

No. 24-6504

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

NOV - 6 2024

OFFICE OF THE CLERK

DANMOND J. SLACK — PETITIONER
(Your Name)

vs.

GREGORY SAMPSON et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DANMOND JONATHAN SLACK
(Your Name)

Dooly State Prison E2-240 P.O. Box 750
(Address)

UNADILLA, Georgia (31091)
(City, State, Zip Code)

(Phone Number)

Issues Presented

1. Whether The U.S. District Court ABUSED IT'S DISCRETION IN DISMISSING Petitioner's 28 USC. 2254 Petition AS untimely, prior to ANY review on his U.S. Substantive Rights CLAIMS, in LIEU of untimeliness, When Plain Error exists that his CLAIMS establish a probability sufficient to undermine confidence IN SLACKS' State Court Trials; Violated his due process And Equal protection Federal Rights.

2. Whether The District Court ABUSED IT'S DISCRETION IN DISMISSING Petitioner's more than 10-years of significant diligence And IN NOT considering his "Equitable Tolling" Request OR the Blocking of his First Amendment Rights to Address the Courts IS IN CONFLICT with the AEDPA ACT 1995 1 year rule. (Habeas Corpus Review); And Petitioner has been denied A Fair Federal Review OF His Federal U.S. Constitutional Rights, UNLAWFULLY.

3. Did The U.S. Eleventh Cir. Court OF Appeals overlook this Petitioner's C.O.A. Rights And The District Courts Rulings of untimeliness without going into the Merits And CLAIMS OF this Petitioner in LIEU of A time bar procedure that's MISCONSTRUED; AS well as UNLAWFULLY Applied; "AEDPA" OF 1995

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:

Justin S. Anand

Chris Carr

Judge GRANT

Gregory Sampson

Diamond Jonathan Slack,

Judge Wilson

Amy Totenburg

Federal Magistrate Judge

Attorney General, Georgia

Eleventh Cir. Court of Appeals.

Warden / Respondent

Petitioner

Eleventh Cir. Court of Appeals

U.S. District Judge

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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 24-10531 11th Cir. Court of Appeals; 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 123 CV-2693 AT District Court; 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 06-17-24.

☐ 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: 08-14-24, 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. § 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

[5th. Amendment] in part "holds", nor shall any person be deprived of Life, liberty, or property, without due process of Law.

[1st. Amendment] in part "holds" the rights of peaceably assembling and the rights to redress the government.

[6th. Amendment] "holds" in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district where in the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be informed and confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

[8th. Amendment] in part "holds" excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[14th. Amendment] in part "holds" nor shall any state deprive any person of Life, liberty, or property, without due process of Law; nor deny any person within its jurisdiction the equal protection of the Laws.

State Ment OF CASE

Nearly ten-years After the purported Allegations took place DANMOND JONATHAN SHACK was charged with committing sexual offenses Against his step-daughter, (V.S.), despite the sensitive Nature of the charges, the state trial Court prohibited SHACK's Attorney, during Voir dire to Ask certain questions, thwarting Counsel's opportunity to determine whether Any potential jurors might be harboring improper bias that likely caused a verdict of Acquittal to Alter towards guilt in this case.

In addition, Trial Counsel provided absolutely NO assistance when she failed to object to multiple instances of inadmissible hearsay evidence from the purported victims family members And one being a police-officer, All of which recounted in front of her jury, victims out of Court statement's Alleging that the Petitioner Abused her, reinforcing victims Allegations.

And as well Appellate Counsel failed to enumerate the "plain Error Rule" in his "MOTION FOR New Trial" And on "Direct Appeal" Nor did Appellate Counsel properly Adjudicate his burden of showing trial Counsel's deficiencies. Both trial And Appellate Counsel's errors are fully formulated in Appellants brief And show he has received not even a NOMINAL representation, which has left him prejudiced with these false charges And unlawful

Convictions And sentences "AN INNOCENT MAN"

Further despite the fact that All three Courts of this petitioners indictment were charged Against him Outside of the time limit for prosecuting the offenders under State Law, Trial Counsel failed to request a jury instruction on the Applicable statute of limitations, As a result his jury was not tasked with determining the issue of the barred prosecution and likely altered a verdict of Acquittal to one of guilt.

Petitioner DANMOND JONATHAN SLACK, NAMED HEREIN WAS Convicted of Aggravated child Molestation, Child Molestation And Cruelty to children in the first degree, ON August 30, 2013;

ON Sept. 5, 2013 petitioner was sentenced to an Aggregate of 60 years in prison with an additional ten-years probation. Trial Counsel filed a timely Motion For New Trial ON Sept 19th 2013;

After being Appointed New Counsel, Petitioner Amended his Motion For New Trial ON Feb 10th 2017. The Trial Court heard evidence And Arguments ON the Motion ON June 04, 2018

ON JAN. 31st 2024 U.S. Fed. District Court, Northern Division dismissed Petitioners 28 USC 2254 AS untimely;

ON Feb. 9, 2024 Petitioner filed a timely notice of Appeal to the Eleventh Circuit Court;

ON June 17, 2024 the Eleventh Cir. denied C.O.A. without Considering the Merits herein.

