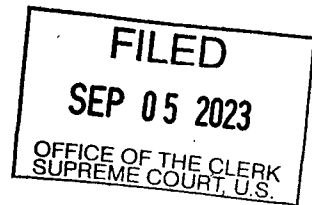


23 - 7148

No. 23-1660



IN THE

SUPREME COURT OF THE UNITED STATES

Washington, DC

Deterrius Wilson — PETITIONER
(Your Name)

vs.

Randy F. Philhows, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Deterrius Wilson
(Your Name)

300 Correction dr
(Address)

Newport AR, 72112
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

My Complaint is legitimate, and has merit it is neither frivolous, malicious, nor falls to state a claim upon which relief can be granted. I am being illegally detained on a illegal sentence that ~~it~~ was vindictively resentence on with out Jurisdiction and clerical error. My ex-post-facto rights where violated and the County thats detaining me is neglecting to allow me to file habeas Corpus. I want to be compensated for the years I was held against my will, and the pain and suffering. I've been targeted, retaliated against, and cruel and unusually punished every since I decided to take actions.

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:

Randy F. Philhours, Thomas Young, Dexter Payne,
Abby Rizer

RELATED CASES

U.S. V. Beggerly, 524 U.S. 38, 46 (1998)

U.S. V. Bennett, D.C. Md. 1954, 123 F. Supp.
& 11. Sentencing

Adams V. U.S., C.A. 10 (OK/a) 1967, 325 F.
2d 635, Certiorari denied 88 S.Ct. 117, 389 U.S. 880,
19. L.Ed.

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TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

1. Illegal sentencing
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12. Improper Calculation of Time served
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17. Criminal Law ~~and~~ parties entitled to allege error - a prosecutor cannot bind the people of a court to an unlawful or otherwise void sentence by failing to appeal it properly.
18. Selective or discriminatory prosecution.
19. Void Judgement

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 United States district Ark; 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: June 8 2023, 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

Civil Rights and Good Faith and Reasonableness; Knowledge and Clarity of law, motive and intent in general. A government official is entitled to qualified immunity if his conduct does not violate clearly established constitutional rights of which a reasonable person would have known. Judge falsified document in states brief alleging that the appeal courts remanded the authority to him to resentence petitioner. Then Judge gave vindictive sentence in resentencing hearing. Check states brief and sentencing order which are completely erroneous. Federal civil procedure = matters deemed admitted; acceptance as true of allegations in complaint. On a motion to dismiss, the court need not accept legal conclusions couched as factual allegations as true. Civil rights and municipalities & counties and their officers. Judge violated clearly established law when he falsified legal documents under the penalty of perjury in states brief and commitment order. That the appeals court remanded the authority to him to resentence petitioner, not only that he issued a vindictive sentence to petitioner, and maliciously prosecuted petitioner, not of plea agreement which judge and prosecutor violated 10 years after original sentence. After defendant begins service of general sentence valid on all counts court may not modify sentence. U.S. v. Berni, D.C. Md 1954, 123 F. Supp. 841. Sentencing and punishment 1894. Prosecutor did not comply with agreement, and directly affects lawfulness of sentence which is precise in an appeal. U.S. v. Van Thour, 1st Cir. 1996, 100 F.3d 590. Res Judicata and Collateral estoppel means simply that when an issue of ultimate fact has once been determined by a valid and final judgement, that issue cannot again be litigated between the same parties in any future proceedings. *Ashe v. Swenson*, 397 U.S. 436, 90 S. Ct 1189, 25 L. Ed. 2d 469 (1970). A prior judgement dismissing an indictment on the ground that the offense charged was barred by the statute of limitations has been held, irrespective of any question of former jeopardy, to bar a second prosecution under the same offense. *U.S. v. Oppenheimer*, 242 U.S. 25, 375, Ct 68, 61, L. Ed. 161, 3 A.L.R. 516 (1916). Petitioner was already sentenced in 2010 and revoked on suspended sentence on Feb 24, 2014. U.S. v. 137 S. Ct. 548, 551, 196 L. Ed. 2d 463 (2017). For the right to be clearly established, case law need not be directly on point but it must place the constitutional question beyond doubt. Selective or discriminatory prosecution - The Supreme Court has held that administration of laws with an evil eye and unequal hand so as to make an unjust and illegal discrimination between persons in similar circumstances constitutes a denial of equal protection. *Yick Wo v. Hopkins* 118 U.S. 356, 6 S. Ct 1064, 30 L. Ed. 220 (1886). Selective prosecution if based on improper motives, can violate the equal protection clause of the Fourteenth Amendment.

