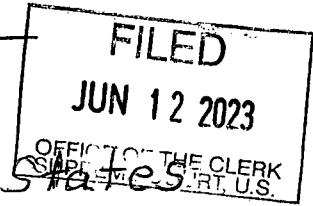


No. 23-5247

ORIGINAL

In The
Supreme court OF The United States



In re: David Jackson #39640 Petitioner

VS.

State OF MISSISSIPPI,

Mr. Brand Huffman,

Superintendent OF S.M.C.I., Respondents

ON Petition For A Writ OF Habeas Corpus
Pursuant TO 28 U.S.C. 2254 (a).

TO: MISSISSIPPI COURT OF APPEALS.

David Jackson #39640

S.M.C.I.

P.O. Box 1419

Leakesville, MS. 39451

QUESTION(S) PRESENTED

I.

Whether the warrantless Search and Seizure of February 14, 1997, A violation of my 4th and 14th Amendments rights.

II.

Whether my warrantless arrest of February 14, 1997, A violation of my 4th and 14th amendments rights. Probable cause never was established.

III.

Whether my rights under the 14th Amendment to the U.S. Constitution were violated when my charges were nolle prosecuted at my Preliminary hearing of March 20, 1997, for lack of Probable cause to believe that I had committed any crime, but I was never released from custody.

IV.

Whether there was sufficient evidence to get an indictment, and a conviction.

Questions Presented continue:

IV.

Whether the alleged written statement of February 17, 1997 illegal evidence, in violation of my 14th Amendment rights under the U.S. Constitution.

V.

Whether the alleged written statement of February 17, 1997, became inadmissible evidence once the substance, being an alleged oral confession that I suppose to have made at the scene of arrest, was suppressed.

I never wrote a statement saying I made an oral confession at the scene of arrest. It was fabricated.

VII.

Whether my rights under the 4th and 14th Amendments to the U.S. Constitution were violated when some one at the scene claimed ownership of the alleged drugs, but I was still arrested.

VIII.

Whether at trial, the confession of some one else claiming ownership of the alleged drugs, established reasonable doubt.

Questions presented continue:

IX.

Whether my arrest was retaliation for me filing a civil complaint against the arresting officer. Due to the fact that there was no Probable cause to arrest me.

The fact of the civil suit was stated at trial. It is on transcript.

X.

Prior conviction used For Enhanced punishment.

I.

Whether prior conviction #1190 was voluntary, knowing, and intelligently made.

II.

Whether there was a factual basis for the plea. There is no evidence to support this charge.

III.

Whether the indictment in prior conviction #1190 fatally defective for failure to state all the elements of Statute: Miss. Code Ann. 97-17-23.

IV.

Whether I plead guilty to a crime without having been informed of the true nature and elements.

V.

Whether prior conviction #1190 is a prima facie case of denial of counsel and defective indictment.

Question(s) Presented continue:

XI. ~~II~~.

Ineffective Assistance of Counsel At Trial:

I.

Whether counsel was ineffective for not arguing illegal Search and Seizure.

II.

whether counsel was ineffective for not arguing lack of Probable cause for arrest.

III.

whether counsel was ineffective for not representing to the jury that some one else had confessed to the crime.

IV.

Whether counsel was ineffective for allowing an alleged oral confession, that had been suppressed, go to the jury. The alleged oral confession of February 14, 1997.

V.

whether counsel was ineffective for allowing an unconstitutional prior conviction be used for enhanced punishment.

Questions presented continue:

VII.

Whether trial counsel was ineffective for allowing an alleged written statement to go to the jury. The same alleged written statement that was the subject of the suppression hearing. Which allegedly stated I made an oral confession at the scene of arrest. The substance of this written statement was suppressed. Being the oral confession. See appendix J.

VIII.

Whether trial counsel was ineffective for not arguing the alleged written statement as inadmissible evidence.

VIII.

Whether all of the above constitute ineffective trial counsel, in violation of my 6th and 14th amendment rights under the U.S. constitution.

Question(s) Presented Continue:

XII. ~~CON~~
CONSTRUCTIVE Denial OF COUNSEL ON APPEAL:

I.

