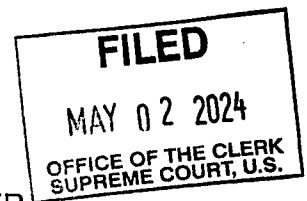


No. 23-10217

24-5470

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Larry Jerome Grady — PETITIONER
(Your Name)

vs.

Captain Kevin White — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

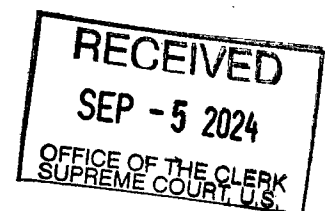
Eleventh Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Larry Jerome Grady
(Your Name)
Childersburg CWC CG-9A
P.O. Box 368
(Address)

Childersburg, AL 35044-0368
(City, State, Zip Code)

N/A
(Phone Number)



QUESTION(S) PRESENTED

I. Whether Grady is entitled to a Default Judgment as his allegations must be true because the Attorney General did not respond pursuant to a Court order (Appendix A-2) on February 26, 2023 and Grady deserves notice on what was mooted in his appeal? YES!!!

II. Whether it is a complete denial of equal Protection and due process of law by denying Grady Redress for his grievances on his actually and factually innocence of the conviction by holding an uneducated Grady, who did not complete the 9th Grade to the standard and Knowledge of an attorney, with a lifetime of experience in the law, limiting Grady's access to the courts and cruelly and unusually punishing Grady by the State of Alabama withholding the evidence that proved Grady innocence as the State withheld from the Jury that the victim was a Gang Member Thief Robbing Grady making Grady factually innocent for this Court to give him an Attorney?

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:

Captain Kevin White
Attorney General Steve Marshall
Lee County, Alabama
State of Alabama

RELATED CASES

Larry Jerome Grady v. State of Alabama, CC-

Larry Jerome Grady v. State of Alabama, CR-05-0642
988 So. 2d 1078 (Ala. Crim. App. 2006) (Unpublished Memorandum)

Larry Jerome Grady v. State of Alabama, CR-06-1236
21 So. 3d 798 (Ala. Crim. App. 2008) (Unpublished Memorandum)

Grady v. Jones, 2011 U.S. Dist. LEXIS 76390 (M.D. Ala., July 14, 2011)

Grady v. Jones, 2014 U.S. Dist. LEXIS 109355 (M.D. Ala., Jan. 21, 2014)

Grady v. Jones, 2012 U.S. Dist. LEXIS 109355 (M.D. Ala., Aug. 6, 2012)

Grady v. White, 2022 U.S. Dist. LEXIS 234581 (M.D. Ala., Oct. 3, 2022)

Grady v. White, 2023 U.S. Dist. LEXIS 981 (M.D. Ala., Jan. 4, 2023)

Grady v. White, 2024 U.S. App. LEXIS 2014 (11th Cir. App., Jan. 30, 2024)

Grady v. White, 2023 U.S. App. LEXIS 10047 (11th Cir. App., Mar. 7, 2023)

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	8
CONCLUSION.....	19

INDEX TO APPENDICES

APPENDIX ~~A-1~~ ^{A-1} = 11th Circuit Order for Attorney General to respond

APPENDIX B ^{and B-2} = 11th Circuit denial of Grady default judgment

APPENDIX C1 thru C19 = Rule 32 Memorandum filed in Lee County, Alabama

APPENDIX D = Picture of excluded evidence proving it was Grady's brand new mustang being stolen

APPENDIX E = Picture of exculpatory evidence proving the victim was stealing Grady's car where his blood and DNA on the seats

APPENDIX F = Picture of exculpatory evidence proving the victim Blood and DNA proves he was committing a felony

APPENDIX G = Waiver from the Attorney General still refusing to give Grady redress.

APPENDIX H = Rule 55 Default Judgment

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Berger, v. United States</i> , 295 US 78 (1935)	11-13
<i>Bernal, v. United States</i> , 458- US 858 (1982)	10
<i>Bousley, v. United States</i> , 523- US 614 (1998)	13-15
<i>Boyd, v. United States</i> , No. 983 (1886)	8-9
<i>Engle, v. United States</i> 456 US 107 (1982)	12
<i>Nobels, v. United States</i> 422 US 45 (1975)	9-11
<i>McQuiggin, v. United States</i> 569 US 383 (2013)	15-18
<i>Murray</i> , 106 S Ct 2639	12
<i>Schlup, v. United States</i> 513 US 298 (1995)	13

STATUTES AND RULES

Rule 55, F.R. Civ.P.	iii
28 USC § 2244	14

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+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 _____ 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 February 26, 2024.

