

IN THE

SUPREME COURT OF THE UNITED STATES

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

ONTARIO DIMITRI BROWN — PETITIONER
(Your Name)

vs.

HAROLD W. CLARKE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FOURTH CIRCUIT COURT OF APPEALS 21-7000
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ontario Dimitri Brown
(Your Name)

(Address)

Lawrenceville Va, 23868
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Question One: Is the Great Writ of Habeas Corpus no longer available through 28 U.S.C 2254 to state prisoners to challenge Constitutional violations by state courts.

Question Two: Has the Supreme Court overturned Jackson v. Virginia 443 U.S 307 61 L Ed 2d 560 [1979] mandating "a federal Court must consider whether there is sufficient evidence to justify a rational trier of fact to find guilt beyond a reasonable doubt.

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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TABLE OF AUTHORITIES CITED

CASES

Jackson v. Virginia 443 U.S. [1979]

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28 USC 2254(a)

OTHER

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☒ is unpublished.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 C 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☒ is unpublished.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 _____ 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[] is unpublished.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[] is unpublished.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 3/28/2022.

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: 4/29/2022, 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

28 U.S.C § 2254

28 U.S.C § 2254(a)

Fourteenth Amendment (Due Process Clause)

STATEMENT OF THE CASE

Petitioner, Ontario D. Brown filed for habeas corpus relief under 28 U.S.C 2254 on or about 1-11-21 raising four claims for relief, three of which challenges the sufficiency of the evidence related to petitioner's criminal conviction on 1-3-2018 in the circuit court for the city of Williamsburg and James City County. On 4-20-21 the District Court issued a show cause order. On 5-20-21 respondent filed a motion to dismiss for "failure to state a claim for which relief can be granted [Appendix E] Essentially arguing relief can't be granted via 2254 for constitutional violations of state prisoners.

On 6-22-21 the District Court granted respondent's motion to dismiss. On 6-28-21 petitioner filed a notice of appeal in the District Court. On 7-6-21 petitioner filed a C.O.A in the fourth Circuit Court of Appeals. On 3-28-22 a panel of the fourth Circuit denied a C.O.A stating that "Brown didn't make the requisite showing of a denial of a constitutional right. On 4-4-21 petitioner filed for a panel rehearing and/or rehearing en banc arguing that the panel's decision was in conflict with Jackson v. Virginia 443 US [1979]. On 4-29-21 the fourth Circuit denied a panel rehearing and rehearing en banc.

REASONS FOR GRANTING THE PETITION

Petitioner, Anterio D. Brown raised four Constitutional rights violations in his only habeas corpus petition under 2254¹¹. The arrest warrant and grand jury indictment was secured by perjury and fraud in violation of the due process clause (2) The evidence was insufficient to prove beyond a reasonable doubt that Anterio D. Brown was the individual who attacked Javon Edwards (3) the evidence was insufficient to prove beyond a reasonable doubt that Anterio D. Brown committed a malicious wounding and (4) the verdict was constitutionally infirm as it was based solely on surmise, speculation and ungrounded conjecture. Respondent filed a motion to dismiss [Appendix E] stating petitioner "failed to state a claim for which relief can be granted" under 2254 and 2244. Respondent essentially argues either that claims of insufficient evidence and other constitutional violations can't be raised via 2254. The District Court unlawfully granted said motion to dismiss and the Fourth Circuit found no error with the District Courts ruling. The aforementioned rulings are in direct conflict with *Jackson v. Virginia* 443 U.S 329 [1979] "Under our system of criminal justice even a thief is entitled to complain that he has been unconstitutionally convicted and imprisoned as a burglar" and 28 U.S.C 2254(a) State Custody - remedies in Federal Courts. (a) The Supreme Court, a Justice 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 in violation of the Constitution or laws or treaties of the United States. *Jackson*, 443 U.S 323 [23] further states "Congress has selected the federal district courts as precisely the forums that are responsible for determining whether state convictions have been secured in accord with federal constitutional law." *Jackson*, 443 U.S 320 [8h] further states "under 28 U.S.C. 2254 a federal court must entertain a claim by a state prisoner that he or she is being held in "custody in violation of

the Constitution or laws or treatise of the United States 443 321 "Under the Wainwright decision, it is clear that a state prisoner who alleges that the evidence in support of his state conviction cannot be fairly characterized as sufficient to have led a rational trier of fact to find guilt beyond a reasonable doubt has stated a federal constitutional claim." Unless 2254 is no longer available to state prisoners and/or Jackson v. Virginia 443 U.S [1979] has been overturned the District Court and the Court of Appeals decision is in conflict with Congressional mandates and United States Supreme Court binding precedent. Review is necessary as the lower Courts decision conflicts with relevant decisions of this Court and Congressional mandates of 2254(a)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 5-18-22