

ORIGINAL

23-7652

IN THE SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C.

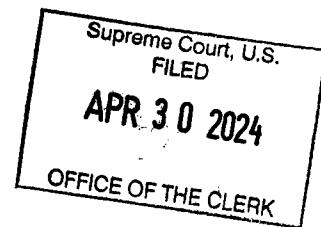
ANTHONY BROWN.
PETITIONER.

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VS.

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STATE OF TENNESSEE.



ORIGINAL PETITION FOR WRIT OF HABEAS CORPUS RELIEF PURSUANT TO
28 U.S.C.2241 (c) (3) AND RULE 20.4 OF THE SUPREME COURT RULES

ANTHONY BROWN PRO-SE
1760 PRESTON STREET
MEMPHIS TENNESSEE 38106

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28 U.S.C. 2253 (c),.....

28 U.S.C. 2254,.....

RULE 20.4 OF SUPREME COURT RULES OF THE U.S.

STATEMENT OF ISSUE FOR REVIEW

I.WHETHER THE SIXTH CIRCUIT COURT OF APPEALS ERRED BY FINDING THAT THE DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE DID NOT ERR BY GRANTING THE STATE OF TENNESSEE MOTION TO DISMISS PETITIONER ANTHONY BROWN PETITION FOR WRIT OF HABEAS CORPUS RELIEF AS BEING TIME BARRED BY ONE YEAR STATUTE OF LIMITATIONS ON HIS CONSTITUTIONAL CLAIMS OF INEFFECTIVE ASSISTANCE OF COUNSEL;

II.WHETHER THE SIXTH CIRCUIT COURT OF APPEALS ERRED BY FINDING THAT THE DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE DID NOT ERR BY DENYING PETITIONER ANTHONY BROWN MOTION FOR RELIEF FROM JUDGMENT PURSUANT TO RULE 59 (e) OF FEDERAL RULE CIVIL PROCEDURE ON MAY 17TH, 2022;

III. WHETHER THE STATE OF TENNESSEE DENIED PETITIONER ANTHONY BROWN HIS DUE PROCESS RIGHT TO A FAIR PRELIMINARY HEARING BY ALTERING THE POLICE OFFICER TESTIMONY WHEN HE TESTIFIED AT THE

HEARING THAT HE FOUND POWDER COCAINE BUT WHEN HE TESTIFIED AT TRIAL THAT HE FOUND CRACK COCAINE WHEN THE INDICTMENT CHARGE MR. BROWN WITH POWDER COCAINE IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION.

IV. WHETHER THE SIXTH CIRCUIT COURT OF APPEALS ABUSE ITS DISCRETION BY FAILING TO CONSIDER PETITIONER ANTHONY BROWN PETITION FOR WRIT OF MANDAMUS FILE IN THAT COURT IN DECEMBER OF 2022;

V. WHETHER IT WOULD RESULT IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE IF FAILURE TO CONSIDER PETITIONER ANTHONY BROWN CONSTITUTIONAL CLAIMS THAT THE STATE OF TENNESSEE DENY HIM DUE PROCESS OF LAW IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION;

VI. WHETHER PETITIONER ANTHONY BROWN IS BEING UNLAWFULLY HELD IN CUSTODY ON PAROLE IN RESTRAINT OF HIS LIBERTY WITHOUT DUE PROCESS OF LAW IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION;

VII. WHETHER PETITIONER ANTHONY BROWN CONSTITUTIONAL RIGHTS TO DUE PROCESS OF LAW WAS

VIOLATE WHEN HE WAS INDICTED FOR POWDER COCAINE AND CONVICTED FOR CRACK COCAINE WHICH DEPRIVE THE STATE COURT OF JURISDICTION TO ENTER THE JUDGMENT IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION;

VIII.WHETHER THE TENNESSEE COURT OF CRIMINAL APPEALS DECISION TO UPHOLD PETITIONER ANTHONY BROWN CONVICTION FOR SELL AND DELIVER CRACK COCAINE IS UNCONSTITUTIONAL BECAUSE HE WASN'T INDICTED FOR CRACK COCAINE IN VIOLATION OF HIS CONSTITUTIONAL RIGHTS TO DUE PROCESS OF LAW IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION;

THEREBY, THE COURT OF CRIMINAL APPEALS DECISION (1) RESULT IN A DECISION THAT WAS CONTRARY TO OR INVOLVED AN UNREASONABLE APPLICATION OF, CLEARLY ESTABLISHED FEDERAL LAW, AS DETERMINED BY THE SUPREME COURT OF THE UNITED STATES;,,OR

(2) RESULT IN A DECISION THAT WAS BASED ON AN UNREASONABLE DETERMINATION OF THE FACTS IN LIGHT OF THE EVIDENCE PRESENTED IN THE STATE COURT PROCEEDING. SEE JACKSON-VS-VIRGINIA.