APPEAL COUNSEL FAILED TO RAISE ANY OF THE
MERITORIOUS ISSUES ON APPEAL:

- 1, Warrantless Search.
- 2, Warrantless arrest.
- 3, Fabricated evidence.
- 4, Some one else Confessed to the Crime
I was Convicted for.
- 5, Reasonable doubt.
- 6, The using of Suppressed evidence.
- 7, Insufficient trial Counsel.
- 8, Failure to raise the issue of retaliation
as the motive for the arrest.

II.

After my appeal was affirmed, MS. ROSS dropped
my case without filing for rehearing.

III.

My rights under the 6th Amendment were violated
by trial and appellate counsel.
Strickland v. Washington, 466 U.S. 668 (1984).

Question(s) Presented continue:

XIII.

1,
Whether the Court OF Appeals OF MISSISSIPPI,
affirmation of JACKSON V. STATE, 778 So.2d 786
(2001), erroneous and contrary to Federal law.
Appendix A. Which is my case for Possession of Cocaine
with intent.

2,
Whether the Court OF APPEALS OF MISSISSIPPI,
decision in JACKSON V. STATE, #2020-CP-00714-COA
(2021), in which it denied my Post-conviction
Petition for redress concerning Prior conviction
#1190, erroneous and contrary to Federal law.

Appendix B.
When I received a copy of this ruling it was
too late to appeal. AS they do all of my
Post-conviction rulings.

That is why I ask this court for help
in this matter.

3,
The above constitute exhaustion of my State
Court remedies. 28 U.S.C. 2254(b);
Supreme court Rule 20(4)(2).

4,
Whether Petitioner have made a Prima facie
Showing of U.S. Constitutional violations.
28 U.S.C. 2244(b).

Question(s) presented continue:

~~Q. XIV~~ Actual Denial of Counsel at plea hearing,

Prior conviction.

whether I was denied actual counsel at my Plea hearing. Petitioner state that he was totally without counsel at his Plea hearing.

which is evident by the "Final Judgment of conviction" is not signed by any attorney.
Appendix F.

~~Q. XV~~ XV

Petitioner states that He IS Actually Innocent.

Petitioner will prove, "in light of all the evidence"... no reasonable juror would have convicted him. *Schlup v. Delo*, 513 U.S. 298 (1995).

Time bars on challenges to guilty pleas can be excepted from the procedural bar, claims can be reviewed if one can establish that the constitutional errors has probably resulted in the conviction of one who is actually innocent. *Bousley v. United States*, 523 U.S. 614, 623 (1998).

"The question presented is whether Petitioner's application for writ of habeas corpus filed in... State court alleged facts which if proven entitled

Question(s) Presented continue:

him to release from prison because he was held pursuant to a court judgment rendered in violation of rights guaranteed him by the federal constitution?"

Smith v. O'Grady, 312 U.S. 329, 330 (1941).

The failure to consider the claims will result in a fundamental miscarriage of Justice.
Coleman v. Thompson, 501 U.S. 722 (1991).

Petitioner state that he is actually innocent of the charge of: possession of Cocaine with intent to distribute.

Petitioner further state that he is also innocent of the charge of: Burglary of an inhabited dwelling at night armed with a deadly weapon.

Both of the above Charges are unconstitutional and Contrary to federal law.

Petitioner is claiming actual innocence.
And ask that I be given a chance to make an actual innocence showing.

Bousley, 523 U.S. at 615 Supra.

List of Parties

☒ All Parties appear in the caption of the case on the cover page.

Related Cases:

- 1, JACKSON v. State, 778 So.2d 786 (Miss. Ct. App. 2001)
Appendix A.
- 2, JACKSON v. State, #2020-CP-00714-COA (Miss.).
Appendix B.
- 3, In re: David JACKSON, #19-90030 (5th Cir. 2020).
Motion to Proceed with habeas Petition. Denied.
Appendix C.
- 4, JACKSON v. Armstrong, #3:01-cv.-584 (Miss.).
First habeas corpus petition, November 10, 2003.
United States District Court, For the Southern District.
Denied. I do not have a copy.
- 5, In re: David JACKSON, #22-90047 (5th Cir. 2023).
Motion for Permission to file habeas corpus
Petition, Denied. Appendix D.

