO
EXCUSE HIS FAILURE TO RAISE THE CLAIM EARLIER
OR TIMELY. HE MUST SHOW GOOD CAUSE FOR FAILING
TO RAISE IT TIMELY AND PREJUDICE THEREFROM,
(WHICH PETITIONER DID SHOW VERY GOOD CAUSES
EVEN THOUGH THE COURT IN THEIR REPORT FAIL
TO MENTION THE TIME LOST IN PETITIONER TRYING
TO OBTAIN HIS TRIAL TRANSCRIPT IN HIS FIRST
REASONS TO THE DISTRICT COURT IN HIS 2004
AND 2005 REASONS FOR ALSO FAILING TO MEET
THE REMAINING TIME HE HAD LEFT TO FILE TIMELY),
THE SUPREME COURT OF THE UNITED STATES
STATED THAT IF A PETITIONER CAN NOT SHOW CAUSE,
THEN THE FAILURE MAY BE EXCUSED IF HE
OR SHE CAN SHOW THAT A FUNDAMENTAL

MISCARRIAGE OF JUSTICE WOULD RESULT FROM A FAILURE OF THE COURT TO ENTERTAIN THE CLAIM. THE VERY DISMISSAL AND MOOTNESS DID VIOLATE THE PETITIONER CONSTITUTIONAL RIGHT. PETITIONERS SITUATION OF CIRCUMSTANCE BEYOND HIS CONTROL BECAUSE IT HAS THE CAPABILITIES OF REPETITION AS LONG AS HE IS INCARCERATED. THEREFORE HIS CASE SHOULD GO INTO THE COURTS FOR THE MERITS TO BE REVIEWED AND THIS PETITION ITSELF SHOULD BE REVIEWED AND ALLOWED.

THE UNITED STATES **SUPREME** COURT SAID THAT WHERE ANY PERSON RESTAINED OF HIS LIBERTY AS A RESULT OF A SENTENCE IMPOSED BY ANY STATE COURT OF RECORD MAY SEEK A WRIT OF HABEAS CORPUS TO INQUIRE INTO THE LEGALITY OF THE RESTRAINT. TO DENY PETITIONER THAT RIGHT WOULD BE A DUE PROCESS VIOLATION. SEE ALSO MCCLESKEY V. ZANE 469 U.S. 467, 115 S. CT. 1454 113 L. ED 517 (1991) 49 CIR. L. 2031, 6TH AND 14TH CONSTITUTION RIGHT. SEE O.C.G.A. SECTION 49-14) (GEA § 50-101) BLACK V. HARDIN. THE FEDERAL COURTS HAVE HELD THAT A CASE IS NOT MOOT IF IT COULD STILL

12. CAUSE THE PETITIONER SOME REAL INJURY. AN ENTRY WHICH COULD REDUCE THE PETITIONER STATE OF MIND BECAUSE OF A LIFE WITHOUT PAROLE.

STATEMENT OF CASE ON REVIEW OF RULING

PETITIONER WAS TRIED IN BARROW COUNTY SUPERIOR COURT FOR AN ALLEGED (1.) ARMED-ROBBERY. (2.) POSSESSION OF A FIRE-ARM BY A CONVICTED FOLON. (3.) POSSESSION OF A SAWED-OFF SHOTGUN. NO. 97-CR-340-M. PETITIONER WAS SENTENCE TO LIFE WITHOUT PAROLE FOR THE ARMED ROBBERY. FIVE YEARS FOR EACH POSSESSION CHARGE. RAN (CONCUR.).

THE CONVICTION BECAME FINAL ON FEBRUARY 4, 2000 WHEN THE GEORGIA COURT OF APPEALS AFFIRMED THE CONVICTION. PETITIONER REQUEST OF HIS TRIAL ATTORNEY WHO WAS ALSO THE APPELLATE COUNSEL TO SEND PETITIONER HIS TRIAL TRANSCRIPT AS HE KNEW PETITIONER WAS INDIGENT AND COULD NOT PAY FOR A TRANSCRIPT. THEREFORE THE TRIAL TRANSCRIPT BELONG TO PETITIONER, BUT THE COURT REPORTER NOR DEFENSE COUNSEL WOULD SEND PETITIONER THE TRANSCRIPT. AFTER MANY MONTHS HAD PASSED BEFORE THE STATE BAR OF GEORGIA ORDERED THE COURT REPORTER AND COUNSEL TO SEND PETITIONER HIS TRIAL TRANSCRIPT SO THAT HE CAN FILE HIS STATE HABEAS CORPUS, PETITIONER HAD LOST ALL BUT 38 OR SO DAYS, ~~AND~~ LEFT, ON HIS ONE YEAR TO FILE A FEDERAL HABEAS.

