

No. 21-7792

ORIGINAL

FILED
APR 26 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

John Joseph Dedeaux — PETITIONER
(Your Name)

vs.

MARSHALL Turner — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

united states court of Appeals; fifth circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John Joseph Dedeaux,
(Your Name)
M.D.O.C. number # 93417, unit 26 A/
A-Zone/Bed 42; P.O. BOX 1057
(Address)

PARCHMAN, MISSISSIPPI, 38738
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. whether the application of M.C.A. 97-3-2 [AS APPLIED] creates a "significant risk of prolonging the petitioner's stay in prison.
2. whether the retroactive application of mississippi's new statute miss. code ann. 97-3-2 (effective July 1 2014) as applied to the petitioner and similar situated inmates violates the ex post facto clause and ex post facto law.
3. whether miss. code ann. 97-7-3 (1)(g)(III) is unconstitutional void for vagueness [AS APPLIED].
4. whether miss. code ann. 97-3-2 [AS APPLIED] is vague and unconstitutional void for vagueness.
5. whether the retroactive of M.C.A. 97-3-2 [AS APPLIED] violates due process of law.
6. whether the retroactive application of M.C.A. 97-3-2 , subject the petitioner and alike to ex post facto law.
7. whether the petitioner has been denied equal protection of the law.
8. whether the circuit court abused its discretion and exceeded the scope of his authority.
9. "such important questions of law, strongly counsels against adopting a construction that would raise serious constitutional questions" cf. Felker 518 U.S., at 660-661, 116 S.Ct. 2333,

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. SOLICITOR general of the united states, ROOM 5614
DEPARTMENT of Justice
950 PENNSYLVANIA AVE, N.W.
WASHINGTON, D.C. 20530-0001

2. HONORABLE Lynn Fitch, mississippi Attorney General
P.O. Box 220
JACKSON, MS. 39205-0220

RELATED CASES

1. Dedeaux v. STATE, no. 7757, Hancock county circuit court, mississippi. Judgment entered MAY 5, 2015
2. Dedeaux v. STATE, no. 7757, Hancock county circuit court, mississippi. Judgment entered MAY 16, 2016
3. Dedeaux v. STATE, no. 19-0022, Hancock county circuit court, mississippi. Judgment entered Jun. 01, 2020
4. Dedeaux v. STATE, no. 7757, Hancock county circuit court, mississippi. Judgment entered MAR. 08, 2021
5. Dedeaux v. STATE, no. 7757, Hancock county circuit court, mississippi. Judgment entered Jun. 08, 2021
6. Dedeaux v. STATE, no. 7757, Hancock county circuit court, mississippi. Judgment entered Oct. 15, 2021
7. Dedeaux v. STATE, no. 7757, Hancock county circuit court, mississippi. Judgment entered Sept. 09, 2021
8. Dedeaux v. STATE, no. 2021-TS-0134, court of APPEALS of the state of mississippi. Judgment entered Jan 04, 2021 MANDATE Jan 25, 2021

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APPENDIX A the lower court opinion from the United States Court of Appeals for the Fifth Circuit.

APPENDIX A-1 The state court opinion for the Circuit Court of Hancock County, Mississippi.

APPENDIX B ORDER denying petitioner's motion [30] for rehearing, and Denying as Moot petitioner's motion [32] for disposition and status.

APPENDIX B-1 The state court opinion from the Mississippi Supreme Court. E No. 2018-TS-003921

APPENDIX C Petitioner's Indictment and final Judgment (1st Day), cause no. 7757 (Circuit Court, Hancock County) and state court opinion from the Mississippi Lower Court of Appeals [No. 94-ka-00373 COA], and Mississippi Department of Corrections, Inmate time sheet.

APPENDIX D MAY 06, 2015, Circuit Court, Hancock County, ORDER denying Petitioner's Request for Parole Consideration [No. 13-0062]; MAY 18, 2016, ORDER denying petitioner's Request for parole consideration [No. 7757] presiding. Roger T. Clark, Circuit Judge.

APPENDIX E Gabrielle MEDOWELL, ORDER being GRANTED Authorization for PAROLE consideration, on July 15, 2020; cause no. B2301-98-0162 (Circuit Court, Hancock County) by Hon. Roger T. CLARK, Circuit Judge; MEDOWELL's Indictment, DATED, December 7, 1998; cause no.

TABLE OF AUTHORITIES CITED

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LAWS 1994, 1st. EX. SESS., CH. 25	_____

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 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 B-1 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 circuit court of Hancock county court appears at Appendix A-1 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 october 12, 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: _____, 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 JANUARY 28, 2022 (date) on APRIL 29, 2022 (date) in Application No. 21 A 371.