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APPENDIX A	<u>IS the state court decision I ask this court to review. (Miss. Ct. App. 2001).</u>
APPENDIX B	<u>IS the ^{Court of Appeals} state court denying my post-conviction motion to dismiss my guilty plea indictment.</u>
APPENDIX C	<u>IS the Fifth circuit court of Appeals denying my motion to proceed in the district court.</u>
APPENDIX D	<u>IS another denial by the Fifth circuit court of Appeals denying my motion to proceed in district court.</u>
APPENDIX E	<u>IS the unconstitutional indictment from my 1987 guilty plea. I was never indicted for a deadly weapon.</u>
APPENDIX F	<u>IS the "Final Judgment of conviction" from my 1987 unconstitutional guilty plea. It is unsigned by any counsel.</u>
Appendix G	<u>IS the "order of sentence" from my 1987 unconstitutional guilty plea. To show I was sentenced for a crime I was not indicted for. "A deadly weapon."</u>

Index To Appendices continue:

Appendix H: IS the two (2) nolle prosequi orders from Justice court dismissing my 2 charges: Possession of a Control Substance and possession of a firearm.

Appendix I: IS the response filed by Mr. Ganner, my trial attorney, stating that I never had a ~~trial~~ preliminary hearing in Justice court. He was stating that my charges never was dismissed in Justice court, which was untrue.

Appendix J: IS 3 Pages taken from my trial transcript. They show that the district attorney and my lawyer states they found out about the alleged oral statement the day before trial, which was suppose to be the evidence the State based its ~~indictment~~ indictment on. (Transcript pp. 125, 126, 128.) I don't have Page 127, It's been misplaced.

Note: Appendix B is the court of Appeals of Mississippi, denying my post-conviction motion, not the trial court, in which I asked that the guilty plea indictment be dismissed.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1, Durr v. State, 446 So.2d 1016 (Miss.1984)	15
2, Burchfield v. State, 277 So.2d 623 (Miss.1973)	16,
3, Harris v. State, 172 So.3d 191 (Miss.Ct.App.2014)	9
4, In re: David Jackson #22-90047 (5 th cir)	1
5, Jackson v. Armstrong, No. 3:01-cv-584	1
6, Jackson v. State, 778 So.2d 786 106.20 , (Miss.2001)	1,7,14,
7, Bradshaw v. Stumpf, 545 U.S. 175 (2005)	15
8, Brady v. United States, 397 U.S. 742 (1970)	15
9, Brown v. Board of Education Burgett v. Texas, 389 U.S. 109	17
10, Bousley v. United States, 523 U.S. 614 (1998)	18
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3, Miss. Code Ann. 97-17-23	3, 14,
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- 11, Felker v. Turpin, 518 U.S. 651 (1996) _____ 19
- 12, Gideon v. Wainwright, 372 U.S. 335 _____ 17
- 13, Strickland v. Washington, 466 U.S. 668 (1984) _____ 16

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF ~~CERTIORARI~~ *Habeas corpus*

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 AD to the petition and is

☒ reported at *In re: David Jackson*, # 22-90047 (5th cir) 4-12-23; 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 *Don't have a copy*

☒ reported at *Jackson v. Armstrong*, No. 3:01-cv-584; 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 A to the petition and is

☒ reported at *Jackson v. State*, 778 So.2d 786; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Mississippi Court of Appeals court appears at Appendix B to the petition and is

☒ reported at # 2020-CP-00714-COA; 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 ~~Dec 19, 2014~~. I was denied permission to file a second habeas petition. Date: October 3, 2022.
[] 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).

Pursuant to Supreme court Rule 17, I am invoking the court's original jurisdiction under Article 3 of the constitution of the united States. 28 U.S.C. 1251.

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 2/27/01.
A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: never was filed, 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).

28 U.S.C. 2254(a): which gives this court original jurisdiction.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1, Miss. Code Ann. 97-17-23: (Before it was amended in April of 1996).

"Every person who shall be convicted of breaking and entering, in the night, the dwelling house of another, armed with a deadly weapon, in which there shall be at the time some human being, with intent to commit some crime therein, shall be punished by imprisonment in the

penitentiary not more than twenty-five years."

*The indictment in my prior conviction is based on this statute.

2, 28 U.S.C. 2254(2):

"The Supreme Court, a Justice thereof, a Circuit Judge, or a District Court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States."

3, 28 U.S.C. 2244: Making a prima facie showing of the denial of constitutional rights

Constitutional And Statutory Provisions continue.

4) 4th Amendment to the U.S. Constitution

"The right of the People to be secure in their Persons, houses, Papers, and effects, against unreasonable Searches and Seizures, shall not be violated, and no Warrants shall issue, but upon Probable Cause, supported by oath or affirmation, and particularly describing the place to be searched, and the Person or things to be seized."