IX. WHETHER PETITIONER ANTHONY BROWN WAS DENIED HIS CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW TO A FAIR TRIAL IN VIOLATION OF HIS SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF THE FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION;

PARTIES

1. MR ANTHONY BROWN PRO-SE, IS THE PETITIONER IN THIS CASE IN WHICH HE IS BEING ILLEGALLY HELD IN CUSTODY UNDER AN UNCONSTITUTIONAL JUDGMENT OF CONVICTION ON PAROLE UNDER A FATAL VOID 20 YEARS SENTENCE IN VIOLATION OF THE CONSTITUTION, LAWS OR TREATIES OF THE UNITED STATES. HE CAN BE CONTACT AT 1761 PRESTON MEMPHIS TN 38106.
2. RESPONDENT, JONATHAN SKRMETTI, IS THE ATTORNEY GENERAL OF THE STATE OF TENNESSEE, HE CAN BE CONTACT AT P.O.BOX 20207 NASHVILLE TN 37202.

3. TABLE OF CONTENT

AUTHORITIES.....

STATE-VS- BROWN, NO.W2010-01764-CCA- R3-CD-2012, WL 1154284.....5

SLACK-VS-McDANIEL, 529 U.S.473, (2000).....3, 6.

OPINIONS BELOW

CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF OPINIONS

1. THE OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ENTER ON NOVEMBER 01, 2022 IN RE: CASE No. 22-5504, ANTHONY BROWN -VS- STATE OF TENNESSEE, et al Originating Case No.: 2:21-cv-02416 APPEARS AT APPENDIX -A COPY ATTACHED HERETO.

2. THE OPINION OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MEMPHIS TENNESSEE ENTER ON THE 27TH DAY OF OCTOBER 2021 , IN RE: CASE No. 2:21-cv- 2416- MSN -tmp APPEARS AT APPENDIX -B COPY ATTACHED HERETO.

JURISDICTION

3. THIS HONORABLE COURT HAS ORIGINAL JURISDICTION OVER PETITIONER BROWN ORIGINAL EMERGENCY EXTRAORDINARY PETITION FOR THE CONSTITUTIONAL GREAT WRIT OF HABEAS CORPUS RELIEF PURSUANT TO ARTICLE III OF THE UNITED

STATES CONSTITUTION, 28 U.S.C. 2241 (c) (3) and RULE 20.4 OF THE SUPREME COURT RULES OF THE UNITED STATES.

4. PURSUANT TO TITLE 28 U.S.C. 2241 (c) (3) which states: (a) WRIT OF HABEAS CORPUS MAY BE GRANTED BY THE SUPREME COURT, ANY JUSTICE THEREOF, THE DISTRICT COURTS AND ANY CIRCUIT JUDGE WITHIN THEIR RESPECTIVE JURISDICTION. THE ORDER OF A CIRCUIT JUDGE SHALL BE ENTERED IN THE RECORDS OF THE DISTRICT COURT OF THE DISTRICT WHEREIN THE RESTRAINT COMPLAINED OF IS HAD.

(b). THE SUPREME COURT, ANY JUSTICE THEREOF, AND ANY CIRCUIT JUDGE MAY DECLINE TO ENTERTAIN AN APPLICATION FOR A WRIT OF HABEAS CORPUS AND MAY TRANSFER THE APPLICATION FOR HEARING AND DETERMINATION TO THE DISTRICT COURT HAVING JURISDICTION TO ENTERTAIN IT.

