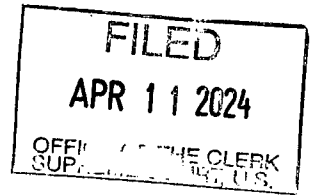


23-7370
No. _____

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

SAMMIE DAVIS KING JR. — PETITIONER
(Your Name)

VS.

GREGORY SAMBSON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

SAMMIE DAVIS KING JR.
(Your Name)

DODLY STATE PRISON, P.O. BOX 750
(Address)

Udall, Ga 31091
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Did the District Court err by overlooking Petitioner Procedural Default claim, when Petitioner was denied effective assistance of counsel in his 224(X)(2) claim? Yes.

Was the District Court and the 11th Cir was wrong under a Miscarriage of Justice by allowing Petitioner conviction to stand on a False Confession in violation of the United States Constitution? Yes.

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

LIST OF PARTIES

State of Georgia

District Atty Dennis Carl Sanders.

Ass. District Atty William Doufe

Trial Court Purnell Davis

Trial Counsel Harold Hinsey

Appellate Counsel Lucy Jackson Bell

District Court Judge Randall Hall.

Attorney General State of Georgia.

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TABLE OF AUTHORITIES CITED

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<i>Murray v Carrier</i> 477 U.S. 495, 96 - 2649	
<i>Gara v Thaler</i> 585 F.3d 888 (5 th Cir 2009).	89-90
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<i>Bilal v Driver</i> 251 F.3d 1346 (11 th Cir 2001),	1348, 49
<i>United States v Basurto</i> 497 F.2d 785 (9 th Cir)	787
<i>Walden v Gen. Public Corp.</i> 126 F.3d 526 (3 ^d Cir 1997)	517
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STATUTES AND RULES

28 U.S.C. § 2244(d)	28 U.S.C. § 1915(a)
Fed. R. Evidence 103(b)(2)	Fed. R. App. Pro. R. 16(a)(1)(3).
D. C. G. AS 24-4-48	

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 A to the petition and is

☐ reported at Document Enclosed; 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 B to the petition and is

☐ reported at Document Enclosed; 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 Need to be requested; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Need to be requested 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

The Fourth Amendment Provide that "no Warrant shall issue, but upon Probable cause, supported by Oath or affirmation,

The Fourth Amendment in the Bill of Rights declares that the People shall be secure in their house against unreasonable search and seizures and arrest.

The Fifth Amendment that no man is bound to accuse himself of any crime or to furnish any evidence to convict himself either in the form of oral confession or incriminatory admissions.

The Fifth Amendment 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 shall be compelled in any criminal to be a witness against himself nor be deprived of Life, Liberty or Property without Due Process of Law.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Sixth Amendment right to have effective assistance of Counsel. The Sixth Amendment is violated when a attorney has a conflict of interest, denying effective Counsel.

The Fourteenth Amendment of the United State Constitution Law § 840 Due Process conviction of crime upon an involuntary confession 2). Use by the State of a improperly obtained confession to procure a conviction of crime may constitute a denial of Due Process of law guaranteed in the Fourteenth Amendment.

Constitutional Law § 840 Due Process of law conviction obtained by means of coerced confessions

STATEMENT OF THE CASE

The Petitioner in this case is a pro-se litigant base his Pleadings of the Federal R. Evidence Rule 103(a)(2) and also Fed. R. App. Pro. R. 16(a)(1)(3), Objection to the Massachusetts Report and Recommendation.

The District Court err by agreeing with the Massachusetts Judge denies Petitioner habeas corpus as unkindly and in forma pauperis 28 U.S.C. § 2244(d) 28 U.S.C. § 1915(a).

The District Court err by overlooking Petitioner Procedural

Default claim and a Miscastage of Justice to ever come the Procedural bars under the actual innocent exception.

The Petitioner has been incarcerated for 27 years, lost

of wages, lost of home, his job and lost of over-time.

The Petitioner did provide a statement account form

to show that Petitioner is indigent, the District Court

abuse its discretion that Petitioner couldn't pay

STATEMENT OF THE CASE

the Filings at this Court is in error with the 5th cir rulings
Gaza v Thaler 585 F.3d 888, 89-90 (5th cir 2009), Choldins
PLRA Filings fee provision did not apply to habeas corpus
appeal and Dist. Court could not impose them as a matter
of discretion.

