

AUG 26 2022

OFFICE OF THE CLERK

22-6208

No. _____

IN THE
SUPREME COURT OF THE UNITED STATESJason Ross Gilley — PETITIONER
(Your Name)

vs.

Raymond Madday, warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jason Ross Gilley

(Your Name)

ASP 230-4-5UP.O. Box 902

(Address)

Avenal CA 95207

(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. How long will the courts continue to allow the justice system to be abused, especially with such things as fact-trading, DA deals going on unobserved by the court, and a host of other constitutional violations that are ultimately injurious to the accused? The constitution is the greatest living document to date, to protect justice, and it has been suborned by the ambitiousness of careers in the justice system that value convictions at any cost, and that which ignores innocence and justice, in order to maintain profitability for the pro-incarceration lobby funded by private-equity funds.
2. Further examination of inconsistencies between state and federal courts in the matters of using statements prior to mirandizing, and determinations made pretrial versus at trial.
3. Examination of the fundamental tenets of reasonable doubt: why can convictions occur when guilt is established beyond a reasonable doubt, but not innocence?
4. Why does circumstantial evidence bear legal weight for the prosecution but not for the defense?
5. Examination needed to determine more specifically the chain of events that establishes intent culminating to motive.
6. 6th amendment issues as related to this case, that the defendant was never accused in court by material witnesses. Further: the prosecution and the defense denied the defendant the process for witnesses in his favor.
7. Massive inconsistencies in due process in a capital case regarding grand jury proceedings. Other due process issues violating the defendant's rights as given in the 5th amendment.

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

Philmore vs. McNeil, 575, F3d, 1251 (11th cir, 2009)

Miranda vs. Arizona, 384 U.S. 436 (1966)

Gentry vs, Sevier, 597, F3d, 838 (7th cir, 2004)

Johnson vs. Mitchell 585, F3d, 923 (6th cir 2009)

US vs. Hankerson 496 F3d 303 (3rd cir 2007)

Wilson vs Schwandt 2022 US Dist

Clark v s Brown 442 F.3d 708

Pensinger vs Cheppell 787 F3d 1014

Phillips vs Woodfprd 267 F3d 966

Demirdjian vs Gipson 832 F3d 1060

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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Johnson v Mitchell 585 F3d 923 (6th cir 2009)	
Williams v Taylor 529 US362 (2000)	
US v Hankerson 496 F3d 303 (3rd cir 2007)	

STATUTES AND RULES

Riddle v Osmint 369 S.C. 39
US vs Black 707 F3d 531
US vs Walker, 900 F2d 1201

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 _____ 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 _____ 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 _____.

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: _____, 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. § 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

4th amendment: my case dealt with insufficient probable cause and unreasonable search and seizure.

5th Amendment: Trial and pretrial inconsistencies in the handling of a capital case and the grand jury process. Due process violations administered by defense attorney culminating in insufficient counsel.

6th amendment: Fair trial not given due to various issues. There were no witnesses confronting the accused. The defense took the strategy on inaction to injurious result when there remain mitigating evidence that affected the guilty verdict. Insufficient counsel and trial strategy not communicated to defendant or showing cause. Due process violated by the denial of witnesses for the defense, at the inaction of the defense when the defendant wanted it.

STATEMENT OF THE CASE

I was bamboozled by my public defender, who advised me against my best interests, to waive my right to a speedy trial, knowing full-well that it is to the defendants advantage to have a speedy trial. Numerous federal cases have supported that defense attorney's claims to not introduce or act upon mitigating options are injurious to the defendant. I spent 2 years in a county lock up preparing to take the stand, knowing that this was the only way that I might be able to prove my innocence. I was then told that I wouldn't be taking the stand because my counsel didn't want to "open any doors for the prosecutor". I assert that my counsel was insufficient because they suppressed my right to call character witnesses. My charges: rape, kidnapping and murder by firearm, remain inconclusively lodged against me. If there was no conviction for the first charge, then why was that legally circumstantial in order to establish motive for the 2nd and 3rd charge? The motive for murder was solely based on the fact that the body was found nude. If one is not convicted of that, then how was the motive then established for the murder? Since this sentencing, I've learned that in capital punishment cases, the defendant should've had 3 attorneys involved to prevent this type of oversight, though I was not provided thusly. I question the process and findings that supported the conviction to be missing vital components of guilt, such as "beyond a reasonable doubt" and the prosecution's ability to meet the criteria for "burden of proof". The established prongs of motive were wholly circumstantial. There was nothing putting me at the crime scene or shooting the victim. There was complete lack of DNA, ballistics, or witnesses. My conviction was truly a miscarriage of justice put in place by tradeoffs of fact unobserved by the court that led to an injurious sentence for me, the defendant.

REASONS FOR GRANTING THE PETITION

This petition should be granted on the basis that it reflects concerns over the violations of due process and the prongs of motive in a capital case.

The right to counsel was flawed due to the insufficiency of efficacy resulting in a life without the possibility of parole sentence for the defendant, who was 25 (or under) at the time of the case.

The prevarication over the speedy trial portion of the pretrial motions were indeed injurious to the defendant.

The strategy of non action despite mitigating evidence or the addressing of flawed prosecution left the defendant open to fact trading and backroom tradeoffs unobserved by the court, makes this review mandatory.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jason Ross Gilley

Date: 7-25-22