1. STATEMENT OF ON HOW THE WRIT WILL BE IN AID OF THE COURT'S APPELLATE JURISDICTION THE WRIT WILL BE IN AID OF THIS HONORABLE COURT APPELLATE JURISDICTION BECAUSE THE JUDGMENT IS FATAL VOID AND UNCONSTITUTIONAL BECAUSE THE TRAIL COURT CHANGE THE JURY VERDICT FROM SIMPLE POSSESSION OF POWDER COCAINE TO CRACK COCAINE IN CONTRARY TO THE INDICTMENT CHARGING MR BROWN WITH POWDER COCAINE AND NOT CRACK COCAINE.
2. PETITIONER BROWN SUBMITS THAT ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT.

3. PETITIONER BROWN MADE THE APPLICATION FOR WRIT OF HABEAS CORPUS RELIEF TO THE DISTRICT COURT OF MEMPHIS TENNESSEE IN WHICH THE COURT DENIED HABEAS CORPUS RELIEF ON CASE No. 2:21-cv-2416- MSN- tmp. IN WHICH THE ORDER STATES: ORDER DENYING MOTION TO TRANSFER SUCCESSIVE HABEAS PETITION ; ORDER GRANTING MOTION TO DISMISS UNTIMELY PETITION; ORDER DENYING PETITION PURSUANT TO 28 U.S.C. 2254; ORDER DENYING CERTIFICATE OF APPEALABILITY; ORDER CERTIFYING APPEALS NOT TAKEN IN GOOD FAITH AND ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL.

CONSTITUTIONAL PROVISIONS

THE FIFTH AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION WHICH STATES: NO STATE SHALL DENY OR DEPRIVE ANY CITIZENS WITHIN ITS JURISDICTION DUE PROCESS OF LAW NOR SHALL ANY STATE DEPRIVE ANY CITIZENS OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR DENY ANY CITIZEN THE EQUAL PROTECTION OF THE LAW OR TREATIES OF THE UNITED STATES CONSTITUTION.etc.

REASON FOR GRANTING THE WRIT

THIS HONORABLE COURT IN THE INTEREST OF JUSTICE SHOULD GRANT PETITIONER ANTHONY BROWN PETITION FOR WRIT OF HABEAS CORPUS RELIEF ON THE GROUND THAT TRIAL COUNSEL RENDER INEFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF HIS SIXTH AMENDMENT RIGHT TO A FAIR TRIAL AND THAT THE TRIAL COURT JUDGE LEE COFFEE ABUSE HIS AUTHORITY BY CHANGING THE JURY VERDICT FROM SIMPLE POSSESSION TO CRACK COCAINE IN VIOLATION OF MR BROWN CONSTITUTIONAL RIGHTS TO DUE PROCESS OF LAW IN VIOLATION OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

may transfer the application for hearing and determination to the district court having jurisdiction to entertain it.

**(c) The writ of habeas corpus shall not extend to a prison unless-
(3) He is in custody in violation of the Constitution or laws or treaties of the United States .Thereby;**

(2) .Pursuant to Rule 20.4 of the Supreme Court Rules of the United States provides as follows: (a) A petition seeking a writ of habeas corpus shall comply with the requirements of 28 U.S.C. 2241, which requires a statement of the “ reasons for not making application to the district court of the district in which the applicant is held”.

(3). Pursuant to Article I Section 9 Clause 2 of the United States Constitution which states: The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion the public safety may require

1. Petitioner Brown is mindful to justify the granting of a writ of habeas corpus, he must show that exceptional circumstances warrant the exercise of the Supreme Court’s discretionary powers and that adequate relief cannot be obtained in any other form or from any other court.

It is well settled Federal law and the Constitution of the United States, pursuant to Article I Section 9 Clause 2 that Habeas Corpus is the right to be held in jail only if there are specific, legitimate charges filed against the Petitioner.

In the interest of justice exceptional circumstances warrant this Honorable Supreme Court to exercise its discretionary power to grant Mr Brown federal habeas corpus relief to be immediate release from custody of the Tennessee Parole Board without any delay on the ground he is being unlawfully held in custody in violation of the

federal constitution, or laws or treaties of the United States pursuant to 28 U.S.C. 2241 and Rule 20.4 of the Supreme Court Rules.

Petitioner Anthony Brown is being unlawfully held in custody in restraint of his liberty without Due Process of Law in violation of the Constitution or Laws or Treaties of the United States;

1.Under a fatal void indictment that failed to give her notice of the charge against her in violation of her constitutional right to due process of law protected under the Fourteenth Amendment

Petitioner's bring this action against the Respondent pursuant to 28 U.S.C.2241 (c) statute to redress the deprivation under color of law of Petitioner's rights,privileges, and immunities secure under Constitution of the United States. THIS IS PETITIONER FIRST APPLICATION FOR WRIT OF HABEAS CORPUS RELIEF.