REASONS FOR GRANTING THE PETITION

1.) Issue of Statute of Limitations under State OCGA 17-3-1(c)
[7-year rule], and Retroactive Extensions, Violated Petitioner's
1st, 5th, 6th, 8th and 14th Amendment Rights without a Federal
Review of these Substantial Rights Violations, there "unlawfulness
REMAINS"

Petitioner respectfully submits the Georgia State Courts
have deliberately denied Petitioner's U.S. Constitutional Rights, by
unlawful restraint on his Liberty. Petitioner SLACK, further sub-
mits respectfully that the Eleventh Circuit Hearing Panel, i.e. Jus-
tices' Wilson and GRANT overlooked his Federal Rights to a "time
barred prosecution in lieu of "a procedural time barr" of untime-
liness of the "AEDPA ACT" which in and of itself has been miscon-
strued of its legislative intent, blocking 1st Amendment Access To Courts.

Petitioner further submits that under either indictment
NO 2012 or Re-indictment under 2013 is a time barred prosecution,
which violates "retroactive extension laws" brought forth in
Stogner V. California 539 U.S. 607 (2003), Petitioner further respect-
fully shows that his trial outcome as established in all his pre-
vious filings have shown a probability sufficient to undermine
confidence in SLACK's State Court Trial, on this re-indictment
NO 13 SC 120169, due to "ineffective counsel" and "prosecution
Misconduct" concerning the "Statute of Limitations"

2.) Whether The District Court Abused it's Discretion In dismissing Petitioner's 10 years of Due diligence in not ALLOWING "Equitable Tolling" in lieu of untimeliness due to COVID 19 factors, and without considering his "Equitable Tolling" request or the blocking of his First Amendment Access to the Courts due to the "AEDPA" Rules;

Petitioner contends respectfully so that since due-process requires procedural rules to be Applied even handedly to both prosecution and defense, procedural rules must cut both ways since due-process speaks to the balance of the forces between the Accused and the Accusers, Ward v. Oregon 412 U.S. (1973) and Chavis v. Lemarke -- Fed -- 3rd. --- 9th. Cir. (2004).

Petitioner respectfully Avers and strongly contends he has shown his own due-diligence for the previous twelve-years and this alone should show the United States Supreme Court a significant level of diligence, the records and Exhibits MARK A-J and earlier made a part of this Action establish significant diligence of this petitioner.

Petitioner further respectfully states and contends that Case Law, would support his claims of due-diligence or Lack thereof under the "Gideon Exceptions". Lawrence v. Florida 549 U.S. 327-336 (2007), further showing he should be Allowed to "Tolling Provisions", as understood in, Curtis v. United States 511 U.S. (1994), allowing petitioner to ~~proceed~~

proceed on the Merits through the "doctrine of equitable Tolling," See, HOLLAND V. Florida, U.S. Supreme Court has found the time limits could be tolled even further using its equitable tolling power.

Petitioner SHACK now respectfully request This Honorable Supreme Court of The United States to allow him to proceed on the Merits of his Habeas Petition to undo the clear "Miscarriage of Justice" involved that is so fatally flawed by the government in this petitioner's case mandates the reversal as a wrongful or misapplied conviction, of the substantive offenses. Schulz V. Delco, 573 U.S. 299 130 L.Ed. 2d 808, 118 S.Ct. 851 (1995), Also See Oreithe V. Haley, 541 U.S. 386 158 L.Ed. 2d. 659, 124 S.Ct. 1847 (2004) p. 1852,

Petitioner takes this opportunity to show This Honorable United States Supreme Court that the "AEDPA" is misapplied in his case, in part because, there is no statement in Mr. Bill Clinton's entire document that expressly states it applies to American Citizens outside two categories i.e., ① Terrorists,
② Death Row inmates,

Petitioner further shows the contention of "ANY" is loosely translated to "ALL" prisoners in the United States OF AMERICA. This is insidiously applied based on a delusion of how the Courts have misconstrued the Legislative intent plainly spoken by President Bill Clinton, Making "Any" and "ALL" Vague and Ambiguous statements.

The Law "holds" that where a statement is vague or Ambiguous, it is void for lack of definition, and should not

Apply Lawfully to this petition, Further, petitioner at this time,
strongly Avers and contends;

• I AM AN AMERICAN Citizen of The United States of America,

• I AM NOT charged nor convicted nor sentenced under any
Law defined by the "AEDPA" as "a terrorists" or under the
"Death Penalty Act" or "Any" and "All" contentions or provisions
established in the 1995 "AEDPA Act" and Patriot Act of 2001,

• My sentences and convictions are involved in the state
penalties AS A COMMON felony, non-related to the Aedpa state charges
here, i.e. Terrorists or Death Penalty.