☐ 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

First Amendment

Fifth Amendment

Eighth Amendment

Fourteenth Amendment

Article I, Section 9, Clause 2

Article VI, Clause 2

STATEMENT OF THE CASE

On 3-16-2006 trial Counsel Margaret Y. Brown filed a motion to withdraw.

I never knowed why she withdrewed herself from my case at the time of need.

I never knowed why she did not object to the misconduct of the District Attorney, and why she didn't object to the District Attorney for withholding the evidence. [See Appendix C-1], [See Appendix D] marked as Petitioner's Exhibit #A, which shows a picture of my car that was being stolen. [See Appendix E] which shows Petitioner's Exhibit #B that shows the parts that was takeing from my car as evidence. [See Appendix F], It is showing the clothe that was cut from the driver's set of my as evidence.

The Court Can Clearly See the parts are marked as Petitioner's Exhibit #B. These parts should of been in the Court room for the jury to view.

The District Attorney knowed if he had introduce these exhibits to the jury, he knowed the jury would of seen the victim was committing a Class A Felony when he was shot and the out come of this case would of been different.

None of these parts/items was in the Court room, they was clearly marked as exhibits to be entered in Court for review.

My Attorney Margaret Y. Brown Clearley knowed the evidence would of showed the Motive of the shooting

She did not object to the District Attorney misconduct of not introducing the exhibits into the Court room for the jury to view.

My Attorney and District Attorney both knowed it would have showed Motive for the shooting, and the only intent was I intended to be in Court that day at the Opelika, City Court at 1:30 that after noon to pay a speeding ticket.

If my Attorney had did a proper investigation like I told her to, she would of seen that everything I told her was true.

I never intended to hurt anyone that day. If I had taken the stand and testify and tell the truth about what really happen the out come would of been different.

It was important that the victim family know the truth about what happen.

"But"! instead, the District Attorney gave false statements to the jury just to get a conviction.

The District Attorney knowed if he had introduce those items to the Court and jury, he knowed those items would of showed the motive for the shooting.

Could this be why my appeal was mooted because the Attorney General didn't want the truth to come out.

The District Attorney withheld all the evidence that was favorable to my defence.

I am in prison, and have been in here for 18 years on a one sided case.

My Attorney Ms. M.Y. Brown knowed the District Attorney was in Bad Faith when he told Brian Wilson not to do a DNA testing. [She did not object to that.]

Ms. Brown knowed he was in violation of his duty as a officer of the Court, and she knowed he was in violation of the Ethic Code and she did not do anything to argue to the Court/Judge that the District Attorney was/is using bad faith and bad conduct to mislead the jury in order to get a conviction.

When Ms. Brown withdrew from my case, she showed Abandonment. She abandon me in the time of need.

On 3-21-2006, the Court appointed Steven Speakman to represent me on appeal.

On or about the 10th or 11th month of 2006, Attorney Steven Speakman filed a Anders Vs. California no merit brief and withdrew himself off my case.

He also showed Abandonment. It is clearly Merits and grounds for a Appeal.

He also stated on his motion to withdraw, there was no arguable issues to be argueable on appeal.

That was in bad faith when he said there was no arguable issues to be argued.

He never intended to represent me, nore was he in good faith to help. There was Merits and Grounds for a appeal.

On or about 10-11-2023, the Eleventh Circuit for the United States Court of Appeals gave a Court order Respondents\ Appellees\ Parties\ Attorney General for the State OF Alabama, Steve Marshall 14 days to answer to a Court order.

The Appellees fail to respond to that Court order. The Appellees fail to show proper Cause for mooting and dismissing the Appellant's appeal. This is a proper Cause for default.

Again on that same Court order the Court gave the Appellees another 14 days to respond to any renewed motion runs from the date the Opposing party's notice is docketed.