.In doing all of the acts and omission as alleged further herein each respondents involve in this case were and are acting and continues to act under color of state law,custom,usage, and by virtue of the authority vested in each of them by the constitutions and laws of the State of Mississippi and United States. Thereby the Respondents knew or should have known if they violate Petitioner Brown constitutional rights to due process of law protected under the Fifth and Fourteenth Amendment of the United States Constitution. Moreover, the Respondent has committed prosecutorial misconduct.

The indictment in this case was the charging instrument which was void when Petitioner without probable cause the indictment failed to give Petitioner proper notice of the charge against him in violation of his constitutional rights to due process of law protected under the Fourteenth Amendment of the United States of the United States Constitution.

A FATAL VARIANCE BETWEEN THE INDICTMENT AND EVIDENCE AT TRIAL.THEREBY MR JOHNSON CONSTITUTIONAL RIGHT TO A FAIR TRIAL WAS VIOLATED BECAUSE THE STATE VIOLATED HIS DUE PROCESS RIGHT TO BE GIVING NOTICE THAT HE WAS GOING TO TRIAL FOR CRACK COCAINE WHEN THE INDICTMENT ONLY PUT HIM ON NOTICE FOR POWER COCAINE.THEREFORE,THE CONVICTION IS UNCONSTITUTIONAL FOR CRACK COCAINE BECAUSE THE INDICTMENT CHARGE PETITIONER BROWN WITH POWDER COCAINE WHICH DEPRIVE THE STATE COURT JUDGE LEE COFFEE OF JURISDICTION TO ENTER THE JUDGMENT FOR CRACK COCAINE BASED ON OFFICER J.FOWLER TRIAL TESTIMONY IN WHICH OFFICER J.FOWLER TRIAL TESTIMONY WAS IN CONFLICT WITH HIS GRAND JURY TESTIMONY.

1.PURSUANT TO THE GRAND JURY INDICTMENT WHICH REFLECT THAT OFFICER J.FOWLER TESTIFIED BEFORE THE GRAND JURY ON OR AROUND APRIL 14TH,2009,THAT HE FOUND POWDER COCAINE INSTEAD OF CRACK COCAINE.

2.THE TWO(2) COUNTS INDICTMENTS STATES AS FOLLOWS:

COUNT(1)

THE GRAND JURORS OF THE STATE OF TENNESSEE,DULY SELECTED,EMPANELED,SWORN AND CHARGED TO INQUIRE FOR THE BODY OF THE COUNTY OF SHELBY,TENNESSEE,UPON THEIR OATH,PRESENT THAT:

ANTHONY BROWN

ON SEPTEMBER 11,2008,IN SHELBY COUNTY,TENNESSEE,AND BEFORE THE FINDING OF THIS INDICTMENT,DID UNLAWFULLY AND KNOWINGLY POSSESS WITH INTENT TO SELL POINT FIVE(0.5) GRAMS OR MORE OF A CONTROLLED SUBSTANCE,TO WIT: COCAINE,AS CLASSIFIED IN T.C.A.39-17-408,IN VIOLATION OF T.C.A.39-17-417,AGAINST THE PEACE AND DIGNITY OF THE STATE OF TENNESSEE.(SEE EXHIBIT-A INDICTMENT)

COUNT(2)

THE GRAND JURORS OF THE STATE OF TENNESSEE,DULY

SELECTED,EMPANELED,SWORN AND CHARGED TO INQUIRE FOR THE BODY OF THE COUNTY OF SHELBY,TENNESSEE,UPON THEIR OATH,PRESENT THAT:

ANTHONY BROWN

ON SEPTEMBER 11,2008,IN SHELBY COUNTY,TENNESSEE,AND BEFORE THE FINDING OF THIS INDICTMENT,DID UNLAWFULLY AND KNOWINGLY POSSES WITH INTENT TO DELIVER POINT FIVE(0.5)GRAMS OR MORE OF A CONTROLLED SUBSTANCE,TO WIT: COCAINE,AS CLASSIFIED IN T.C.A. 39-17-408,IN VIOLATION OF T.C.A. 39-17-417,AGAINST THE PEACE AND DIGNITY OF THE STATE OF TENNESSEE.

