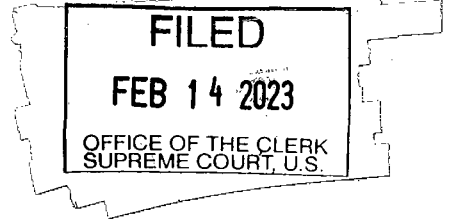


22-7154  
No. \_\_\_\_\_



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-Zone, 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 happen in 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?

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LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

**X** 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. Henry, April 10, 2002, 288 F.3d 657, 2002 WL 53877  
U.S. V. Moreli, February 13, 2002, 283 F.3d 293, 2002 WL 2264  
Mazzett v. State, December 13, 2016, 230 So. 3d 222, 2016  
U.S. V. Mendez - Carrero, April 16, 2002, 196 F. Supp 2d 138  
Hines v. State, June 05, 1985, 472 So. 2d 386  
Pachon v. Zinke, 138 S.Ct. 897 & 922  
Miranda v. Arizona, 384 U.S. 436 (1966)

# TABLE OF AUTHORITIES CITED

## CASES

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U.S.V. Henry, April 10, 2002, 288 F.3d 657, 538778	(7)
U.S.V. Moreci, February 13, 2002, 283 F.3d 293, 226419	(7)
nozzett v. State, December 13, 2016, 230 So.3d 722, 2647178	(7)
U.S. V. Mendez-Carreno, April 16, 2002, 196 F.Supp.2d 138	(7)
Hines v. State, June 05, 1985, 472 So.2d 386, 161, 17	(7)
Pechak v. Zinke, 1385 Ct. 8978/922	(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  
 MRCP. (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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APPENDIX B USCA No. 22-90065 Court order ON  
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APPENDIX D USDC order Denying Copies

APPENDIX E Letter 11/14/22 MDOC Commissioner  
Letter 12/30/22 AP 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: 2/6/23, 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).

*P.J.*

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 MINANDA Right Given  
for Sexual Battery"

P. 3)



STATEMENT OF THE CASE  
& RULE 20.4(A) STATEMENT

PART (1.)

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 Warning 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 grounds within this petition, which was  
Denied (see) Appendix "B".  
Petitioner filed a Motion to Re-open Appeal  
Feb. 03, 2023 raising the attached Grounds 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 Receivment  
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)

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→ next page

STATEMENT OF THE CASE  
& RULE 20.4(A) STATEMENT

PART  
1-B

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



STATEMENT OF THE CASE  
& RULE 20.4(A) STATEMENT

part(2)

The UNITED STATES Court of  
Appeal (fifth Circuits) issue a  
order BARRED petitioner Winding  
from Returning back to UNITED States  
District Court on a Wait of Habeas  
Corpus and Sanctions petitioner  
\$ 500.00 ON January 10, 2023  
(See) Appendix "B"

(END)

p. 4-2)

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) Pachak v. Zinke, 138 S.Ct. 887 (2022) \* Constitution for Release under the Title 28 U.S.C. § 224(a)(3) (2018)

(See) Indictment  
p. 5)

REASONS FOR GRANTING THE PETITION

part (2)

Petitioner Winding Indictment fail to prove  
a continuous crime of events as to kidnapping  
and Sexual Battery. Court(2) Sexual Battery  
failure to specified Geographical Location. Ambiguous  
As to Location (See) Hines v. State, June 05, 1985,  
472 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 Alleges  
evidence that illegally Amend the Indictment  
without present to Grand Jury (See) MRCP(14)  
XX Petitioner Winding Has Never Legally Process,  
Finger Printed, Not 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 657, 538 n.8  
(See) U.S.V. Morici, February 13, 2002, 283 F.3d 293, 226 n.4  
(See) Mezzetti v. State, Dec. 13, 2016, 230 So.3d 722, 764 n.178  
(See) U.S. v. Mendez-Carrero, April 16, 2002, 196 F.Supp.2d 138.  
(28637)  
(See) Hines v. State, June 05, 1985, 472 So.2d 386  
(See) Pachek v. Zinke, 138 S.Ct. 897 (2022)  
(See) Fed. R. Crim. P. 12(b)(2)  
(See) MRCMP. (14) (End)  
CONCLUSION  
The petition for a writ of habeas corpus should be granted.

Respectfully submitted,

James C. Winding

Date: 2/14/2023

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(End)