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 June 13, 2018. A copy of that decision appears at Appendix B-1.

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. 21 A 371.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

united states constitution ARTICLE 1 section 9, 2, 37
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united states constitution fifth AMENDMENT 5, 17, 18, 31

united states constitution sixth AMENDMENT 17, 32, 37

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MISSISSIPPI constitution ARTICLE 3 Section 16 1, 37

MISSISSIPPI constitution ARTICLE 3 section 26 37

28 u.s.c. 2254 1, 9, 10, 22, 39

STATEMENT OF THE CASE

APPEARING PROSE, JOHN JOSEPH DEDERUX, PETITIONER WAS CONVICTED BY JURY TRIAL IN THE CIRCUIT COURT OF HANCOCK COUNTY, IN CAUSE NO. 7757 OF THE OFFENSE OF TRANSFER OF A CONTROLLED SUBSTANCE, IN VIOLATION OF MISS. CODE ANN. 41-29-139(A) AND AS BEING A NON-VIOLENT HABITUAL OFFENDER, IN VIOLATION OF M.C.A. 99-19-81 AND WAS SENTENCED TO SERVE THIRTY (30) YEARS WITHOUT THE BENEFIT OF PROBATION, PAROLE OR ANY TYPE OF EARLY RELEASE IN THE MISSISSIPPI DEPARTMENT OF CORRECTIONS. DEDERUX WAS CONVICTED BY JURY TRIAL AND SENTENCED ON THE 15TH DAY OF MARCH, 1994.

- 2.) THE MISSISSIPPI LEGISLATURE ENACTED MISS. CODE ANN. 47-7-3 (1) (G) (III) (EFF. JULY 1, 2014) AND MISS. CODE ANN. 97-3-2 (EFF. JULY 1, 2014) UPON THE ENACTMENT OF HOUSEBILL 585. ON JULY 1, 2014.
- 3.) MISS. CODE ANN. 47-7-3 (1) (G) (III) MADE AWAY FOR NONVIOLENT HABITUAL OFFENDERS TO BECOME ELIGIBLE FOR PAROLE CONSIDERATION UNDER THE SAID STATUTE, UPON THE AUTHORIZATION OF THE CIRCUIT JUDGE AND/OR RECOMMENDATION.
THE PETITIONER, PETITION THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI REQUESTING AUTHORIZATION FOR PAROLE CONSIDERATION, WHICH WAS DENIED ON SEVEN DIFFERENT OCCASION. THE DENIAL BEFORE THE COURT, OCCURRED ON OR ABOUT MARCH 22, 2017. THE CIRCUIT JUDGE DENIED THE SAID PETITION(S) REASONING AND ON THE BASIS OF THE PETITIONER "HAS AT LEAST ONE VIOLENT CONVICTION IN HIS BACKGROUND, WHICH MAKE HIM INELIGIBLE FOR RELEASE UNDER M.C.A. 47-7-3 (1) (G) (III), REFERRING TO THE PETITIONER PRIOR CONVICTION IN CAUSE NO. 7086, BURGLARY OF A DWELLING, M.C.A. 97-17-19 (1972) THAT THE PETITIONER WAS CONVICTED OF 25 YEARS BEFORE THE ENACTMENT OF M.C.A. 97-3-2 WHICH DEFINE BURGLARY OF A DWELLING M.C.A. 97-17-23 " AS A

REASONS FOR GRANTING THE PETITION

This is a writ of certiorari based on the considerations governing review on certiorari set forth in Rule 10-14 (Petitioning for writ of certiorari); question of law and interpretation of a statute. Therefore the standard of review is *de novo*.

This is a writ of certiorari based on an important consideration(s) for which review is sought:

This case presents issues of importance beyond the particular facts and parties involved, not only to petitioner but to others similarly situated inmates in this situation. This is a case of important consideration involving disagreements among Mississippi circuit court's concerning interpretation of Miss. Code Ann. section 47-7-3 (1)(g)(iii), as to how it apply to inmates in general and as to which inmates are eligible and which inmates are not eligible for authorization and/or parole under the said statute. [Miss. Code Ann. Section 47-7-3 (1)(g)(iii)]. The court decision that decided the petitioner's case is in conflict with the decisions of another appellate court, [United States Supreme Court] and other circuit courts. The ways the decision of the lower court in petitioner's case was erroneous.

CONCLUSION

See pages 37 - 39

The petition for a writ of certiorari should be granted.

Respectfully submitted,

John G. Gedoux, Sr.

Date: APRIL 22, 2022