

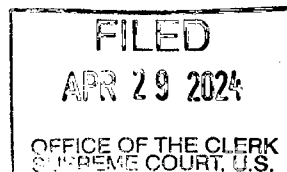
24-5509

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



James Rashad Clay — PETITIONER
(Your Name)

vs.

Roy Odum, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Northern District Court of The State of Ga.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James Rashad Clay #1001326571
(Your Name)

3620 Harris Road
(Address)

Waycross, Ga 31503
(City, State, Zip Code)

NIA
(Phone Number)

QUESTION(S) PRESENTED

1. Why was the November 14, 2012 gunshot residue report under Division of Forensic Sciences Case # 2012-1014511 by Georgia Bureau of Investigation Microanalyst Michael P. McCarriagher excluded from petitioner's trial? (Brady Violation)
2. Can a grand jury return a bill of indictment after adjournment of court term similar to petitioner (12-B-4745-3)?
3. In relation to Det. Robinson's trial testimony of taking live rounds from his duty magazine handgun and placing them into the duty magazine of the alleged murder weapon before admission into evidence log, can an explanation be made about the handling of physical evidence during the chain of custody?
4. Why petitioner was denied right to effective assistance of counsel after discovery of pre-trial letter displaying violation of attorney/client jail conversations instructed by trial prosecutor?
5. Upon inconsistent trial testimony of state witnesses, should have the court been held in contempt due to perjury?
6. Due to the criminal charges brought against former trial judge Schrader and Ed Kramer in 2019 along with a 2006 court hearing of the two (Case # 06-A-02986-3 File date 03/21/2006), Why hasn't every case former judge Schrader presided over been reviewed and overturned due to corruption violating petitioner's right to Due Process (conflict of interest)?
7. Why former Georgia Supreme Court Chief Justice Harold Melton affirm petitioner's conviction (Case # SA0A0727) with the agreement to a false rebuttal/opinion contrary to a trial testimony given by state witness Ronald Collins (perjured testimony)?
8. Why certified court Reporters Becky Pearrow and Kristina Steffey omit state witness Det. Robertson's Motion to Revoke Bond hearing testimony confirming negative ballistics test results along with trial testimony admitting to having "spare bullets" in his precinct locker box from petitioner's court transcript? (Falsification of court documents)

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:

1. Kathryn Schrader - Former State Trial Judge
2. Daniel Porter - Former District Attorney
3. Akintunde Akinjide - Ineffective State Trial Counsel For Petitioner
4. John Warr - State Prosecutor
5. Harold Melton - Former Ga. Supreme Court Chief Justice
6. Michael Karpf - State Habeas Corpus Judge
7. J. Clay Fuller - United States Magistrate Judge
8. Roy Odum - Warden
9. Matthew Crowder - Counsel For Respondent
10. Christopher Carr - Attorney General For State Of Georgia.

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Herrera v. Collins, 506 U.S. 390 (1993).	
Jackson v. Virginia, 433 U.S. 307, 319 (1979).	
Brady v. Maryland, 373 U.S. 83, 10 L Ed 2d 215, 83 SCT 1194 (1963).	
Mesareosh v. U.S., 352 U.S. 1, 1 L Ed 2d 1, 77 SCT 1 (1956).	
U.S. v. Devries, 630 F.3d 1130, 1132-33 (2011).	
U.S. v. Schwimmer, 924 F.2d 443, 446-447 (1991).	
Strickland v. Washington, 466 U.S. 668, 687-688 (1984).	
Bracy v. Gramley, 520 U.S. 899, 138 L. Ed 2d 97, 117 S.Ct. 1793 (1997).	
U.S. v. Brown, 448 F.3d 239, 252 (2006).	
U.S. v. Jones, 535 F.3d 886, 891 (2008).	
Stovall v. Denno, 388 U.S. 293, 302 (1967).	
U.S. v. Langford, 946 F.2d 798, 802 (1991).	
Ex parte Bain, 121 U.S. 137, 155 (1907).	
Batson v. Kentucky, 476 U.S. 79 (1986).	
Chessman v. Teets, 350 U.S. 3, 76 S.Ct. 76 SCT 34 (1955).	
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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 C to the petition and is

- ☐ reported at Appeal No. 24-12186-C; 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 C to the petition and is

- ☐ reported at Civil Action No. 1:23-cv-2971-SEG-JCF; 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 Gwinnett Superior Court; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Georgia Supreme court appears at Appendix B 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 June 7, 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 2/2/2024.
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: 2/2/2024, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

