

24-5691

No

ORIGINAL

FILED  
JUN 28 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

U.S. EX REL ANTOINE EDWARDS -- PETITIONER

vs.

BRADLEY SCOTT ETAL -- RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEAL 5TH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR CERTIORARI

ANTOINE EDWARDS

17544 TUNICA TRACE

LOUISIANA STATE PENITENTIARY

ANGOLA, LA 70712

RECEIVED  
SEP - 6 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

RECEIVED  
OCT - 2 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

RECEIVED  
AUG 13 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

### QUESTION(S) PRESENTED

- 1) What is the remedy for Speedy Trial Act violation; Deprivation 18 U.S.C.A. § 3161 et seq.; 6<sup>th</sup> Amendment U.S. Constitutional Right?
- 2) Is *Barker v. Wingo*, supra the underlying policies for Speedy Trial Deprivation?
- 3) What is the interpretation of 6<sup>th</sup> Amendment violation, Speedy Trial Act, Ineffective counsel, and unfair trial?

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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:

### Defendants/Respondents

Bradley Scott, Jason Napoli, New Orleans District Attorney's Office, 619 S. White St., New Orleans, LA 70119

Theophilus Kent, New Orleans Police Department, Public organization

Tracey Flemings-Davillier, New Orleans Criminal Court, 2700 Tulane Ave., New Orleans, LA

Tim Hooper, Warden, Louisiana State Penitentiary, La. Department of Public Safety & Corrections, 17544 Tunica Trace, Angola, LA 70712

### Petitioner

Antoine Edwards, a prisoner of Department of Public Safety & Corrections in Louisiana State Penitentiary, 17544 Tunica Trace, Angola, LA 70712

# Table of Content

Pages

Question presented	2
List of parties	3
Table of Authorities	4
Opinion Below	6
Statement of basis for Jurisdiction	7-7*
Constitutional And statutory provision Involved	8-8*
Statement of Case	9
Reason for Granting the petition	10
Conclusion	11
Proof of Service	12
Basis for Federal Jurisdiction	13
Argument in Support of Granting Certiorari	13
A. Conflict with Decision of other Court	13
B. Importance of Question presented	14
Conclusion	15

## Rule 14.1 Appendix

Decision of 5th Cir Rehearing ORDER A1	A.1
Decision of 5th Cir Court of Appeal A	A.2
ORDER OF U.S. District Court B	A.3
S.L.O.T.U.S. on file Writ of Certiorari Denial on S.L.O.T.U.S. file.	on file
Writ not Considered LA Supreme Court O	A.4
Writ Denial speedy Trial merits 4th Cir C.O.A. E	A.5
Judgment of J.D.C Criminal Dist. Court F	A.6
<u>Rule 14.2 All Contention in Support of petition</u>	
All proceeding In State Court Denial Equal protection	A.7-A.11
Habeas Corpus Denial merit Edwards v.stooper	A.11
Ex. C. D. E. F Illegal custody no lawful commitment	A.12-A.15
Ex G proof of speedy Trial Deprivation And FFL violation	A-16
Exhibit K, L, M, N. Denial of Merit for 5 years never taken to court.	A-17-A-20
Prison Never brought to Court Date, Are Hearing. Burden of proof	A.12-A.20
Motion to proceed In forma pauperis	

TABLE OF CONTENTS

OPINIONS BELOW.....1

JURISDICTION.....7

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....8-9

STATEMENT OF THE CASE.....9

REASONS FOR GRANTING THE WRIT.....10

CONCLUSION.....11

INDEX TO APPENDICES

APPENDIX A United States Court of Appeal # 24-30219, May 28, 2024, U.S. ex rel Antoine Edwards v. Bradley Scott et al

APPENDIX B United States Eastern District of Louisiana, January 23, 2024, Antoine Edwards v. New Orleans Police Dept. et al, Section "P"(1) case # 23-3353

APPENDIX C United States Supreme Court case # ~~22~~6031, February 25, 2023, Antoine Edwards v. Louisiana et al

APPENDIX D Louisiana Supreme Court case # 2023-KH-00611, September 26, 2023, State of Louisiana v. Antoine Edwards

APPENDIX E 4<sup>th</sup> Circuit Court of Appeal, State of Louisiana case # 2023-K-0571, September 29, 2023, State ex rel Antoine Edwards v. State of Louisiana