5) 5th Amendment to the U.S. Constitution:

"No Person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, ... nor be deprived of life, liberty, or property, without due process of law."

6) 6th Amendment to the U.S. Constitution:

"In all criminal Prosecutions, the accused shall enjoy the right to ... be informed of the nature and cause of the accusation ... and to have the assistance of counsel for his defence?"

Constitutional And Statutory Provisions continue:

7, 14th Amendment to the U.S. Constitution.

"...nor shall any State deprive any Person of life, liberty, or property, without due process of law; nor deny to any Person within its jurisdiction the equal protection of the law?"

*The decisions of the court of Appeals of Mississippi, which is the subject of this habeas corpus petition, are contrary to all of the U.S. Supreme Court's precedents. It is to sanction an injustice to allow these cases to remain Mississippi law.

STATEMENT OF THE CASE

On Valentine's Day, February 14, 1997, we was having a get-together at my mom's house.

My sister's boyfriend came in and went to her room. About 15 minutes later narcotic's agent Jim Marlett and about twenty (20) members of the Madison County Sheriff department entered the house. My sister's boyfriend name was Demetrius Robinson.

They started to search the house. One officer came out of my sister's room and said he had found cocaine. And another one came out of my room with a box of my legal papers.

They showed them to agent Marlett.

They were a copy of a law suit I had filed against agent Marlett. For trying to pen a charge on me once before. I told him I do not know about what my sister's boyfriend do.

He stated at trial that some papers were brought to him in the hall-way. And he also stated

Statement of The case continue

that they were legal papers and they did have his name on them. Transcript PP. 203-205.

Then he started saying he believe it was my cocaine. Demetrius Robinson, my sister's boy friend went ~~ahead~~ ahead and said the allege cocaine was his. Agent Marlett then threatened to send the minor children to social services and arrest my mother if I did not accept ownership of the allege cocaine. When I did not, he arrested me and my mother. Appendix A, Jackson, 778 so.2d at 787.

On March 20, 1997, I had a preliminary hearing in Justice Court. The charges were Nolle Prosequed for lack of Probable Cause to believe I committed any crime. But I was still not released from custody. I was held by order of agent Marlett.

On May 21, 1997, I was indicted. I do not know how they got an indictment. I did not know until the day before trial that agent Marlett said I made an oral statement at the scene of arrest. The district attorney stated the day of trial

Statement of The case continue:

that he found out about the alleged oral Statement the day before trial.

Transcript PP. 125-126. I went to trial on December 9, 1997.

on the day of trial they also stated that I made a written Statement saying I made an oral Statement at the scene of arrest.

we had a suppression hearing. The alleged oral confession was suppressed. Therefore the alleged oral confession and the alleged written Statement became inadmissible.

Defense counsel allowed the State to present it to the jury. And I was convicted.

MS. Lisa M. Ross, handled my direct appeal.

I was given constructive denial of attorney. MS. Ross did not argue any issues that would have resulted in my freedom. After the appeal was affirmed, she just dropped my case. She never filed for rehearing.

She would not answer any of my correspondence.

I was convicted of possession with intent to distribute, as a habitual offender, and ~~was~~ given a thirty years Sentence.

Statement of The Case Continue:

I filed a Bar Complaint with the Mississippi Bar against my trial lawyer Mr. Chris Ganner.

Mr. Ganner, would not turn over to me any of the exculpatory documents that could win my freedom. And in his response to my complaint, he lied to the Bar by stating I never had a Preliminary hearing in Justice court. Appendix H Show that is untrue. And it also show he was in fact my attorney.

The State and Federal courts are erroneously denying all my motions and petitions. Even in the face of all the documented evidence.

As in the case of the illegal prior conviction. The court of Appeals in Mississippi state that I was convicted for a deadly weapon in its decision of August 10, 2021. See Appendix B. Only a ~~deadly~~ deadly weapon.

But no where in any of the court's decision do it state what type of weapon it was.

This same court, in Harris v. State, 172 So. 3d 191, 194 (Miss. Ct. App. 2014), agreed that "A deadly weapon may be defined as any object."

A deadly weapon is not a charge per se.

I was coerced into that plea by the court and district attorney.