PETITIONER BROWN AVERS THAT HIS CONSTITUTIONAL RIGHT TO A FAIR TRIAL HAS BEEN VIOLATED ON THE GROUND THE STATE ATTORNEY COMMITTED FRAUD ON THE COURT BY ALLOWING THE STATE KEY WITNESS TO COMMIT PERJURY.FOR EXAMPLE: OFFICER J.FOWLER TESTIFIED AT THE PRELIMINARY HEARING THAT HE FOUND POWDER COCAINE IN MR BROWN POSSESSION DESPITE THE FACT THAT HE FOUND THE COCAINE INSIDE A WOMAN HOUSE.HE TESTIFIED BEFORE THE GRAND JURY HE FOUND POWDER COCAINE IN MR BROWN POSSESSION NOT CRACK COCAINE.BUT WHEN HE TESTIFIED AT TRIAL HE TESTIFIED HE FOUND CRACK COCAINE IN MR BROWN POSSESSION WHICH WAS GREAT PREJUDICE TO MR BROWN BECAUSE THE JURY CONVICTED HIM OF SELLING AND DELIVER CRACK COCAINE CONTRARY TO THE INDICTMENT.

3.PETITIONER BROWN CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW HAS BEEN VIOLATED ON THE GROUND THE STATE ATTORNEY COMMITTED FRAUD ON THE COURT BY PROSECUTING MR BROWN FOR CRACK COCAINE TO PREJUDICE THE JURY AGAINST MR BROWN WHEN THE INDICTMENT CLEARLY CHARGE MR BROWN WITH POWDER COCAINE AND NOT CRACK COCAINE THEREFORE,MR BROWN CAN NOT BE CONVICTED FOR CRACK

**TRIAL IN VIOLATION OF PETITIONER BROWN SIXTH AMENDMENT
RIGHT TO A SPEEDY TRIAL PROTECTED UNDER THE UNITED
STATES CONSTITUTION.**

3.Trial counsel failed to call witnesses on Petitioner behalf even after Petitioner had told the trial judge when he was on the stand testifying under oath that he wanted his lawyer to subpoena his witnesses to testify at his trial.

4.Trial counsel failed to call the investigator officer to testify at trial about the tail light, and that he was denied access to take a picture of the tail light on the Buick and he was ordered to get off the Sheriff impound lot.

Petitioner Brown submits that he suffered great prejudice when trial counsel failed to call the investigator officer to testify at trial to the above facts.

5.Trial counsel failed to call Ms Stacey Clarkson as a trial witness on Petitioner Brown behalf which was prejudice to his defense in violation of his constitutional right to a fair trial.

Petitioner Brown submits that Stacey Clarkson would have testified to the facts that she gave Petitioner her car to wash and that Petitioner didn't know where she lived and that she met Petitioner at the car wash and would also testify that cigar was in her car.

6.Trial counsel failed to call Carolyn Smith as a trial witness on Petitioner Brown behalf at his trial.

Petitioner submits that Carolyn Smith would have testified to the fact that Petitioner was on drugs and that he washed her car to get money to buy drugs and that he didn't sell drugs. Ms Smith would also testify to the fact that Petitioner lived with her.

7. Trial counsel failed to call Kathy Kent as a trial witness on Petitioner Brown behalf.

Petitioner Brown submits that Kathy Kent would have testified to the fact who gave her the picture the state used at the trial against Petitioner which was prejudice to his defense rendering counsel ineffective.

8.Trial counsel failed to subpoena the DISPATCHER RECORDS TO USE AS EVIDENCE AT PETITIONER BROWN TRIAL.

9.Petitioner Brown submits that the Dispatcher Records would shown when the arresting officer first noticed him and called in the tags on the car which verified that the tags was valid and the tail light wasn't broken.when the officer call in the tags he never told the dispatcher that the tail light was broken.

10.Trial counsel failed to call Eric Elms as a trial witness after Petitioner Brown sent him a subpoena.

Petitioner Brown submits Eric Elms would have been able to collaborate what the investigator officer would have testified to if they were called as witnesses.

11.Trial counsel failed to present the Affidavit of Complaint as evidence during Petitioner Brown after he requested counsel to do so for his defense.