APPENDIX F New Orleans Criminal District Court Police Jury, 41<sup>st</sup> Judicial District Court case # 535-495, Section B, Judgment September 30, 2019, State of Louisiana v. Antoine Edwards

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Great Charter of English Liberty (31 Car. 2, 1629) _____	13
Barker v Wingo, 407 U.S. 514, 522, 92 S.Ct. 2182, 2188, 36 L.Ed.2d 101 _____	13
Strunk v. U.S., 420 U.S. 434, 440 (1973) _____	14
Ex parte Bain, 121 U.S. 1, 12-13 (1887) _____	14
McNally v Hill, 293 U.S. 131 (1934) _____	14
Carafas v LaVallee, 391 U.S. 234 (1968) _____	14
United States ex rel Smith v. Dibella, 314 F. Supp. 44 (D.Conn. 1970) _____	14

STATUTES AND RULES

La C. Cr. P. 701 have 120 days to bring to trial or Dismissal  
 La C. Cr. P. 578(2) have two year to start trial or have lawful Indictment  
 Are Case Dismissed, MARCH 7, to MARCH 18 made 2 year expired R. O. P.  
 USA R.S. 15:824 must have STATE OF LOUISIANA Uniform Commitment  
 ORDER to be lawfully Commit to Dept of public Safety and Corr., there is none.  
 18 U.S.C § 3237 Conspiracy Theory by Duress and Entrapment Defense.  
 Affirmative Defense Entrapment  
 28 U.S.C § 2101(e) Deviation from normal Appellate practice

OTHER

Internationally protected Person Birth Right  
 EXECUTIVE ORDER 13107 Internationally protected Person Inherit  
 Birth Right of Moorish American Lineage prototype multinational  
 Louisiana purchase Treaty Descendant of France, operation of law  
 U.S. And Morocco Treaty © AA222141 friendship and peace Treaty.

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 \_\_\_\_\_; 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 \_\_\_\_\_; 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 D 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 La. 4<sup>th</sup> Circuit Court of Appeal court appears at Appendix E 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 5/28/24.

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: 6/28/24, and a copy of the order denying rehearing appears at Appendix 41.

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 9/26/23.  
A copy of that decision appears at Appendix E.

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).



### Decision Below

The decision of the United States Court of Appeal for the 5<sup>th</sup> Circuit is unpublished order. It is cited in the case 24-30219 (5<sup>th</sup> Cir. 2024) and a copy is attached as Appendix A (A-5) of this petition. The order of the United States District Court of Eastern District of Louisiana is not reported. A copy is attached as Appendix B to this petition. Failure to give merits rehearing Appendix A was denied, June 28, 2024.

### Jurisdiction Grounds

The judgment of the United States Court of Appeal for the 5<sup>th</sup> Circuit was entered May 28, 2024. As order for Rehearing was denied June 28, 2024. Jurisdiction is conferred on the Supreme Court by U.S. Art. III, § 2 Const., 28 U.S.C. § 1651(a), 28 U.S.C. § 1332, 28 U.S.C. § 1254(1), 28 U.S.C. § 1257, 28 U.S.C. § 2101(c), Supreme Court Rule 13.1, as U.S. Constitution Art. VI Oath to Support Constitution.

Jurisdiction invoked under ancillary jurisdiction 28 U.S.C. § 1367. Concurrent jurisdiction judgment in personam under 28 U.S.C. § 1412(d)(1)(A) for Judgment and Decree under 28 U.S.C. § 1651(a) exercising full review under 28 U.S.C. § 2202 for relief since 8/26/19 Merit due to miscarriage of justice as vested power for adjudicating of speedy trial act violation. The Supreme Court have power to review any Federal Court of Appeals decision.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) 4<sup>th</sup> Amendment – No probable cause
- 2) 5<sup>th</sup> Amendment – No indictment
- 3) 6<sup>th</sup> Amendment – Ineffective counsel; unfair trial; speedy trial act violation
- 4) 8<sup>th</sup> Amendment – Cruel and unusual punishment; sentenced to peonage; hard labor *vetoed*
- 5) 10<sup>th</sup> Amendment – violation of federal jurisdiction
- 6) 14<sup>th</sup> Amendment – abridged privileges and immunities
- 7) 18 USCA § 3161 et seq – speedy trial act
- 8) 18 USCA § 1651(a) *Extra ordinary writ In Alternative*
- 9) 14<sup>th</sup> Amendment – Due process and equal protection clause
- 10) U.S. Const. Art. IV – Abridge privileges and immunities
- 11) U.S. Const. Art. VI – violation oath of office and treaties