The following are the names of the attorneys
that represented me at the following stages
of my case:

- 1, At Preliminary hearing: Mr. Chris N.K. Ganner
405 Tombigbee St., Jackson, MS. 39201
- 2, At arraignment and Plea: Mr. Chris N.K. Ganne
- 3, At trial: Mr. Chris N.K. Ganner
- 4, At Sentencing: Mr. Chris N.K. Ganner
- 5, on Appeal: MS. Lisa Ross, P.O. Box 11264,
Jackson, MS. 39283
- 6, Motion For Rehearing: MS. Ross never filed for
rehearing. She just dropped my case.

Prior conviction #1190

Petitioner state that he had no attorney at his Plea hearing. An attorney stood by me at my arraignment and that was it.

This was in circuit court, Madison county, Canton, Mississippi. Zip code: 39046.

REASONS FOR GRANTING THE PETITION

1.

unreasonable Search: In violation of the Fourth and Fourteenth Amendments to the U.S. Constitution.

On February 14, 1997, about twenty (20) members of the madison county Sheriff department, with narcotic's agent Jim marlett, kicked in my door. A Search Warrant never was Produced.

On December 9, 1997, the day of trial, no Search Warrant was Presented. No Search warrant was Presented at my Preliminary hearing on March 20, 1997. A Search Warrant was never entered into the record in this case.

2.

unrea~~son~~able Seizure: In violation of the Fourth and Fourteenth Amendments to the U.S. Constitution.

On February 14, 1997, I was arrested, without a Warrant, by the madison county Sheriff department, along with narcotic's agent Jim Marlett.

I believe the alleged cocaine was put there at the order of agent Marlett for filing a Civil Suit against him.

My charges were nolle Prosequied in Justice Court on March 20, 1997, by the district attorney.

Reasons For Granting The petition continue:

See Appendix H. But I was not released.
Agent Marlett illegally held me.
And I was indicted.

3.

Fabricated Evidence To Secure An Indictment: In violation of The Fourteenth Amendment To The U.S. Constitution.

At trial on December 9, 1997, the state introduced fabricated evidence. Which was a written statement. Appendix J Show that the state said they found out about the alleged oral statement the day before trial. The district attorney had an alleged written statement for 10 months but did not know it. Stated I made an oral confession at the scene of ~~an~~ arrest until the day before trial. Because it was fabricated the day before trial. My trial attorney stated he found out about the alleged oral confession the day of trial. And my attorney suppose to

Reasons For Granting The Petition continue:

have had the same written statement for 10 months, but did not know it said I allegedly made an oral confession at the scene of arrest. They did not have evidence to get an indictment. See Appendix J.

4. Fabricated Evidence To Secure A conviction: In violation of The Fourteenth Amendment To The U.S. Constitution.

my trial attorney allowed the state to present a fabricated written statement to the jury. And I was convicted. I objected to the evidence, but the trial judge said if I did not hush he would put duck-tape on my mouth. The substance of the written statement was suppressed.

5. Using Suppressed Evidence To Secure A conviction: In violation of The Fourteenth Amendment To The U.S. Constitution.

The alleged oral confession that the alleged written statement gave evidence of was suppressed. This alleged oral confession suppose to have

Reasons For Granting The Petition Continue:

happen on the 14 day of February, 1997. And on February 17, 1997 I suppose to have given a written statement saying I made an oral confession on February 14, 1997.

See JACKSON v. State, 778 So.2d 786, 789 (2001).

I never made an oral confession nor a written statement.

When the alleged oral confession was suppressed, the alleged written statement became inadmissible. But it was still allowed to go to the jury.

And I was convicted. The court: "If you'll read the written statement, it says he admits to this officer at the church street address that it was his cocaine?"
Appendix J. The alleged church street confession was suppressed.

Violation of Due Process: The use of An unconstitutional Prior conviction For Enhance Punishment, 14th Amendment.

The indictment in prior conviction #1190 is defective on its face. The indictment failed to inform me of the elements of Miss. Code Ann 97-17-23. The statute I was indicted under. Appendix E.

The above statute have an element of a deadly weapon. A deadly weapon is not in charging part of the

Reasons For Granting The Petition continue:

indictment. But I was still convicted and sentenced for a deadly weapon. See Appendices F and G. Therefore I was convicted and sentenced for a crime I was not indicted for. Which is a violation of the 5th Amendment to the U.S. Constitution. A deadly weapon is not a charge per se.

