

22 - 7154
No. _____

FILED
FEB 14 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

In Re James C. Winding — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

PETITION FOR WRIT OF HABEAS CORPUS

James C. Winding # k8115
(Your Name)

Unit 26A, B-2ove, bed #90
(Address)

Parchman, ms 38738
(City, State, Zip Code)

(662) - 745 - 6611
(Phone Number)

QUESTION(S) PRESENTED

Whether Petitioner Indictment
fail(s) to charge Kidnapping and
Sexual Battery for which Petitioner
Was Convicted, Adams County had
NO Jurisdiction to return a
Indictment for Sexual Battery
Allegedly happening Another County, and
Petitioner not Given his Miranda
Right AS to Sexual Battery, and
Sexual Battery NOT Existing on
N.C.I.C report, Never Legally
Process before being UNlawfully
Indicted for Sexual Battery ?
0

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:

① Mr. Marc McClure
Superintendent

② Attorney General
State of Mississippi
P.O. Box 220
Jackson, MS 39205

RELATED CASES

U.S. v. Henley, April 10, 2002, 288 F.3d 657, 2002 WL 53877
U.S. v. Morelli, February 13, 2002, 283 F.3d 293, 2002 WL 2264
Mazzetti v. State, December 13, 2016, 230 So. 3d 222, 2016
U.S. v. Mendoza-Carrero, April 16, 2002, 186 F. Supp. 2d 138
Hines v. State, June 05, 1985, 472 So. 2d 386
Pechak v. Zinke, 138 S.Ct. 897, 8922
Miranda v. Arizona, 384 U.S. 436 (1966)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

U.S.V. Henry, April 10, 2002, 288 F.3d 657, 538778	(7)
U.S.V. Moreci, February 13, 2002, 283 F.3d 283, 226419	(7)
McGee v. State, December 13, 2006, 230 So.3d 222, 264218	(7)
U.S. V. Mendoza-Correa, April 16, 2002, 196 F.Supp.2d 138,	(7)
Hines V. State, June 05, 1985, 472 So.2d 386,	(6), (7)
Pachak V. Zinke, 1385.Ct. 8978922,	(5)
Miranda V. Arizona, 384 U.S. 436 (1966)	(6)

STATUTES AND RULES

Fed. R. Crim. P. 12(b)(2)

97-3-95 (1)(b)

97-3-53

Section 43-47-5

M.R.C.P. (14)

OTHER

Mississippi law recognize only two such jurisdictional defects to a conviction; where the indictment fails to charge a necessary element of crime, or if there exists no subject matter jurisdiction.

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on July 29, 2022

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APPENDIX D USDC order Denying Copies

APPENDIX E Letter 11/14/22 MDOC Commissioner
Letter 12/30/22 AIP Department

APPENDIX F
USCA, Denied MOTION to Reopen Case
2/9/23

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A/B 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 D to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

"D"
Refused to
Give Copies

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 Appendix "A", "B".

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: 2/09/23, and a copy of the order denying rehearing appears at Appendix F.

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).
Constitution for Release under the Title 28 U.S.C. § 224(a)(3) (2018)
...Challenges based on the failure to charge an offense
may be made at any time....
NO MIRANDA RIGHTS GIVEN FOR SEXUAL BATTERY

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

.... Although Challenges based on the failure
to charge an offense may be made at any
time, See Fed. R. Crim. P. 12(b)(2)

"NO Miranda Right Given
for Sexual Battery"

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PAP (1.)

STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT

The UNITED STATES District Court denied Petitioner Writ of Habeas Corpus Year 2005(See) USDC #5:05-cv-178. Petitioner has FILED so many motion(s) to get some types of relief. Petitioner was unable to get any records from USDC, Clerk (See) Appendix "D". Petitioner made a attempt to Appeal and Voluntary dismissed the Appeal of Winding for Severe Sanction(s) (See) Appendix "A".