The Appellees fail to file an notice with the Clerk specifying which motion was mooted by the dismissal of this appeal.

The Appellees disregarded a Court order, that's not ground for default. It is default by law.

Again on or about 2-26-2024, Appellant Grady\ Petitioner, got a order from the Eleventh Circuit Court of Appeals denying my motion for default judgment, it stated: Petitioner\ Appellant's motion for default judgment is denied.

It said, this Court does not resolve appeals by default.

The Court Can plainly see this Case is defaulted and frivolous because the Appellee\ Attorney General Can not show reason and what motions he used to moot and dismiss my appeal.

This case should be reverse, and remanded, and rule in favor of the Appellant\ Petitioner.

REASONS FOR GRANTING THE PETITION

It is the duty of Courts to be watchful for the Constitutional right of the Citizen, and against any stealthy encroachments thereon.

Edward A. Boyd and George H. Boyd, Claimants
Of Thirty-Five Cases of Plate
Glass, Plffs. in Err.,
Vs.
United States.

[No. 983.]

Argued Dec. 11, 1885. Decided Feb. 1, 1886.

The dual aim of our Criminal justice Systems is "that guilt shall not escape or innocence suffer,"

Berger V. United States, 295 US 78, 88, 79 L Ed 1314, 55 S Ct 629 (1935).

How is it that the District Attorney can make a guilty innocence and make a innocence person guilty?

The District Attorney knewed the victim was in the process of stealing Grady's car.

He misled the jury and did not show motive for the shooting.

In every case there has to be motive.

Grady had a right to protect his property.

The District Attorney violated the Dual aim of the Criminal justice system.

[SEE] United States, Petitioner,
Vs.

Robert Lee Nobles
422 US 225, 45 L Ed 2d 141, 95 S Ct 2160

[No. 74-634

Argued April 23, 1975.
Decided June 23, 1975.

Under the Due Process Clause of the Fourteenth Amendment, Criminal prosecutions must comport with prevailing notions of fundamental fairness.

We have long interpreted this standard of fairness to require that Criminal defendants be afforded a meaningful opportunity to present a complete defense.

To safeguard the right, the Court has developed "what might loosely be called the area of Constitutionally guaranteed access to evidence."

United States V ~~<*~~ pg. 420 > Valenzuela - Bernal, 458 U.S. 858, 867, 73 L Ed 2d 1193, 102 S Ct 3440 (1982).

Taken together, this group of Constitutional privileges deliver exculpatory evidence into the hands of the accused, thereby protecting the innocent from erroneous conviction and ensuring the integrity of our criminal justice systems.

As this Court can see: My Due Process Clause of the Fourteenth Amendment was, and is still being violated.

The Court gave the Attorney General 14 day to file to the Eleventh Circuit Court Clerk showing what motions that was mooted, the Court want to know as well as I.

(See Appendix E) [WAIVER]

As this court can see, the Attorney General is not intened to fill a response unless one required by the court.

The United States is the representative not of an Ordinary party to a **Controversy**, but of a **Sovereignty** whose obligation to govern impartially is as Compelling as its obligation to govern at all; and whose interest, therefore, in a Criminal prosecution is not that it shall win a case but that justice shall be done.

As such, he is in a peculiar and very definite sense ~~the~~ servant of the law, the twofold aim of which is that the guilt shall not escape or innocence suffer.

He may prosecute with earnestness and vigor - indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

Harry Berger, Petitioner
VS.

United States of America,
[79 L Ed 1314] (295 US 78-89.)

[No. 544.]

Argued and Submitted March 7, 1935. Decided April 15, 1935.

As this Court can see, the Attorney General has a obligation to see to justice be done, it is his duty to refrain from improper methods calculate to produce a wrongful conviction as it is to use every legitimate means to bring about justice.

The Attorney General is in default and this case should be overturn and ruled in the favor of Grady. this case should be dismissed and given Grady time served.

As we clearly stated in *Engle v. Isaac*, 456 U.S. 107, 71 L. Ed. 2d 783, 102 S. Ct. 1558 (1982), "futility. cannot constitute cause if it means simply that a claim was unacceptable to that particular Court at that particular time." *Id.*, at 130, n. 35, 71 L. Ed. 783, 102 S. Ct. 1558.

