

CASE NUMBER: 22-5758

DEATH IN PRISON SENTENCE ...

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE: AUGUSTUS HEBREW EVANS JR., [PRO SE PETITIONER],

^{v,}
DELAWARE. [RESPONDENT].

RE: APPEAL / RECONSIDERATION OF DENIAL OF FORMA PAUPERIS STATUS... 30 LEAVE REQUESTED
TO ADDRESS IMMINENT DANGER ISSUES...

ON NOV 21, 2022 THE COURT DENIED PETITIONERS EEP APPLICATION STATING:

" PETITIONER HAS ABUSED... REPEATEDLY ABUSED THIS COURT PROCESS "

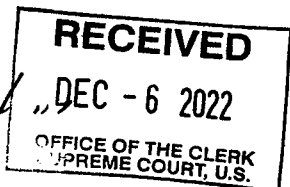
HOWEVER... THE COURT HAS OVERLOOKED THE FACT THAT PETITIONER RAISES A
SUBSTANTIAL DEPRIVATION OF FUNDAMENTAL DUE PROCESS RIGHTS THAT LINE AT BAR
HAS NEVER BEEN REACHED ON MERITS ... AND... IF REVIEWED, ESTABLISH AN UN-
DISPUTABLE, KNOWING, WILLFUL AND INTENTIONAL WRONGFUL CONVICTION AND SENTENCE...
AND...

PETITIONER HAVING PRESENTED PERFECTED FINAL PREMISES, SUPPORTED BY IMPLICATED
MATTERS OF LAW OF THIS COURT... COMES AHEAD, REQUESTING:

I - APPEAL / RECONSIDERATION OF DENIAL OF EEP APPLICATION

II - 30 DAY LEAVE TO BRIEF IMMINENT DANGER, WHERE:

a). PETITIONER IS UNDER IMMINENT DANGER TO NEVER BE HEARD ON A OTHER-
WISE KNOWING, WILLFUL AND INTENTIONAL WRONGFUL CONVICTION AND SENTENCE...



I. 28 U.S.C. § 2254(9);

PETITIONER CONCEDES HE IS UNDER THREE STRIKES PROVISION...

II. IMMEDIATE DANGER EXCEPTION

THE COURT IS CHARGED TO REVIEW THE DOCUMENTS FILED WITH THE WRIT AND THE ALLEGATIONS... AND... "IMMEDIATE DANGER" IS EVALUATED AT THE TIME MOTION IS BROUGHT... AND...

1. PETITIONER BRINGS A CRIMINAL MATTER... WITH ALLEGING AND SUPPORTING IN BRIEF AND EXHIBITED RECORD THAT:

FIRST: HE IS UNDER A KNOWING WILLFUL AND INTENTIONAL WRONGFUL CONVICTION AND SENTENCE...

SECOND: THAT THE TRIAL COURTS DENIAL OF THE REQUESTED LESSER INCLUDED INSTRUCTION DEPRIVED ME OF CONSTITUTIONAL DUE PROCESS RIGHTS TO A FAIR TRIAL AND...

a). DELAWARE STATUTE PROVIDES FOR REQUESTED INSTRUCTION 11 DEL.C. § 206(1).

b). DELAWARE ADVANCES PARTIAL AUTOMATIC JURISDICTION. Cox v. STATE BOS 112d 1269(2003); SEE ALSO: HEARNY v. STATE BOS 112d 860, 863, 164 (2002); AND QUOTING: BECK v. ALABAMA 447 U.S. 625, 633 (1980): AS U.S. SUPREME COURT PRECEDENT...

THIRD: OVER 17 YEARS THE STATE COURTS HAVE DENIED REVIEW OF THE TRIE FACTS AND IMPLICATED MATTERS OF LAW UNDER PROCEDURAL BARS... HOWEVER...

FOURTH: EVEN ALL CHALLENGES TO THE AMENDED RULE THAT APPLIED AT BAR DENIED REVIEW OF THE WRONGFUL CONVICTION AND SENTENCE THAT:

a). OTHERWISE IS AN WRONGFUL CONVICTION AND SENTENCE... AND...

FIFTH: PETITIONER IS UNDER IMMINENT DANGER OF IRREPARABLE INJURY / SERIOUS INJURY, WHERE:

a). NO COURT WILL HEAR THE TRUE FACTS AND IMPLICATED MATTERS OF LAW BECAUSE I AM INDEED POOR... FURTHERMORE...

b). NO COURT HAS EVER ATTEMPTED TO REVIEW THE TRUE FACTS AND MATTERS OF LAW AS PRESENTED... HOWEVER...

c). AS TO STATE STATUTE, STATE LAW AND U.S. SUPREME COURT PRECEDENT... A NEW TRIAL IS WARRANTED, 'THEREFORE'...

SIXTH: UNDER A FIRST IMPRESSION REVIEW... PETITIONER BRINGS A CRIMINAL CASE ACTION THAT ESTABLISHES HE IS IN PERMANENT VIOLATION OF RULES, STATUTES, LAWS AND FEDERALLY PROTECTED DUE PROCESS RIGHTS TO A FAIR TRIAL... HOWEVER...

a). DENIED RELIEF BECAUSE HE IS POOR!

III. 30 DAY LEAVE TO BRIEF ISSUE

THE QUESTION BEFORE US IS ONE OF FIRST IMPRESSION... AND... WHETHER A PRISONER TOO POOR TO PAY FILING FEES IN OTHER MERITORIOUS CRIMINAL APPEAL, IN FACE OF IMMINENT DANGER THAT NO COURT WILL HEAR OTHERWISE WRONGFUL CONVICTION AND SENTENCE...

a). SHALL BE DENIED ELP STATUS?

MAY THE APPEAL/RECONSIDERATION AND 30 DAY LEAVE BE GRANTED...

DATED: NOVEMBER 25, 2022