Statutory Provisions Involved and Rules

1. La. C.Cr.P. 701 Speedy Trial Violation Statutory 120 days to bring to trial
2. La. C.Cr.P. 578(2) 2 years to bring to trial, also to have a lawful indictment
3. LSA R.S. 15:824 Must have State of Louisiana Uniform Sentencing Commitment order from Louisiana Supreme Court for lawful commitment
4. Federal Rule Criminal Procedure Art. 20 violation
5. 18 U.S.C. § 3161 st seq. Violation Speedy Trial Statutory
6. 18 U.S.C. § 3237 Violation Conspiracy Theory
7. 28 U.S.C. § ~~1566~~<sup>566</sup> Failure to give writ, All writs act, Extraordinary writ
8. 28 U.S.C. § 2202 For Proper Relief
9. 28 U.S.C. § 1367 Ancillary Proceeding, Jurisdiction
10. 18 U.S.C. § 3006A(a)(2)(B)
11. 28 U.S.C. § 1254(1) Jurisdiction Invoked
12. 28 U.S.C. § 1257 Jurisdiction Invoked
13. 28 U.S.C. § 2101(e) As Deviation from Normal Appellate practice and to require immediate determination in this Court.

## STATEMENT OF THE CASE

On July 31, 2016 two guys were manslaughtered in Orleans Parish. As the murder was caught with the weapon three months later. As stated no one saw the actual shooter as the murder was caught with the weapon.

As to this case with the false publicity light when Antoine Edwards became warranted for questioning. As I turning myself in Atlanta, Fulton County where me and my wife and kids been staying since 2015.

Under false arrest counsel finally put in speedy trial act on 4/29/19 to 8/26/19 was end of justice determination. See exhibit G how all conspire to deprive out of speedy trial act. After the speedy trial act violation, Jason Napoli, D.A. came with exculpatory evidence out of the real person case they caught 3 months after the incident and use that gun to entrapment by conspiracy theory. Since 8/26/19 still trying to get my merits as 8/26/19 was release date. Still need those merits as legal right to action and merits. As actual and factual innocence due to apprehended the real person 3 months with the gun.

## REASONS FOR GRANTING THE PETITION

Failure to give cognizable merit as to speedy trial act. As we are the people protected from arbitrary government invasion as the U.S. Constitution is supreme law of the land. As vindication the supreme law of the land. As stare decisis and precedent case is to abide by as *Barker v. Wingo*, supra, only possible remedy is dismissal with prejudice. Due to the malicious abuse of process. No indictment. Conflict in law in Louisiana.

As over due merits to speedy trial act violation, La. C.Cr.P. art 701; LSA. Const. Art. 1 § 16; U.S. Constitutional Right; U.S. Const. 6<sup>th</sup> Amendment; and statutory 18 USC § 3161 et seq. By law and administrative law for deprivation all court has failure to answer to the merits for manifest injustice.

As to the miscarriage of justice, it has been almost 5 years, all court deprived plaintiff of due process to answer merit due to discriminatory intent, racial animus. As failure in the oath of office to uphold the Constitution, U.S. Const. Art. IV 2 & 4. Also Art. VI, bound to uphold Constitution. As to cognizable merit for freedom 8/26/19 is warranted for merits as legal right may this petition be answer as speedy trial act is the most easiest case \*\* 2261-2264 \* 440 vacate judgment, dismissal with prejudice by administrative law and judicial directive for merits since violation of speedy trial act. On 8/26/19 no courts want to answer to cognizable merits.

As miscarriage of justice by administrative law and 6<sup>th</sup> Amendment violation as 5<sup>th</sup> Amendment violation, no indictment for debt that I owe. Wife and kids waited 7 years for this day of freedom as the prison have plaintiff under involuntary solitary since been illegally in Angola for 4 ½ never being released or taken to court. See KLMN. Also tampering with mail took exhibits when returned.