• As a Citizen of The United States OF AMERICA I NOW in-
vok my Constitutional Rights to petition For This Federal Con-
stitutional Review under Art. I, sec. 9, subsection 2 of the U.S.
Constitution in its pre-Aedpa standards and procedures that Law-
fully apply in this case.

Petitioner further respectfully showing that the Georgia State
Courts wrongfully "resolved" his Complaint using improper AEDPA
standards that do not apply to Federal Habeas Review on Multiple
Convictions and punishments.

3. Did The U.S. Eleventh Cir. Court OF Appeals Overlook This
Petitioner's Co.A. Rights And The District Courts Rulings of
untimeliness without going into the Merits And claims of

This petitioner in lieu of a time bar procedure that's mis-
construed as well as unlawfully applied:

Petitioner SLACK shows and respectfully submits that his
stance remains intact on the usage of "AEDPA ACT", due
in part to it's blocking mechanism of petitioner's access to a
Fair 6th Amendment Right to Address the Courts, to be able to
address the validity of his State Court Convictions without
the Misconstrued Legislative intent of "1995 AEDPA ACT".

Petitioner would further respectfully submit that any untimeli-
ness taxed against his due-process rights on the merits
would only further this continued "Miscarriage of Justice".

Petitioner further respectfully shows that despite the fact
that ALL Three Courts of this petitioner's indictment were char-
ged Against him Outside of the time limits for prosecuting
the offenses under State and Federal due process violations,
and prosecution was not subject to a meaningful representation
no request to charge, his jury was not tasked with determining
the issue of this "time barred prosecution".

Further showing This Honorable Supreme Court of the U.S.
the issue of his 6th Amendment U.S. Right to a Fair and impartial
trial has been thwarted by the State of Georgia and subsequently
denying petitioner a fair and impartial trial of his peers due to
the thundering of his Voir dire questions concerning bias and

Prejudice And in violation to The United States Court Rulings
"Explaining that Voir dire must be conducted in a manner that
allows the parties to explore potential jury bias". See IRVIN
V. Dowd, 366 U.S. 717, 712 (1961); And See Rosales-Lopez V. United
States 481 U.S. (1981), which has occurred in this Petitioner Case, now
before This Honorable Supreme Court of The United States.

Petitioner further respectfully submits that he has shown significant
diligence for the past ~~twelve~~ years (12) now is trying to pursue his
unlawful State Court convictions and sentences, that the State Court
records plainly show is in violation to his U.S. Sixth (6) Amendment
fair trial guarantees; And the merits of his case still have yet
to be adjudicated properly due to an unconstitutional "AEDPA" rule
impediment, that's been misconstructed by the Courts;

Petitioner SLACK's case runs parallel to the two leading
cases in Georgia, i.e. Blackmon V. State 336 GA App (2016) and
SULLINS V. STATE 347 GA App (2018), which both cases were over-
turned on Appeal, for improper use of inadmissible evidence, "He
say" yet Petitioner's due process and equal protections of the law
remain in violation to his substantive rights, U.S., due to the
State Courts allowing, violation of "impartial jury" and "Trial Coun-
sel's de facto acceptance of the jury composition amounted
to a structural error...". Obviating the need to show that both
attorneys ineffectiveness actually prejudiced him, for any default
analysis see; Amadeo V. ZANT 486 U.S. at 228 N-6, And see,
Quintero V. Bell 6th Cir. (2001)

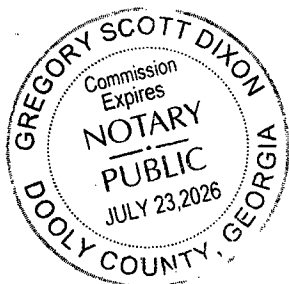
CONCLUSION

Petitioner concludes with respectfully stating, that "during" the Covid 19 Pandemic everything became uncertain as to everyday operations within his confinement and the Supreme Court of Georgia's restrictions on timely filings under OCCA 38-3-61, which was extended 10 times subsequently denying Petitioner's 1st. Amendment Rights to address the lower courts properly and has further brought the questions of conflicts concerning "AEDPA" (1995) and the Patriot Act of (2005) with his first Amendment Rights to address the courts

Petitioner has shown a Prima Facie Case Against the State of Georgia in violating his state and U.S. Constitutional Rights and at the very least Petitioner expects a New Trial which will result in a dismissal for a false and unlawful Judgment. If this Honorable Supreme Court of the United States grants this Certiorari Petition, Alleviating "The Messianic of Justice"

Wherefore Having shown this United States Supreme Court a Prima Facie Case of an unlawful Judgment, Petitioner Respectfully Prays this Court Honor this Request.

Notary Public;



Respectfully Submitted,
Diamond Jonathan Slack
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