Therefore, petitioner is unable to establish cause for his default.

[1g][13a] Petitioner's Claim may still be reviewed in this collateral proceeding if he can establish that the Constitutional error in his plea colloquy "has probably resulted in the conviction of one who is actually innocent."

Murray v. Carrier, *Supra*, at 496, 91 L. Ed. 2d 397, 106 S. Ct. 2639, To establish actual innocence, petitioner must demonstrate that, "in light of all the evidence," "it is more likely than not that no reasonable juror would have convicted him."

Schlup V. Delo, 513 US 298, 327-328, 130 L Ed 2d 808, 115 S Ct 851 (1995) (quoting Friendly, is Innocence Irrelevant? Collateral Attack on Criminal Judgments, 38 U. Chi. L. Rev. 142, 160 (1970)).

The District Court fail to address petitioner's actual innocence, perhaps because failed to raise it initially in his § 2255 motion.

However, the Government does not contend that petitioner waived this claim by fail to raise it below.

Accordingly, we believe it appropriate to remand this case to permit petitioner to attempt to make a showing of actual innocence.

[1h][13b] It is important to note in this regard that "actual innocence" mean factual innocence, not mere < * pg. 841 > legal insufficiency.

Petitioner Grady has been trying to prove that he is actual innocence. The Petitioner has demonstrated for 18 years that he was only trying to stop the Victim from stilling his car. The District Attorney in Bad Faith mislead the jury without showing motive for the shooting and withheld all the evidence that favorable to my defense.

[SEE] Kenneth Eugene Bousley, Petitioner
vs.

United States

523 US 614, 140 L Ed 2d 828, 118 S Ct 1604

[No. 96-8516]

Argued March 3, 1998 / Decided May 18, 1998

Actual innocence, if proved, held to be gateway through which State prisoner petitioning for federal habeas Corpus relief might pass, regardless of whether impeded by procedural bar or expiration of 28 U.S.C.S. § 2244(d)(1)'s limitations period

Petitioner Grady want this Higher Court to know that I am actual innocence and I should of never been charged with intentional murder, God knows I never intended to hurt any one that day of March 31, 2023, if my Attorney had did a proper invesigation she would of seen that I had to be in court that day at 1:30 that after noon to pay a speeding ticket that I got on or about January of 2023.

All she had to do was get a copy of the City of Opelika Police Court docket for traffic Court at 1:30 March 31, 2023 she would seen where I was suppose to be at the time of the shooting. She could of had that as evidence to show to the Court and jury. That would of prove that I went back to to my farther's home to get the ticket that I forgot when I left for Court.

Again the District Attorney knowed this was not a in-
tentional murder, he knowed this was, and is a crime of heat of passion and the only thing I was trying to do was stop the theft of my car.

The District Attorney knowed the victim was committing a **Class A Felony** that cause the shooting, he mislead the jury and didn't show motive for the shooting.

The Attorney General and the Judge knowed the District Attorney with held the evidence that favorable to Grady.

Petitioner Grady has proved time after time he is actually innocence with the lower courts in Alabama, they just look over the Petitioner's Motions, **Complants**, and **affidavits** and denie everything because the Petitioner is not educated to the law and do everything and all the filing **Pro-Se**.

The Petitione in Good Faith hope and the this higher Court rule in the favor of the Petitioner Grady and make a ruleing on **Default**, and give a Judgment of time served.

Greg McQuiggin, Warden, Petitioner v. Perkins
569 U.S. 383, 386 (2013)

Ozie Powell, Willie Robinson, Andy Wright
Olen Montgomery, Petitioner,
vs.

State OF Alabama. (No. 98.)

Haywood Patterson, Petitioner,
vs.

State OF Alabama. (No. 99.)

Charley Weems and Clarence Norris, Petitioner,
vs.

State OF Alabama, (No. 100.)

[77 L Ed 158] (287 US 45-77.)

[Nos. 98, 99, and 100.]

Argued October 10, 1932. Decided November 7, 1932.

Appeal, § 709 - questions reviewable in Federal Supreme -
Violation of State law.

[SEE Powell v. Alabama Pg. 19] [287 US 69]

Powell V. Alabama : [287 US 69]

It States: To be heard would be, in many Cases, of little avail if it did not comprehend the right to be heard by Counsel.