"A guilty plea operates as a waiver of important rights, and is valid only if done voluntarily, knowingly, and intelligently, with sufficient awareness of the relevant circumstances and likely consequences." *Brady v. United States*, 397 U.S. 742 (1970).

Bradshaw v. Stumpf, 545 U.S. 175, 182 (2005).

"Where a defendant pleads guilty to a crime without having been informed of the crime's elements, this standard is not met and the plea is invalid." *Id.*

I was coerced by the court and district attorney into pleading guilty.

Under Mississippi law: "Because an essential ingredient of the offense is missing from the indictment, it failed to charge a crime and is void." *Durr v. State*, 446 So.2d 1016, ~~1017~~ 1017 (1984).

Reasons For Granting The Petition continue:

"All the authorities are to the effect that an indictment, to be sufficient upon which a conviction may stand, must set forth the constituent elements of a criminal offense. Each and every material fact and essential ingredient of the offense must be with precision and certainty set forth."

Burchfield v. State, 277 So2d 623, 625 (Miss. 1973).

Petitioner state that the state of Mississippi have ~~not~~ went against all of its case law authorities and erroneously denied all of my legal endeavors.

The U.S. Supreme Court have stated that:
"Criteria by which sufficiency of an indictment is to be measured are first, whether the indictment contains the elements of the offense intended to be charged, and sufficiently apprises defendant of what he must be prepared to meet?"
Russell v. U.S., 369 U.S. 749 (1962).

There was no factual basis for Plea.
I did not have a lawyer when I Plead Guilty.
In violation of my 6th Amendment rights under the U.S. Constitution. Strickland v. Washington, 466 U.S. 668 (1984).

Reasons For Granting The Petition continue:

"To Permit a conviction obtained in violation of Gideon v. Wainwright to be used against a person either to support guilt or enhance punishment for another offense... is to erode the principle of that case. Worse yet, since the defect in the prior conviction was denial of the right to counsel, the accused in effect suffers anew from the deprivation of that... right."

Burgett v. Texas, 389 U.S. 109, 115.

Gideon v. Wainwright, 372 U.S. 335.

I ask the court to take judicial notice of the fact that the Mississippi court of Appeals' decision, Appendix B, only refer to a deadly weapon. The court of Appeals never describe what type of deadly weapon it was.

A deadly weapon is not a charge per se.

The court of Appeals here in Mississippi, is intentionally making erroneous decisions.

These are "exceptional circumstances" which warrant this court's discretionary powers,

I cannot get adequate relief from any other court.
Supreme court Rule 20(4)(a).

Reasons For Granting The Petition continue:

"The Voluntariness and intelligence of a guilty plea can be attacked on collateral review only if first challenged on direct review."

Bousley, 523 U.S. at 621, Supra.

Petitioner have challenged the above guilty Plea on direct review. See APPENDIX B.

"The injustice of his conviction is not mitigated by the passage of time. His Plea Should be treated as a Nullity and the conviction based on Such a Plea Should be voided" id at 629.

Petitioner's plea of 1987 is invalid as a matter of Constitutional law?

Like the case above, the Court and district attorney had knowingly conspired to deceive me in order to induce me to Plead guilty to a Crime that I did not commit. id at 626.

"There can be no room for doubt that such a circumstance 'inherently results in a complete miscarriage of justice' and presents exceptional circumstances' that justify collateral relief under 28 U.S.C. 2254(a), Supreme court Rule 20(4)(a).

Wherefore, I ask that the 1987 guilty Plea conviction be Vacated.

Conclusion

Petitioner's Prayer to the court is that it review the claims Presented.

"Provision of Antiterrorism and effective Death penalty Act preventing Supreme court from reviewing court of Appeals order denying leave to file second habeas petition by appeal or by writ of certiorari does not, by implication, repeal Supreme court's authority to entertain original habeas petitions."

Felker v. Turpin, 518 U.S. 651 (1996).
U.S.C.A. Const. Art. 3, Section 2; 28 U.S.C.A. 2254.
Petitioner asks that this court grant said writ of habeas corpus and that he be released from incarceration.

The two (2) decisions of the Mississippi court of Appeals, Appendices A and B are degrading to the U.S. Constitution, and should not be case law in the state of Mississippi.

Respectfully Submitted,

Dave Jackson #39640

July 12, 2023

~~June 2, 2023~~

Date