Petitioner FILED a Motion for permission to proceed after Sanction w/ Writ of Habeas Corpus, raising the same ground within this petition, which was denied (See) Appendix "B".

Petitioner FILED a motion to Re-open Appeal Feb. 03, 2023 raising the attached Ground before this Court. Petitioner does not know the out come of this motion. United States Court of Appeal Clerk has not given me any notice of Releivement or out-come. (See) fifth Circuit Clerk Record(s). Petitioner Winding has done over 20 years on this "Bogus" Jurisdictional defective Indictment., failure to charge a offense for which petitioner was convicted. (End) P.4) → next page

Part I-B

STATEMENT OF THE CASE & RULE 20.4(A) STATEMENT

The United States Court of
Appeal fifth Circuit Denied my
motion to re-open 2/09/23
(See) Appendix "F"
This was Denied without written
opinion of the court.
(See) next page ➤

part(2)

STATEMENT OF THE CASE
& RULE 20.4(A) STATEMENT

The UNITED STATES Court of
Appeal (fifth Circuits) issue a
order BANNED petitioner Winding
from returning back to UNITED States
District Court on a Writ of Habeas
Corpus and SANCTIONS petitioner
\$ 500.00 on January 10, 2023
(See) Appendix "B"
(End)

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REASONS FOR GRANTING THE PETITION

part (1)

Although challenges based on the failure to charge an offense may be made at any time (See) Fed.R.Crim.P. 12(b) (2)

If made for the first time on Habeas Corpus, A Court Should Read the Indictment With "maximum liberality" and find it sufficient "unless it is so defective that by any reasonable construction, it fails to charge the offense for which the defendant is convicted.

(See) Pichak v. 2052, 138 S.Ct. 897 8922
* Constitution for Release Under the Title 28 U.S.C § 224(a)(3) (2018)

(See) Indictment

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REASONS FOR GRANTING THE PETITION

part (2)

Petitioner Winding Indictment fail to prove a continuous crime of event(s) as to Kidnapping and Sexual Battery. Court (1) Sexual Battery failure to specify Geographical Location. Ambigous as to Location (See) Hines V. State, June 05, 1985, 972 So. 2d 386.

Indictment does not states 97-3-95 (1)(b) mentally challenge.

Indictment does not states for Kidnapping Section 43-47-5 Kidnap any Vulnerable person.

Petitioner quotes the Prosecution Surprised him During trial as the prosecution present Alleged evidence that illegally Amend the Indictment without present to Grand Jury (See) MRCP(14) ** Petitioner Winding was never Legally Process, finger printed, NOR Booked for Sexual Battery. AS of 2/14/2023 Sexual Battery does not exist on the N.C. I.C. Report (See) Appendix "E" (See) Miranda V. Arizona, 384 U.S. 436 (1966) P. (6) (See) Supporting cases

next page

(See) U.S.V. Henry, April 10, 2002, 288 F.3d 653, 38 U.S.L.W. 2d (2002), 226 U.S.L.W. 2d (2002)

(See) U.S.V. Moreci, February 13, 2002, 283 F.3d 293, 38 U.S.L.W. 2d (2002), 226 U.S.L.W. 2d (2002)

(See) Messett v. State, Dec. 13, 2016, 230 So.3d 722, 2647128

(See) Messett v. State, April 16, 2002, 196 F.Supp.2d 138.

(See) U.S.V. Mendoza-Carrero, April 16, 2002, 196 F.Supp.2d 138.

(See) Hines v. State, June 05, 1985, 472 So.2d 386

(See) Hines v. State, 138 S.W.2d 897 (Tenn. 1932)

(See) Pachet v. Zinke, 138 S.W.2d 897 (Tenn. 1932)

(See) Fed. R. Crim. P. 12(b)(2)

(See) Fed. R. Crim. P. 12(b)(2) (END)

(See) Fed. R. Crim. P. 14 (END)

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,

James C. Windig
Date: 2/14/2023

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(END)