(13.)

PETITIONER FILED HIS STATE HABEAS CORPUS
JANUARY 26, 2001, PETITIONER WAS DENIED
ON DECEMBER 6, 2001, PETITIONER FILED
A APPLICATION FOR CERTIFICATE OF PROBABLE
CAUSE BUT WAS DENIED MARCH 29, 2004,
THE ORDER WAS SENT OUT TO PETITIONER AT
HAYS STATE PRISON WHICH HE RECEIVED ON
APRIL 30 OR 4TH 2004. A INMATE NAME WILLIAM
MOORE WAS FIRST CALL TO THE MAIL ROOM AT THE
PRISON TO PICK UP PETITIONERS LEGAL MAIL BUT
INFORMED THE MAIL ROOM THAT IT BELONG TO
WILLIE MOORE, A BLACK INMATE AS HE HIMSELF
WAS WHITE, PETITIONER WAS LATER SENT FOR
TO PICK UP HIS LEGAL MAIL WHICH WAS THE
DENIAL FOR HIS APPLICATION FOR CERTIFICATE
FOR PROBABLE CAUSE TO APPEAL. APRIL 5TH OR SO
PETITIONER WAS LOCKED UP ON SEPARATIONS FOR
INVESTIGATION ON A INSTITUTIONAL VIOLATION,
INSUBORDINATION, WHERE HE REMAINED UNTIL TIME
FOR HIS INSTITUTIONAL TRIAL. HE WAS DENIED INK
PENS BECAUSE OF A INCIDENT BETWEEN TWO ROOM-
MATES WHERE ONE HAD STABBED ANOTHER WITH
HIS INK PEN, I WAS FOUND GUILTY AND GIVEN
FOURTEEN (14) DAYS ISOLATION AND HAD AL-
READY BEEN ON LOCK UP 14teen days, I FILED AN
APPEAL TO THE COMMISSIONAL LEVEL AND WAS FOUND
NOT GUILTY AND CHARGES WAS DISMISSED AND THIS
(14)

CAUSE ME TO MISS THE REMAINING 38 DAYS
I HAD LEFT TO FILE MY FEDERAL HABEAS CORPUS
TIMELY, I FILED IT ANYWAY ON APRIL 22, 2004
INTO THE NORTHERN DISTRICT COURT BUT ONLY
TO HAVE IT DISMISS AS UNTIMELY. I EXPLAIN
TO THE HON. MAGISTRATE JUDGE THE EXTRA-
ORDINARY CIRCUMSTANCE BEYOND MY CONTROL.
AND THAT BECAUSE IT TOOK SO LONG FOR ME TO
OBTAIN MY TRIAL TRANSCRIPT WHICH TOOK UP
MOST OF THE DAYS FOR A FEDERAL HABEAS CORPUS
AND THE INSUBORDINATION PRISON CHARGES
TAKING UP THE REMAINING DAYS LEFT TO FILE
TIMELY. AFTER THE ORDER WAS GIVEN FOR MY
APPLICATION TO BE DISMISS AND RULED AS MOOT.
I FILED FOR RECONSIDERATION BUT ONLY DENIED,
LET THE RECORD SHOW THAT I GAVE THE
MAGISTRATE JUDGE ALL OF THE CIRCUMSTANCES
SURROUNDING MY TRIAL TRANSCRIPT BUT SHE
FELT THIS NOT BEYOND MY CONTROL. MY 30 DAYS
TO FILE AN APPEAL TO THE 11TH CIRCUIT HAD
EXPIRED ALONG WITH MY FEDERAL HABEAS CORPUS
TIME. SO I WAITED FIVE YEARS TO FILE AN APPEAL IN-
TO THE 11TH CIRCUIT UNDER NEWLY ~~DISCOVERED~~
EVIDENCE BECAUSE I FOUND OUT THAT A WOULD BE
CO-DEFENDENT THE PROSECUTOR TOLD THE JURY I
HAD, WHICH WAS NOT CHARGED WITH BEING WITH
ME. NOR EVER CHARGED. AND A WITNESS FOR THE STATE
BUT NEVER SUBPONED AND HAD BEEN CONVICTED FOR
ARMED ROBBERY WITH A SAWED OFF SHOTGUN, THAT HAD
BROUGHT ME TO THE AREA CLAIMING HE HAD TO REPORT TO HIS
PROBATION OFFICER BUT NEVER DID, AND SAW INSIDE THE
STORE ON THE STORE VIDEO TAPE, PLUS THE STORE CLERK HAD
BEEN CONVICTED FOR DRUG POSSESSION IN ANOTHER COUNTY.

