

22-5450

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

AUG 16 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Washington, D.C. 20543

Jermaine Crump — PETITIONER
(Your Name)

vs.

State of Mississippi — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court For The Northern
District of Mississippi Oxford Division
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jermaine Crump #196837

(Your Name)

Wilkinson County Correctional Center
P.O. Box 1889

(Address)

Woodville, MS 39669-1889

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Issue ONE: Whether the District Court ERRED in Finding that Crump received effective Assistance of Trial Counsel because jurist of reason can debate and the question is adequate to deserve encouragement to proceed further because this court can resolve this issue in a different manner?

Issue two: whether the district court ERRED when it found that excluding testimony favorable to the defense was harmless error, just as the state court did?

Issue three: whether the district court erred in finding there was sufficient evidence to support Deliberate Design murder?

Issue four: whether the district court erred when it found that the trial Judge and Prosecutor did not violate Crumps right to a fair trial?

Issue Five: whether the district court ERRED finding the prosecutor did not violate the rules and law of Brady vs. Maryland?

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

PAGE NUMBER

- Miranda v. Arizona 384 U. S. 436, 444 (1966)
 Spencer v. Kemma, 523 U.S. 1, 5 (1998)
 Wofflin v. Fleming, 136 F.3d 1032, 1034 n. 1 (5th Cir. 1998)
 McMillian v. Johnson 88 F.3d 1554, 1568-69 (11th Cir.)
 U.S. v. Blanco, 392 F.3d 382, 392 (9th Cir. 2004)
 Wayte v. United States 470 U.S. 598, 608-10 (1985)
 U.S. v. Santiago, 46 F.3d 885, 894 (9th Cir. 1995)
 Silva v. State, 145 So. 3d 533 (2015)

STATUTES AND RULES

- Amend. VI U.S. Const. Art. 3 § 26 Miss. Const. (1890)
 Fed. R. Crim. P. 35
 Amend. VII, U.S. Const.
 Amend. ~~XIII~~, U.S. Const (Due Process Clause, U.S. Const. amend. XIV)

OTHER

- Miss. Code Ann. § 97-3-35 (1972)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- Strickland v. Washington, 466 U.S. 668 (1984)
 Malloy v. Hogan 378 U.S., 1. 84, S. Ct. 17 89, 12
 L. Ed 2d 653
 Nelson vs. Estelle 642 F. 2d 903 (5th Cir 1981)
 U.S. v. Mullins 32 F. 3d 891, 897 (1994)
 Brady v. Maryland 373^{U.S.} 45, 83 (1963)
 Cullen v. Pinholster 563 U.S. 1029, 131 S. Ct. 2951
 Miranda v. Clark County 319 F. 3d 465
 Berger v. United States, 73 F. 2d 278, 1934
 STATUTES AND RULES
 Amend. VI, U.S. Const. Art. 3 § 26 Miss. Const. (1890)
 Fed. R. Crim. P. 35
 Amend. VIII, U.S. Constitution
 Amend. XIII, U.S. Const.

OTHER

- Miss. Code Ann. § 97-3-35 (1972)

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 N/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 H 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 C 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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 2254(a) permits a federal court to entertain only those habeas corpus applications alleging that a person is in state custody in violation of the Constitution or laws or treaties of the United States. Section 2254(b), (c) provide that a federal court may not grant such applications unless, with exceptions, the applicant has exhausted state remedies.

28 U.S.C. § 2254(e)(2) imposes a limitation on the discretion of federal habeas courts to take new evidence in an evidentiary hearing.

28 U.S.C. § 2254(d) that application shall not be granted with respect to such a claim unless the adjudication of the claim: (1) resulted in a decision that was contrary to, or involved an unreasonable application of clearly established federal law, as determined by the Supreme Court of the United States; or (2) resulted in a decision that was based on an unreasonable determination of the facts in light of evidence presented in the state court proceeding.

Sixth Amendment is not to improve the quality of legal representation, but simply to ensure that criminal defendants receive a fair trial.

28 U.S.C. § 2254(d)(1), (e)(2) ensure that federal courts sitting in habeas are not an alternative forum for trying facts and issues which a prisoner made insufficient effort to pursue in state proceedings.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5th Amendments - guarantee against self
incrimination

14th Amendments - "No State shall Deprive
any person of Life, Liberty, or property,
without due process of Law; nor Deny
To any person within it's jurisdiction the
Equal Protections of the Law"

8th Amendments - Cruel and unusual punishment

STATEMENT OF THE CASE

This appeal proceeds from the Circuit Court of the First Judicial District of Yalobusha County where Jermaine Crump was convicted of murder. A jury trial was conducted April 13-15, 2015, at which Crump was represented by Hon. Randolph Walker, Sr. of Corinth. The Honorable Smith Murphey V, Circuit Judge, presided. Crump is presently incarcerated with the Mississippi Department of Corrections serving a life sentence.

REASONS FOR GRANTING THE PETITION

THE UNITED STATES DISTRICT COURT FOR THE Northern District of Mississippi Oxford Division Erred in finding that Jermaine Crump ^{did not} receive effective assistance of trial counsel because jurist of reasons.

the District court erred when it found that excluding testimony favorable to the defense was not harmless error.

The district court erred in finding that there were sufficient evidence to support deliberate design murder.

The district court erred when it found that the trial judge and prosecutor did not violate Crump's rights to a fair trial.

The district court erred finding the prosecutor did not violate the rules and law of Brady vs. Maryland.

United States Court of Appeals erred when the court dismiss Application for certificate of Appealability for want of jurisdiction. And lack of of a timely notice.

U.S. Court of Appeals erred in taking no action on Crump's document entitled "Appeal / objection to courts order dismissing the above styled Cause for lack of Jurisdiction."

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jermone Crump

Date: *Aug. 18, 2022*