Petitioner Brown submitted that the affidavit of complaint would have shown the inconsistent statement of the officers.

12.Trial counsel failed to present the official arrest report as evidence at Petitioner Brown trial which was prejudice to his defense.

Petitioner Brown submits that the inconsistent statements of the police report would have shown that the drugs were seized inside the house and not on Petitioner as the officer Pavatte falsely claimed.

13.Trial counsel failed to present the probable cause report which would have shown the officer made inconsistent statements at Petitioner Brown trial which was prejudice to his defense.

14.Trial counsel failed to file a Motion to produce the patrol car dash camera in which the video would have shown that the tail light wasn't broken on the Buick car Petitioner Brown was driving on the day in question which would dispute the officer testimony the tail light was broken when it was not.

Petitioner Brown submits that the officer Pavatte broke the tail light himself once he got the car on the Sheriff impound lot and that is why they didn't want the investigator on the lot to take pictures of the car.

15.Trial counsel failed to talk to or interview the other 30 officers that were present at the scene when Petitioner Brown was arrested.

Petitioner Brown submits any of these officers would have testified to the fact that the tail light wasn't broken on the car which would have disputed officer Pavatte testimony that the tail light was broken.

16.Trial counsel failed to talk to the U.S.Marshal or call them as trial witnesses in which the marshal would testify to the fact the tail light wasn't broken to disputed officer Pavatte testimony.

17.Trial counsel failed to file a MOTION TO SUPPRESS THE ILLEGAL OBTAIN EVIDENCE.

18.Trial counsel failed to subpoena the video camera at the Sheriff

impound lot which would have shown the tail light wasn't broken when the car Petitioner Brown was driving first place on the impound lot.

Petitioner Brown submits that a video camera at the Sheriff impound lot would have shown who tampered with the tail light if officer Pavatte didn't break the tail light.

19.Trial counsel failed to check and subpoena the log book at the impound lot to see which officer took the picture of the car.

20.Trial counsel failed to take a picture of the location the officer said Petitioner Brown made the U-turn.

Petitioner Brown submits if trial counsel would have subpoenaed the impound log book and the video footage at the impound lot would have been documentation of who took the picture and broke the tail light on the Buick he was driving.

21.Trial court Judge Lee Coffee displays Bias and Prejudice toward Petitioner Brown by telling him not to file any more complaint against Judge Coffee or his trial lawyer Clayborne.

Petitioner Brown submits if the jurys knew that his lawyer and the Judge Coffee denied him everythings he requested them to do the jurors would have clearly seen that he was denied a fair trial in violation of his constitutional Sixth Amendment right protected under the United States Constitution.

22.Trial court Judge Lee Coffee put Petitioner Brown on the witness stand trying to intimidate him by telling him he was going to get 40 to 60 years if he went to trial, in other words the Judge was trying to get Petitioner to plead guilty.

23. The Trial Judge Lee Coffee displayed bias and prejudice toward Petitioner Brown at his post conviction proceedings because he filed a judicial complaint against Judge Lee in which Judge Lee denied Petitioner a fair post conviction hearing.

24. Trial counsel failed to cross-examine officer Chris Harris who was the first officer during the trial about his testimony at the preliminary hearing in which he testified that he searched the house but at trial he testified he pulled Petitioner over.

25. Trial counsel failed to properly cross-examine officer Jody Fowler during trial he stated that all he did was take the drugs to the property room, but at the preliminary hearing he stated he was the one who pulled Petitioner Brown over as Petitioner approached his vehicle.

26. Trial counsel failed to argue at trial and on direct appeal that Stacey Clarkson wasn't his co-defendant in this case.

27. Trial counsel and the D.A. Mr Chris Scruggs agreed to not bring up Stacey Clarkson's name during trial because it would prejudice the jury against Petitioner.

Petitioner Brown submits that trial counsel rendered ineffective assistance by allowing officer Chris Harris to bring up Stacey Clarkson's name during his testimony at trial after counsel and D.A. Scruggs agreed not to bring up her name which prejudiced the jury against Petitioner.

28. Trial counsel failed to allow Petitioner Brown to wear free world clothes to trial forcing Petitioner to wear jail clothes to trial which was prejudiced to him because the jurys knew he was locked up in custody with jail clothes on.