STATEMENT OF THE CASE

AND CASE HISTORY

PETITIONER, FILED A 28 U.S.C. § 2254 APPLICATION, SEEKING A WRIT OF HABEAS CORPUS IN JULY 2004, CHALLENGING HIS 1997 BARROW COUNTY CONVICTION FOR AN ALLEGED (1.) ARMED ROBBERY. (2.) POSSESSION OF A FIREARM BY A CONVICTED FELON. (3.) POSSESSION OF A SAWED OFF SHOTGUN. A CONVICTION THAT BUT FOR CONSTITUTIONAL VIOLATIONS, KNOW FACTS FINDING JURY WOULD HAVE FOUND PETITIONER GUILTY. (1.) NO PHYSICAL DESCRIPTION OF THE ROBBERS WAITHT, HIGHT, SCARS, MARKS NOR TATTOOS. (SEE TRIAL TRANSCRIPT, SEE T. 50, 51, 52, 53, 54.) AND T. 146, P. 4). THE CLERK SAW THE PETITIONER AND ANOTHER SUSPECT IN A IDENTIFICATION PROCEDURE AND IDENTIFIED THE OTHER MAN TO BE THE ROBBER USING THE NUMBER OF MEN FOR IDENTIFICATION, BUT IN COURT SHE GAVE A DIFFERENT NUMBER OF WHO SHE WAS SHOWN FIRST. REMEMBERING THE MAN IN THE VIDEO AND THE STORE,

(2.) THE PROSECUTOR INTRODUCED A VIDEO TAPE THAT SHOWED NO ROBBERY BEING COMMITTED NOR THE IDENTITY OF THE MAN ALLEGED TO BE THE ROBBER. SEE TRIAL TRANSCRIPT & CLOSING ARGUMENT AND TRIAL. (T. 38-P. 8-9)

(3.) THE PROSECUTOR INTRODUCED BY WORDS AND OFFICER TESTIMONY THAT A TWO DOLLAR BILL ~~WAS~~ FOUND UNDER THE CAR SEAT PETITIONER HAD DROVE OUT OF THE CAR LOT, THAT THE SAME MAN SAW BY THE CLERK IN THE STORE, HAD BROUGHT THE PETITIONER TO THE AREA IN THAT CAR. WHICH THE CLERK CLAIM A TWO DOLLAR BILL WAS ALSO TAKEN BY THE ROBBER. BUT THE

PROSECUTOR THEN TELLS THE JURY HE DOES NOT HAVE A TWO DOLLAR BILL TO SHOW THEM BECAUSE THE DEFENDENT MUST HAVE FAN THROUGH THE MONEY AND SAW A TWO DOLLAR BILL AMONG THEM AND THREW THE TWO DOLLAR BILL AWAY OUT THE WINDOW OF THE CAR. (SO THE DEFENDENT COULD NOT HAVE HAD A TWO DOLLAR BILL AS HE WAS CHARGE WITH AND ADMITTED INTO EVIDENCE WITH (NO) OBJECTION FROM DEFENSE ATTORNEY.

4. NO FINGER PRINTS BELONGING TO PETITIONER WAS FOUND ON ANYTHING INSIDE THE STORE THAT PETITIONER WAS SAID TO HAVE ROBBERED. THINGS THE ROBBER WAS SAID TO HAVE TOUCHED INSIDE THE STORE AND INSIDE THE CAR PETITIONER HAD BEEN STOP IN BY OFFICERS. THINGS TOUCHED. (BEER CANE) (COUNTER) (BOOKS) (DOOR NOB) (DOOR WINDOW). NOR ON ANYTHING FOUND INSIDE THE CAR WHICH WAS CARRIED TO THE CAR (BEER CANE BUDWISER) FULL OF BEER. NOR ONE (SAWED OFF SHOTGUN FOUND), ON BACK SEAT OR UNDER IT. NOR (MONEY) FOUND UNDER BACK SEAT.

NOR ON SHOTGUN SHELL TAKEN OUT OF GUN, NOR BOX OF SHELLS FOR SHOTGUN. NOR ON SUN GLASSES USED OR CLOTHING. PETITIONER FINGER PRINTS WAS NOT FOUND ON ANYTHING INVOLVED. AND THE MAN SHOWN IN THE STORE VIDEO TAPE

WORE KNOWN GLOVES. SEE (T. 147. P 1-8) (T. 148. P 24-25) (T. 150-151. P 1-11) (T. 32. P 23) (T. 48-11-4) (T. 126. P 16-18) (T. 141. P 9-24)

ALL TESTIMONY OF INVESTIGATOR AND OFFICERS AT TRIAL. (T. STAND FOR TRIAL TRANSCRIPT.