1. United States Constitution, Amendment I
2. United States Constitution, Amendment IV
3. United States Constitution, Amendment V
4. United States Constitution, Amendment VI
5. United States Constitution, Amendment VIII
6. United States Constitution, Amendment XIV
7. Article I, Section I, Paragraph I of Georgia Constitution
8. Article I, Section I, Paragraph II of Georgia Constitution
9. Article I, Section I, Paragraph V of Georgia Constitution
10. Article I, Section I, Paragraph VI of Georgia Constitution
11. Article I, Section I, Paragraph XI of Georgia Constitution
12. Article I, Section I, Paragraph XII of Georgia Constitution
13. Article I, Section I, Paragraph XIII of Georgia Constitution
14. Article I, Section I, Paragraph XIV of Georgia Constitution
15. Article I, Section I, Paragraph XVIII of Georgia Constitution

STATEMENT OF THE CASE

- On July 5, 2012 Petitioner was arrested and falsely accused of Malice Murder, Aggravated Assault, and Possession Of A Firearm During The Commission Of A Felony. Petitioner was illegally indicted by a Gwinnett County Adjourned grand jury panel (March 2012) on September 5, 2012 for malice murder, felony murder, 2 counts of aggravated assault, and Possession Of A Firearm during the commission of a felony without a open court proceeding nor preliminary hearing (12-B-4745-3). At a 2-day jury trial (May 20-22, 2014), Petitioner was wrongfully convicted of all charges and sentenced to Life Plus 25 years with a jury selection that consisted of one African American juror.
- Petitioner was ineffectively represented by Akintunde Akinyele who violated the confidentiality of communications by disclosing pre-trial attorney/Client jail conversations to trial prosecutor John Warr as shown in a Oct. 16, 2013 letter placing petitioner's trial defense at a disadvantage. On Nov. 6, 2013 Petitioner's motion to substitute counsel was denied by former dishonorable Judge Kathryn Schader who was later indicted and admitted to illegal dealings with a convicted child molester (Indictment No. 03-B-03561-5).
- On direct appeal, petitioner (Pro Se) enumerated 10 factual grounds to the Georgia Supreme Court: 1. Actual Innocence / Brady violation, 2. Perjured Testimony, 3. Illegal Admission of Tainted Evidence, 4. Impermissibly Suggestive Identification, 5. Void Indictment, 6. Non-Impartial Jury, 7. Ineffective Assistance Of Counsel, 8. Prosecutorial Misconduct, 9. Biased Judge, 10. Falsification of Court Transcripts. Former Supreme Court Chief Judge Harold Melton affirmed conviction without a panel of judges, violating petitioner's constitutional right to a fair court proceeding (Clay v. State, 309 Ga. 593, 847 S.E.2d 530 (2020)).
- Petitioner filed a state habeas corpus petition pro se in the Superior Court of Ware County on June 10, 2021 challenging wrongful conviction and raised same 10 factual grounds with documentation of proof. An evidentiary hearing was held on Oct. 4, 2021 and denied on April 7, 2022 (Civil Action No. 21V-0361).
- Petitioner filed an application for certification of probable cause to appeal, which the Supreme Court of Georgia denied on April 18, 2023 and motion for reconsideration dismissed on May 16, 2023 (Case No. S22H0972).

Statement Of The Case Continued

- On June 23, 2023, Petitioner filed a federal petition for habeas corpus further challenging and proving his innocence/wrongful conviction. On February 2, 2024, Petitioner was served an order for service of Final Report and Recommendation to file written objections within 14 days of service by The Northern District Court of The State Of Georgia pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72(b).
- However on February 2, 2024, Petitioner was also served with an Final Report and Recommendation that the Federal Habeas corpus be denied violating right to file a written objection to the Northern District Court of The State of Georgia (Civil Action No. 1:23-CV-2971-SEG-JCF). Therefore, the lower courts erred in the opinions and expressed conflicting views on the issues of petitioner's wrongful conviction.

REASONS FOR GRANTING THE PETITION

To ensure the due process and equal protection rights of the innocent and wrongfully convicted is protected as required by the state and federal constitution. Through legal documentation, it is clear and proven that the state of Georgia did not legally prove the elements of all the 5 charges brought against the petitioner. The unlawful tactics imposed by the State of Georgia has led to numerous violations of petitioner's constitution rights during pretrial, post-conviction, and court trial with unnecessary delay violating Due Process and Equal Protection.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James Clay

Date: September 3, 2024