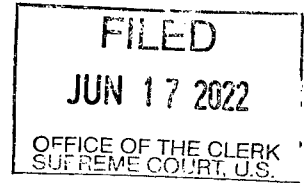


21-8240 ORIGINAL
No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

Clayton Jones — PETITIONER
(Your Name)

vs.

Agents of South Carolina — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Clayton Jones
(Your Name)

201 John Mark Dral Drive
(Address)

Columbia, SC 29209
(City, State, Zip Code)

none
(Phone Number)

QUESTION(S) PRESENTED

Question 1. Since I am still being detained without a trial date over 2 1/2 years after asserting my right to speedy trial, is it lawful for the Agents of South Carolina to keep denying me liberty without due process (which includes speedy trial)?

Question 2. Was it lawful for the US Court of Appeals and the US District Court to willfully neglect to determine the merits of my denial of speedy trial claim and abdicate their authority in favor of another jurisdiction (the jurisdiction which is refusing to give me a speedy trial)?

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

Since this is an issue regarding pretrial detainment, there has been no trial court case or conviction or sentence. However, here are the previous cases regarding this matter:

- Jones v Agents, No. 3:20-cv-02132, US District Court for the District of South Carolina (Greenville Division). Judgement entered on unknown date. (Access to this document is now denied to me)*
- Jones v South Carolina, No. 21-6179, US Court of Appeals for the Fourth Circuit. Judgment entered on or about April 5, 2022. (Access to this document is also now denied to me)*

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INDEX TO APPENDICES

APPENDIX A - US Court of Appeals, Fourth Circuit Appeal No. 21-6179 and associated filings (Notice of Appeal, Informal Brief, Judgment, ~~et al~~ Rehearing Denial, etc.)

APPENDIX B - US District Court, South Carolina Complaint No. 3:20-cv-02132 and associated filings (Recommendation, Objections, Judgment, ~~et al~~ Supporting Documents, etc.)

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

Note to Clerk: Since access to the above-listed documents which need to be included in the Appendices is now denied to me, I must ask for certification and transmission of the record (as per Rule 12.7) by the clerks having possession of them, so that they may be included.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

400 SC 421 at 450

4

491 US 350

5

STATUTES AND RULES

SC Code 17-23-90

3, 4

Geneva Conventions

4

Universal Declaration of Human Rights

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OTHER

SC Constitution

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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

☒ 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.

[X] unknown, as this facility now denies me access to this document.

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.

[X] unknown, as this facility now denies me access to this document.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was unknown (access denied to me)

☐ 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: April 5, 2022 (or about then), and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

US Constitution

- Art IV, Section 2: "The citizens of each state shall be entitled to all privileges and immunities ~~in~~ the several states."
- Amend V: "No person shall be ... deprived of life, liberty, or property, without due process of law"
- Amend VI: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial"
- Amend VIII: "Excessive bail shall not be required ... nor cruel and unusual punishments inflicted."
- Amend XIV: "No state shall make or enforce any law which shall abridge the privileges ~~and~~ or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

SC Constitution

- Art 1, Section 3: "The privileges and immunities of the citizens of this state and of the United States under this Constitution shall not be abridged, nor shall any person be denied life, liberty, or property without due process of law, nor shall any person be denied equal protection of the laws."
- Art 1, Section 9: "The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial."

SC Code

Section 17-23-90: "If any person committed for treason or felony ... upon his prayer for probation in open court the first week of the term to be brought to trial, shall not be indicted and tried the second term after his commitment, he shall be discharged from his imprisonment."

STATEMENT OF THE CASE

For the past 3 years, officials have been unlawfully detaining me without processing my pro se motions/petitions or even scheduling a trial, using indefinite confinement to prevent me from proving my innocence of this physically impossible accusation to a jury. Thus, I am being denied liberty without due process of law in direct violation of South Carolina Code (17-23-90), SC Supreme Court Order (400 SC 421 at 450), SC & US Constitutions (speedy trial, due process, court access, equal protection, habeas corpus, etc), and even international rules such as the Geneva Conventions and the Universal Declaration of Human Rights (which classify such treatment as torture and inhumane).

The lower courts have been misled by the magistrate's false claims of conflict with ongoing state proceedings, and thus erred by willfully neglecting to determine the merits of my denial of speedy trial claim. ~~WAS 257 (401) 350~~
~~held that the magistrate's "the exception of the rule" is that the court has "no more"~~
~~right to decline the extraordinary jurisdiction which is given, #1~~ Even if there was conflict, the denial of speedy trial is an extraordinary circumstance that warrants review and redress.

REASONS FOR GRANTING THE PETITION

Per Rule 10:

(a) "a United States court of appeals has entered a decision in conflict with the decision of another United States court";

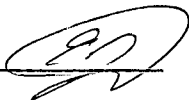
In *NOPSI* (491 US 350) it was held that abstention is "the exception, not the rule" & that the court has "no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." & "The courts of the United States are bound to proceed to judgment and to afford redress to suitors before them in every case to which their jurisdiction extends. They cannot abdicate their authority or duty in any case in favor of another jurisdiction."

This matter is of extreme importance to every person of our nation, for if the erroneous, misleading findings and misapplication of law by the magistrate upon which the courts wholly relied ~~are~~ were allowed to stand uncontested by an exercise of this Court's supervisory power, then any person may be arrested without probable cause, then detained forever without trial or other due process. The persons arresting and detaining would only need to refer to the prior cases related to this petition to justify a requirement that only the court denying speedy trial may rule on whether speedy trial has been denied and that such a ruling can only be done at trial. It is a permanent denial of due process paradox.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Clayton Jones 

Date: 6/16/22