□ The investigator THAT STOP ME LATER driving the CAR evidence WAS FOUND IN STOP ME BECAUSE he dislike how I Drove A CAR WITH BOTH HANDS AND did NOT ACKNOWLEDGE him AS I met AND PASS BY him. I WAS NOT STOP BECAUSE I WAS A SUSPECT THAT HAD JUST DROVE OUT OF THE PARKING LOT - See (7-110) TRIAL TRANSCRIPT.

6. AGAIN, NO VIDEO TAPE OF A ROBBERY, NOR THE IDENTITY OF THE MAN SAID TO BE THE ROBBER. See (T. 45-7) NO FINGER PRINTS OF MIND FOUND ON ANYTHING IN THE STORE NOR INSIDE THE CAR (T. 106, P. 16-17) MY ATTORNEY DOES NOT OBJECT TO ANYTHING THE PROSECUTOR HAVE PUT INTO EVIDENCE. See (T. 45 P. 4-7) (T. 104, P. 17-20) (CT. 10, P. 21) TWO DOLLAR BILL THAT COULD NOT BE SHOWN.

7. THE MAN THAT BROUGHT ME TO THE AREA AND THE TRUE OPERATOR OF THE CAR AND IDENTIFIED INSIDE THE STORE AND GAVE A WRITTEN STATEMENT, AND HAD BEEN ARRESTED AT THE PARKING LOT RETURNING FROM THE STORE, ADMITTED TO RETURNING BACK TO THE CAR WHILE I WAS NOT IN IT WAS

18. Questioned AND NEVER CHARGED, HAD PRIOR CONVICTION FOR ARMED ROBBERY. See (T. 70-P. 6-7) See (T. 25, P. 17-18, 7.25, P. 23-24)

See where the FIRST SUSPECT being the ORIGINAL driver of the CAR evidence was found in, who had borrow the CAR from his girlfriend in WALTON COUNTY. See (T. 139, P 17-22) (T. 147, P 24-25) (T. 148, P 1-3). BOTH FIRST SUSPECT Eddie Moon, AND STORE CLERK had prior convictions which PROSECUTOR AND DEFENSE KAPT FROM THE JURY. PROSECUTOR PUT Eddie Moon on his LIST OF WITNESS BUT NEVER SUBPONED. These FACTS AMONG OTHER FACTORS **CIRCLED** PETITIONERS CONVICTION. ONLY THE CIRCUMSTANCES OF PETITIONERS STOP WHILE DRIVING THE CAR AND HIS PRIOR CONVICTIONS IS THE ONLY THING THAT PUT PETITIONER AS A SUSPECT. NO EVIDENCE, ONLY ILLEGAL AND UNCONSTITUTIONAL ACTS AND VIOLATION IS WHAT THE STATE USE TO CONVICT PETITIONER.

PETITIONER WAS TRYING TO FILE A FEDERAL HABEAS CORPUS TO TRY AND GET HIS CONVICTION OVERTURNED BUT THE RESPONDENT FILED A MOTION TO DISMISS THE APPLICATION AS UNTIMELY. BARRED. AND THAT PETITIONER HAD NOT SHOWN OR GIVEN THE COURT ANY EXTRAORDINARY CIRCUMSTANCES WARRANTING EQUITABLE TOLLING OF THE LIMITATION PERIOD. PETITIONER FILED A MOTION FOR RECONSIDERATION BUT WAS DENIED.

REASON FOR GRANTING THE PETITION.

1. TO AVOID A MISCARriage OF JUSTICE.
2. BECAUSE THE EVIDENCE SHOWN IN MY CASE OF INNOCENCE SHOULD NOT BE DISMISSED AND MOOT.
3. TO SHOW THAT JUSTICE IS A MEANING OF EVIDENCE PROVEN, NOT PROSECUTORIAL OR DEFENSE ATTORNEY PRESENTATION.
4. TO GIVE JUSTICE A OPPATUNITY TO SERVE ALL AND ALLOW THE APPELLANT TO PROCEED WITH HIS RIGHT FOR FREEDOM BY WAY OF HIS WRIT OF HABEAS CORPUS.
5. TO ALLOW THE UNITED STATES SUPREME COURT AND THE CONSTITUTION OF LAWS GIVEN TO THE PETITIONER THE RIGHT TO ATTACK THE ILLEGALITY OF HIS CONVICTION.
6. TO BE ALLOWED TO PROCEED WITH THE CHALLENGES OF PETITIONER 1997 CONVICTION AND ILLEGAL CONFINEMENT. PETITIONER WAS SAID TO NOT HAVE FILED ANY

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Willie George Moore

Date: MARCH 3RD. 2022

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