29. Trial counsel only came to visit Petitioner Brown one time at 201

Poplar Ave. which is the county jail thereby Petitioner didn't have enough time to build a defense because counsel failed to come visit him more than one time.

30. Trial counsel failed to subpoena D.A. Chris Scruggs because he made a statement during Petitioner Brown preliminary hearing about not allowing the investigator officer to take pictures of the car he testified the Petitioner didn't have a right to the car.

31. Trial counsel and trial Judge Lee Coffee conspired together by not allowing Petitioner to have any input in his own defense.

Petitioner submits if he would have had any input into his defense he would have been able to show the inconsistencies statement or testimony that the drugs was seized in Stacey Clarkson house and not on Petitioner when he was arrested.

32. Trial counsel violated Petitioner Brown constitutional right to a fair trial and Judge Lee Coffee stated in court on the record when Petitioner asked for a NEW TRIAL that it was on may lawyer by not allowing Petitioner to have witnesses for his defense.

33. Trial counsel failed and refused to strike a jury member off the jury selection when Petitioner was picking the jury.

Petitioner submits if the jury he selected to be removed from the jury selection THE JURY VERDICT WOULD HAVE BEEN DIFFERENT BECAUSE THE JURY HE SELECTED TO BE REMOVED STATED DURING VOIR DIRE THAT HER BROTHER DIED FROM COCAINE WHICH WAS PREJUDICE TO HIS DEFENSE.

34. Trial counsel failed to cross-examine officer Jason Bartlett about all the officers Chris Harris, Jody Fowler, and James Pavatte inconsistent statements.

LAW AND ARGUMENT

III. IN THE INTEREST OF JUSTICE THIS HONORABLE COURT SHOULD AWARD THE PETITIONER BROWN HABEAS CORPUS RELIEF TO BE IMMEDIATE RELEASE FROM CUSTODY ON THE GROUND THAT HE IS BEING UNLAWFULLY HELD IN CUSTODY ON PAROLE IN VIOLATION OF THE CONSTITUTION OR LAWS OR TREATIES OF THE UNITED STATES DUE TO HIS CONSTITUTIONAL DUE PROCESS RIGHTS TO A FAIR TRIAL HAS BEEN VIOLATED BECAUSE HE CONVICTED FOR CRACK COCAINE WHEN HE WAS INDICTED FOR POWDER COCAINE BY RESPONDENT OR ISSUE AN ORDER DIRECTING THE RESPONDENT TO SHOW CAUSE WHY THE WRIT SHOULD NOT BE GRANTED.(See 28 U.S.C.2243).

28 U.S.C. 2243. ISSUANCE OF WRIT; RETURN; HEARING; DECISION STATES; A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted,unless it appears from the application that the applicant or person detained is not entitled thereto.

The writ,or order to show cause shall be directed to the person having custody of the person retained.It shall be returned within three days unless for good cause additional time,not exceeding twenty days,is allowed.

The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.When the writ or order is returned a day shall be set for hearing,not more than five days after the return unless for good cause additional time

is allowed.

Unless the application for writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.

The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts. The return and all suggestions made against it may be amended, by leave of court, before or after being filed.

The court shall summarily hear and determine the facts, and dispose of the matter as law

RELIEF SOUGHT

The Petitioner ANTHONY BROWN request that the Honorable Court grant her the following relief;

- 1. Grant the Petitioner Habeas Corpus relief or ordering the Respondent Attorney General AMY WEICH to immediately release he from custody on the ground Petitioner constitutional right to due process of law has been violated and that he received ineffective assistance of counsel in violation of the Sixth and Fourteenth Amendments of the United States Constitution.**
- 2. If the judgment is allow to stand Petitioner Brown would be a victim of a fundamental miscarriage of justice because he will be held in custody under an unconstitutional judgment of conviction for crack cocaine when the indictment charge him with powder cocaine.**
- 3. Grant Petitioner any relief the court deems that he is entitled too due to the violation of his constitutional rights to due process of law protected under the Fourteenth Amendment of the United States Constitution.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE
FOREGOING HAS BEEN SENT BY THE U.S. MAIL FIRST CLASS
POSTAGE PREPAID TO

ATTORNEY GENERAL OFFICE 201 poplar, Memphis, TN 38103
ATTORNEY GENERAL
NASHVILLE TENNESSEE

MAY 10th, 2024
ON THIS 


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