STATEMENT OF THE CASE

On 10-16-09, 2009-1377

I plead guilty to 2002-1377 Possession, Theft by Receiving and, Sim-pos. of Drug & Fire Arm. I received 10yrs in prison with 10yrs suspended Imposition on each charge run Concurrent. On Feb 24, 2014 Courts revoked my suspended Imposition on all charges and sentenced me to 3 different 10 year sentences run Concurrent. Courts dismissed the Sim-pos of Drug & Fire Arm charge because it was a illegal sentence. Then on March 26, 2018 Courts tried to revoke again. On 14 2018 prosecutor Thomas Young and Judge Randy Philhours tried to revoke Illegal sentence again. Once I defended my revocation hearing successfully and proved the sentence and hearing to be illegal Judge and prosecutor gave vindictive threats check Court transcripts, Judge stated, be careful what you wish for prosecutor stated we could have that party. On Oct. 18, 2018 Judge falsified documents in states brief that the appeals Court remanded the authority to him to vacate sentence then gave me a vindictive sentence. In 2009-1377. On 10-16-09 I plead to 10 years Judge and prosecutor vindictively resented me to 40 years and maliciously prosecuted me on 13-19 violated my due process, vacated my sentence denied me the right to withdraw my plea and breached the plea agreement. District and prosecuting Attorneys can be held liable for official acts, negligence, or misconduct. Judge Philhours used prior inconsistent statements in criminal cases, Ark. R. Evid. 801(c)(1) to justify giving a vindictive sentence. He used the testimony of a police officer from a previous revocation hearing that was rendered void. The officer wasn't even present at the resentencing hearing. The original sentence was void. A void judgement - it is as though such proceedings never occurred, the judgement is a mere nullity and parties are in the same position as if there had been no judgement. Plaintiff appellant v. Jerome Fleming, Defendant appellee no. 2012 CA 59, Feb 15, 2013. Then the Judge modified the sentence. That's severability of sentence because the sentences was run Concurrent and apart of a single scheme and changed the length of the sentence. U.S. v. Barnett, D.C. Md 1954, 123 F. Supp 841. Severability of sentence - error in imposing on first count a sentence in excess of the term provided by statute would not reduce the two year Concurrent sentences properly asserted on the other three counts nor affect the period of defendants incarceration, and properly assessed sentences were not rendered void. Adams v. U.S. CA 10 (OKla) 1967, 375 F.2d 635, certiorari denied 88 S.Ct 117, 386 U.S. 88, 19 L.Ed. 2d 137. Criminal Law 1177. 3(c)

REASONS FOR GRANTING THE PETITION

False Imprisonment and Persons Liable

ADC records personnel Abby Rizor Violated my Constitutional rights with false ~~records~~ ~~personnel~~ ~~imprisonment~~. Abby Rizor and Dexter Payne caused 5 year delay in my release from prison after I was granted parole. Even after the resentencing I was still eligible for parole because the Judge awarded me with 10 yrs time served which 40 years on 4 felony sim. Poss. drug & firearm in violation of ARK Code Ann. 5-74-106 is on 25% half of a half. So the 10 years credit that the Judge awarded me with still made me eligible for parole that I was already granted months prior to the resentencing hearing. After that records personnel Abby Rizor held me against my will and had my parole rescinded in March of 2019 due to a error in my Commitment Order she claims. She admitted in multiple documents that its an InCorrection see documents Included so its clearly on her and the ADC for the Continuous false Imprisonment. I was suppose to be release in Jan 2019. I understand that this 1983 § Action cannot and will not get me released from this illegal sentence. But it doesnt exclude the fact of negligence and misconduct displayed by these Officials nor does it barr compensation and damages claims of my Constitutional rights. I also disagree with district Judge Millers assessment of the 3 year statue of limitations rule because this is an on going matter and my Commitment Order is still not corrected and because of this InCorrection I am still illegally detained to this very date by MS Rizor and Dexter Payne. They are both aware of this InCorrection and neither put forth any effort to contact Courts and have it corrected so my parole could be reinstated. Instead they set back and continued to collect money daily from the government for housing me that's cruel & unusual, and every since I filed this 1983 action, I've been retaliated against repeatedly written false disciplinarys targeted, and locked down in Isolation without Isolation time. I've been denied all physical communications with my family every since phone and visitation. They are denying me my class in the ADC you need class to be released. They are denying me due process and violating my 8th and 14th amendments because all I need is my class to be put back up for parole. Abby Rizor was personally involved with the false Imprisonment she neglected to do her job properly which resulted in my delayed release. Estate of Walker, 881 F. 3d at 1060. Even though the Courts illegally resentenced me I was still suppose to be released because I was granted parole and was only doing a parole violation and Judge awarded me with time served 3650 days but due to the negligence of M.S. Rizor and Dexter Payne my release was delayed for over 5 years and I am still being held against my will all parties involved played separate parts ~~that~~ that resulted to my false Imprisonment.

Respectfully Deterius Wilson
petitioner

EX-post-facto after the fact of the agreement between me and the prosecution consequences ~~in~~ ^{were} harsher which is unconstitutional and breach of original agreement 10 years after the fact violation of Statue of limitation, Statutory former Jeopardy and Due process. I've lost several family members father, Mother and Grandmother while incarcerated illegally and denied attendance to their funerals. I lost property and missed out on my childrens high school years and graduations. I'm being continuously retaliated against and held against my will with out any justification please **CONCLUSION** help. All parties played seperate roles which resulted in my continuous false Imprisonment.

The petition for a writ of certiorari should be granted.

11th of March 2024

Respectfully submitted,

Datennig Wilson

Date:

3-1-24

3
Expi' June 9 2032