The Amendment is enforced by Habeas Corpus, The Great Writ,  
also by Title 42, Section 1983, United States Codes

Habeas Corpus Act. 1. Is frequently to ensure that a person's imprisonment or detention is not illegal. In addition to be uses to test the legality of an arrest or commitment. (1) obtain judicial review (2) regularity of the extradition process (3) the right to check jurisdiction of a Court that imposed a criminal sentence.

One of the Great 4 charters of English liberty (31 Car. 2, 1679) Securing speedy relief from all unlawful imprisonment. As the statute of Habeas Corpus enacted in the United States as a Constitutional Guarantee of personal liberty.

Basis for Federal Jurisdiction. Exercise this Court supervisory power, Supreme Court Rule 10.(a) Departure from Usual Judicial Proceeding. This case raises a question of interpretation of speedy trial act. Unfair Trial. Ineffective Counsel of the 6<sup>th</sup> Amendment to the United States Constitution. This Honorable Court had jurisdiction under the general Federal question jurisdiction conferred by 28 U.S.C. § 1331, 28 U.S.C. § 1651(a), 28 U.S.C. § 1367.

Argument in support of granting Certiorari  
or in the alternative all writs act, 28 U.S.C. § 1651(a) Ancillary Proceeding.

A. Conflict with Decisions of other Courts.

As Petitioner has been held unlawfully with out indictment. As 04/29/19 speedy trial was entered. As the end of justice determination 8/26/19. As to the abuse of discretion by Orleans Parish Criminal Court, Orleans D.A., Orleans Public Defender of entrapment by conspiracy theory, by criminal maintenance, waived presence on ends of justice determination and been held unconstitutionally. Unlawfully Illegally due to the failure to follow common law administrative law. \*\*2261-2264, \*440. See Barker v. Wingo, 407 U.S. 514, 522, 92 S.Ct. 2182, 2188, 33 L.Ed. 101. Only remedy for deprivation of speedy trial act. As all court failure to give merits. As

miscarriage of justice since 8/26/19. See exhibit G as burden of proof. Easiest case. But is deprived of due process and equal protection, treatment.

B. Importance of the Question Presented.

This case presents a fundamental question of the interpretation of this Court's decision in *Barker v. Wingo*, supra, Id. See also *Strunk v. U.S.*, 412 U.S. 434, 440 (1973). As to the question presented is clearly establish law precedent case that cover all court failure to abide by stare decisis. As to the Constitution is of importance of public interest. As the Constitution is the only protection for we the people to stay protected from malicious prosecution. Malicious abuse of process. In violation 5<sup>th</sup> Amendment Grand Jury Clause, Due Process Clause, Equal Protection Clause. See *Ex parte Bain*, 121 U.S. 1, 12-13 (1887).

The question is of great importance as U.S. Const. Art. VI as judges is bound to support the Constitution. As to the failure to carry out administration of justice impartially. As to the well establish law. It is common sense as to the most easiest case is speedy trial act violation of establish law as 5 years been deprived of liberty, freedom without due process as discriminatory intent as interpretation 6<sup>th</sup> Amendment violation U.S. Constitution.

The District Court seriously deprived of applying judicial directive of precedent case of *Barker v. Wingo*, supra, by failing to give merits and interpretation of the 6<sup>th</sup> Amendment Constitutional Right from unreasonable delay. As the Supreme Court held that Habeas Corpus was appropriate in testing the legality of conviction and commitment of imprisonment. Such claim would be upheld, result in (immediate release) from present custody. See e.g. *McNally v. Hill*, 293 U.S. 131 (1934) (unconditional release) See also *Carafas v. Lavallee*, 391 U.S. 234 (1968) (free on bail) See also *United States ex Rel Smith v. Dibella*, 314 F.Supp. 446 (D. Conn 1970) (Release on own recognizance).

This Court should correct the court's interpretation and make clear that speedy trial act violation court must dismiss case with or without prejudice. As the United States Constitution Art. VI court are bound to support the Constitution and judicial directive by law.

Conclusion

For the foregoing reason, Certiorari should be granted.

Date: July 30, 2024

Respectfully Submitted,

Antoine Edwards  
Antoine Edwards Sr.



## CONCLUSION

Vacate judgment, dismissal with prejudice and all the court deem is just. Remuneration,  
judgment and decree

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*Antoine Edward A.*

Date: July 30, 2024