Abuse of discretion standard Hatchett v Nettle 201 F.3d
651, 652 (5th cir 2000), Bilal v Driver 251 F.3d 1346, 1348, 49
11th cir, 284 S.1651 (15 lb) (4) Guarantee that no Prisoner will
be barred pursuing appeal because he does not have
no money.

By denying Petitioner habeas corpus. The Fed. R. of
Evidence 103(a)(2) and Fed. R. App. Pro. R. 16(a)(1)(3).
The Petitioner did make an offer of proof of the
evidence see Report and Recommendation Page 2 Doc. 4
Pages 5-10, Objection to the Report and Recommendation

Page 9 of 15 and Pg 10 of 15. Here the Trial Court in Warren LOI

the District Court and the 11th circuit allowed a Police officer to
commit Perjury in both the arrest warrant affidavit,
the indictments and a False Confession because the
State could not place Petitioner at the scene of the crime,
There was no person with personal or independent knowledge of
the crime, there is no physical evidence indicating where
it occurred, and the only witness to the crime is officer
Mark Chestnans who fraudulently impersonates him
self as the accuser, and witness.

See Obstruction of Administration of Justice

United States v Basu rtd 497 F2d 785, 787 (9th Cir)]

United States Const. amend 14 was violated because defendant

had to stand Trial on an indictment which the government knew
was partially on Perjury testimony that the Perjury testimony
was material, Judgment Reversed.

This was abuse of discretion when evidence was offered as proof in which in conflict with *Walden v Gay Pacific Corp* 126 F.3d 506, 517 (3d Cir 1997). Although decisions to exclude evidence are generally reviewed for abuse of discretion, when a party fails to preserve the right to appeal an exclusion, we review for plain error. Under Fed. R. Evid. 103(a) a party may not appeal a ruling excluding evidence unless the party asserts error made an offer of proof at trial.

REASONS FOR GRANTING THE PETITION

The District Court and the 11th cir was wrong of denying Petitioner a COA in violation of the Fourteenth Amendment.

The State of Ga. had obtained a False Confession, because the State District Atty and a G.B.I. had no physical evidence, but conceal a medical examine Report.

Miranda v Arizona 384 U.S. 447 Id. at 1614

Petitioner's statement should have been inadmissible at Trial, because the Trial Court erred by allowing Petitioner's statements to be entered into evidence, when he knew the officers' statements were not accurately recorded.

It has been determined of the existence of entrapment is a question of law for the Court since law enforcement conduct which manufactures crime is a corruptive use.

of government authority which used to obtain a conviction
taints the Judiciary which tolerates its use.

see Jackson v Owen hearings: This case was entrapment,
in this case were the officers exploited the detention
to obtain evidence of a untrue confession.

Without no videotape or Audio Recordings being used,
The State of Ga. violated State Legislative Law see
D. L. G. AS 24-4-48 Petitioner make objection to the
admissibility of a videotape or Audio Recordings to create a
truth record what had occurred during the interrogation.

The officer in this case injected an Entrapment in a
form of trickery to get Petitioner to say things he wouldn't
say to incriminate himself because Petitioner was induced
forced and coerced to give a voluntary statement untrue.

Base upon a discovery, the State of Georgia
with held a medical Report, see *Miranda v Arizona* 384
U.S. 436, 477 *Id.* at 1614 False Confession.

The element shows a discrepancies in the Confession, and
the Medical Report, because it reveal the officer deprived
Petitioner of his INNOCENCES.

Petitioner was entitled the Medical Report contained in
the District Atty Files and fail disclose it at Trial.

Because Petitioner had discovery this evidence, it
show the officer falsified Petitioner arrest. Petitioner
Trial and Appellate Counsel also fail to disclose the Medical
Report, because it was relevant to the Jury.

Petitioner could not possess this evidence nor could he
obtain this information himself when both Trial and
Appellate had Petitioner file, they did not disclose no
issues with Petitioner.

This is a clear showing that both the State District Attorneys and Petitioner Trial and Appellate Counsel deprived Petitioner of his innocence, by giving the Jury a False Confession to find Petitioner guilty.

The medical Report was material it could have counter the Jury verdict. There is a reasonable Probability that had the medical Report been disclosed to the defense and Jury, The result of the Proceedings would have been different. A "reasonable Probability" is a Probability sufficient to undermine confidence in the outcome.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Samie Davis King Jr

Date: 4-11-2024