

No. 22-6189

Provided to Suwannee
Correctional Institution on:

NOV 21 2022

for mailing by

[Handwritten signature]

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

NOV 21 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

JESSIE JACKSON

(Your Name)

— PETITIONER

vs.

SECRETARY, FLORIDA DEPARTMENT — RESPONDENT(S)
OF CORRECTIONS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JESSIE JACKSON # L94249

(Your Name)

SUWANEE CORR. INST. ANNEX 5964 U.S. HIGHWAY 90

(Address)

LIVE OAK, FLORIDA 32060

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

1. Should this Honorable Court grant Certiorari to address whether the onset of Diabetic Hypoglycemia (Low Blood Sugar) in a Criminal defendant constitute incompetency, and violate Due Process, when that Criminal Defendant is proceeded against at trial while exhibiting symptoms of the Hypoglycemia?

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

unknown

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5-6
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A Opinion of the 11th Circuit Court of Appeals, United States

APPENDIX B Opinion of the United States District Court, Southern District of Florida

APPENDIX C September 30, 2022 Denial of Rehearing, 11th Circuit Court of Appeals

APPENDIX D National Center for Chronic Disease Prevention and Health Promotion
Diabetes and Prediabetes

APPENDIX E Northwestern Medicine, Memorial Hospital. Diabetes: Hypoglycemia
and Hyperglycemia

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Cooper v. Oklahoma
116 S.Ct. 1373 (1996)

Ryan v. Gonzalez
133 S.Ct. 696 (2013)

STATUTES AND RULES

OTHER

National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP)
Diabetes and Prediabetes

Northwestern Medicine Memorial Hospital
Diabetes: Hypoglycemia and Hyperglycemia

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 _____ 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 August 23, 2012.

☐ 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: September 30, 2012, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

Due Process, Fifth Amendment, United States Constitution

"... Nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law."

STATEMENT OF THE CASE

The record reflects reasonable grounds that the Petitioner was temporarily not mentally competent to stand trial, missing out the beginning of trial—opening statements and direct and cross-examination of witnesses, due to hypoglycemia (low blood sugar) (Appendix D and E.) The crux of the problem which the Lower Tribunal overlooked was that Petitioner at the close of evidence was competent as he had been given sugar and a special diet which raised his blood sugar and restored him to competency. (Appendix E page 2)

The Trial Court erroneously applied Petitioner's competency evaluation nunc pro tunc to the beginning of trial despite the evaluation being performed during lunch break in the Courtroom. — however, some 4 (four) hours prior, counsel had noticed and called the Court's attention to Petitioner's fundamental misunderstanding of everything occurring in the Courtroom!

REASONS FOR GRANTING THE PETITION

The National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) say "more than 37 million people in the United States have diabetes." or 37.3 million Americans are living with diabetes (1 in 4 Adults); 96 Million adults in America have prediabetes; and the annual estimated cost of diabetes is \$327 Billion dollars (Appendix D)

With such a high percentage of American Adults (1 in 4 Adults) having diabetes it is of a National Importance for this Honorable Court to grant this Petition and address the question involved. The outcome of the case sub judice is not only of importance to the Petitioner but also to others similarly situated - the onset of hypoglycemia (low diabetic blood sugar) constituting a temporary incompetency during a Criminal Trial Proceeding.

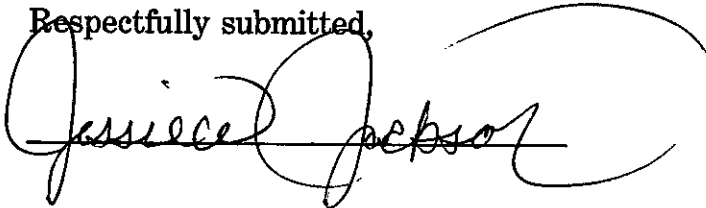
Hypoglycemia, as explained by the Northwestern Medicine Memorial Hospital, is when the diabetics blood sugar level drops too low to provide energy for the body's activities. (Appendix E) Symptoms of Hypoglycemia can include: Hunger, Nervousness or Shaking, Dizziness, Confusion, Difficulty speaking or Feeling anxious or weak (id.) The symptoms as described by Trial Counsel; "A real fundamental misunderstanding of everything [that was happening] in the Courtroom" (Appendix C at pages 9-10) certainly reflect a "confusion" and an onset of hypoglycemia which was treated by a meal and candy bringing Petitioner back to competency.

The criminal trial of an incompetent defendant violates Due Process Cooper v. Oklahoma 116 S.Ct. 1323 (1996) "...a defendant may not be put to trial unless he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and a rational as well as factual understanding of the of the proceedings against him..." Ryan v. Gonzales 133 S.Ct. 696 (2013) The record testifies to Petitioner's having "A real fundamental misunderstanding of everything..." (Appendix C) while he was suffering from hypoglycemia for Four (4) hours during trial!

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jessie Jackson", with a large, sweeping flourish extending from the end of the name.

Date: NOVEMBER 21ST, 2022