Even the intelligent and educated layman has small and sometimes no skill in the science of law.

If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad.

He is unfamiliar with the rules of evidence. Left without the aid of Counsel he may be put on trial without a proper charge and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible.

He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one.

He requires the guiding hand of Counsel at every step in the proceedings against him.

Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.

If that be true of men of intelligence, how much more more true is it of the ignorant and illiterate, or those of feeble intellect.

If in any case, civil or criminal, a state or federal Court were arbitrarily < *pg. 171 > to refuse to hear a by counsel, employed by and appearing for him, it reasonably -

may not be doubted that such a refusal would be a denial of a hearing, and, therefore, of due process in the Constitutional sense.

As this Court can see, the Petitioner Grady is a Pro-Se Litigator and is unfamiliar with the rules of evidence.

The District Attorney knewed I was ignorant to the law, that's why the District Attorney withheld all the evidence in the favor of the Petitioner, he misled the jury and held out the evidence because he knewed my Attorney was not going to object to his misconduct.

The Attorney General knewed I was illiterate and uneducated to the law, and was a Pro-Se Litigator and has no skills on putting up a good defense. That why he mooted my appeal and dismissed it.

The Attorney General is still is refusing to answer to to the Court order. [See Appendix G]

The Attorney General is in Violation of my 14th Amendment and my 5th Amendment of due-process right.

I, the Petitioner has the right by law as well as the Court to know what was Mooted that he dismiss my appeal.

He is in Default and this Case should be Reversed, Remanded, and Vacated because the Attorney General has fail to answer to a Court order.

Conclusion

In my Closing Conclusion, I'm asking this Court to reconsider this Case and make a ruling in the favor of the Petitioner for Summary Judgment on the grounds of Default.

This Court can clearly see that my motion was granted on or about 10-2023. [See Appendix A2 - pg. 2 of 2.]

The Court can clearly see that the Appellee \ Parties had 14 days by the Court order to show the Court what was it that he mooted to dismiss my appeal.

The Attorney General know that the Court has a right to know what was it that was mooted.

The Court had a proper cause to send that Court order but the parties still fail to comply with the Court order.

The Eleventh Circuit Court of Appeals, in good faith filed a Court order asking the Parties to file to the Court Clerk within 14 days to show what was mooted that dismiss the Petitioner's appeal.

The Eleventh Circuit Court of Appeals could not find anything in the Court records that was mooted.

The Respondent never sent me the Petitioner \ Appellant a copy of a motion showing why appeal was denied.

The Appellant didn't know anything about his case

being mooted until I got the Court Order from the 11TH Circuit Court of Appeals.

Appellant \ Petitioner Grady never knowed why his appeal was denied.

Again the Court gave the Opposing party another 14 days if seeking to renew a Motion, after the 14 day renewal period expires will be required to refile the motion.

The Attorney General fail to follow the instruction of the Court because he don't have anything to show, none can he show the court what was it that he mooted, He can't show what it was that was mooted because there is nothing in my transcript that can be mooted because everything is in the favor of the Petitioner Grady.

If the Court had given the Petitioner Grady 14 days to file a motion of response to the Court Clerk; and if he didn't do so in the time frame that was required by a Court order, the Court would dismiss my motion on grounds of Default and failure to comply with a Court order.

Law is Law and default is a rule, and the Attorney General should be held responsible for his action because no-one is above the law.

This case is clearly **Defaulted** and this issue should be reviewed.

The Petitioner, Larry Jerome Grady is asking the United States Supreme Court to hold the Appellee, Attorney General in Contempt for Failure to obey a Order Compelling Answer to a Federal Court Order.

The Attorney General has refused and still is refusing to comply with a Federal Court order dated 10-11-2023, that puts him in Default.

The Attorney General office of their County should fully report their findings, with recommendation that the Petitioner be granted or refused, and he "shall" assign fully and in detail their reason for the recommendation.

Because the Opposing party did not do what was required by Law.

I ask this Court in good faith to grant the Petitioner Grady Summary Judgment on grounds of Default.

This Case should be acquitted and Vacated.

The Petitioner in good faith is asking this Court to grant him Writ of Certiorari.

Respectfully Submitted

Larry Grady

Date: _____