

24-6764

No. _____

ORIGINAL

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

SIR ALBERT L. JOHNSON #00976-164, PRO SE — PETITIONER
(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE 1ST CIRCUIT # 22-1597
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SIR ALBERT L. JOHNSON #00976-164, PRO SE
(Your Name)

FED. MED. CENTER-ROCHESTER, P.O. BOX 4000
(Address)

rochester, mn. 55903

(City, State, Zip Code)

n/a

(Phone Number)

RECEIVED

FEB 11 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

(I) Whether or not the Statute 18USC Sec. 4205(a)(reg. adult sentence) was violated and statue 18 USC Sec.4246 can be held Constitutionally valid, when it does not conform with the Constitutional guarantees of adherence of the PROCEDURAL DUE PROCESS Clause, before one can be imprisoned or further deprived of his overdue freedom.

(II) Whether or not Petitioner's attorneys, Ms. DeMaso & Jane Peachy proved to be ineffective under the standards of ANDERS-v-CALIFORNIA and STRICKLAND-v-WASHINGTON, WHEN they failed to raise & argue or litigate the issue above supra and infra within the Courts below and to this Honorable Court to wit:

(A) Whether or not Petitioner suffered from Mental Disease of delusion-
ment, causing him to commit acts of violence.

(B) Whether or not there was sufficient evidence that Petitioner has a propensity to carry a firearm.

(C) Whether or not to investigate if the Govt. and the Appellate Court proved, via clear and convincing evidence, that Petitioner's overdue RELEASES of 2/24/20 and 5/7/20 or now, would create a substantial risk of danger to one Judge(Federal-Chicago) Joan B. Gottschall((who is Petitioner's WIFE), or present a risk of serious damage to "unidentified property of another unidentified persons".

(D) Whether or not the trial attorney Ms. J Peachy was ineffective when she presented an age and health defense, as opposed to calling Judge Gottschall to the witness stand to rebut the Govt.'s hearsay accusations of harrassment

(II)

(III) Whether or not the 3 Circuit Court Judges, sitting as Appellate Court Justices for the 1st Circuit committed PLAIN & REVERSABLE ERROR, when they demonstratively acted arbitrarily and capriciously by phrasing Petitioner as ""anonymous Appellant, and Judge Gottschall as Jane Doe", in their written decision, and they failed to give meaningful considerations or just weight to the arguments, Case Laws, and Constitutional Amendments presented in Petitioner's Briefs below/in said Court of Appeals. Both, the Oppening, and Appellant's Reply Briefs to the Govt.'s Response, are hereby reiterated and presented herein this Petition for a Writ of Certiorari.(SEE: Petitioner's Briefs below)

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. United States of America
 2. Justices for the 1st Circuit Court of Appeals

RELATED CASES

- (I) U.S. -v- JOHNSON, U.S. DISTRICT COURT OF MA. # 20-cv-XXXXXXX
10865 ADB
- (II) U.S. -v- ANONYMOUS(JOHNSON) # 22-1597

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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 C to the petition and is

[] reported at _____; or,
[x] has been designated for publication but is not yet reported; or,
[] is unpublished. SEE: Attachment

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,
[x] 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.

1.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 10/23/23.

[x] 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

MIRANDA warning Rights violations of the 4 and 5th Amendments

EFFECTIVE ASSISTANCE OF COUNSEL violations of the 5th and 6th Amendments

Rights not to be imprisoned in violation of the PROCEDURAL DUE PROCESS & EQUAL PROTECTION/APPLICATIONS OF THE LAW Clauses of the U.S. Constitution violations of the 4th, 5th, and 14th Amendments

STATUTES: 18 USC Sec.4205(a)

18 USC Sec. 4246

28 USC Sec. 1651

STATEMENT OF THE CASE

Petitioner was arrested in April of 1974-Indicted in the Summer of 1975, and stood trial from there thru Feb. 1976. Petitioner was convicted and sentenced to 20 years, 3 years special parole in Feb. 1976 for conspiracy and distribution of a substance containing cocaine(2 oz.'s), and possession of a firearm during the commission of a felony. Case & Indictment # 75 CR 409, N.D. Ill.

Petitioner was initially paroled in May 1983, but he wrongfully suffered a State of Illinois conviction and sentenced to 40 years for the wrongful charge of 2 counts of attempted murder in 1985. After service of 20 years, Petitioner was discharged and the case was finally Expunged in 2023. Case # 85 C 3765 Cook County Criminal Courts.

Petitioner's federal sentence as a XXXXX Reg. Adult(18 USC Sec. 4205(a)) EXPIRED in 1989 after service of the maximum of 2/3 of the total sentence; but he was wrongfully and illegally held to the custody of the Attorney General beyond the 2/3 maximum STATUTORY RELEASE DATE, until His 2nd MANDATORY RELEASE DATE was documented and signed Casemanager Mr. McKee of FCI Allenwood Penn. and himself, for a 2/24/20 release date. When 2/24/20 came, Petitioner was maliciously transferred to FMC Devens Mass. for alleged Psy. reasons, and a new calculation of sentence was prepared giving him a 3rd MANDATORY RELEASE DATE of 5/7/20 without parole or supervision(see; Appendixes A-Exhibits 1 thru

Without any evidence of presenting a risk of danger to himself or anyone else, the Petitioner to have Petitioner remain in prison in prison beyond his MANDATORY RELEASE DATE OF 5/7/20 was filed by the Bureau of Prisons on 5/6/20.

The trial for civil commitment lasted over 2 years, with the U.S. District Court ordering Petitioner to be CIVILLY COMMITTED to an indefinite sentence period on 6/10/22.

After failures of litigations within the District court and the Courts of Appeals for the 1st Circuit, this Appeal/Petition follows:

REASONS FOR GRANTING THE PETITION

Pursuant to these writings, the gross violations of Constitutional Rights have been evidenced. Same have cost Petitioner 4 years of his freedom thus far. Such an Injustice has also been evidenced, for Petitioner is still in prison to this very day. Martin Luther King once averred that "Injustice anywhere is a threat to Justice everywhere". The Statutory and Amendment ignorance and violations evidences a gravestaking Injustice. Thus, in the INTEREST OF JUSTICE , TO CORRECT A MISCARRIAGE OF JUSTICE, the Writ of Certiorari MUST be GRANTED. FOR this Honorable Court to elect to do otherwise, would be a Just approval/sanctioning of the violations of the Statutory and Constitutional GUARANTEES mentioned herein this application for the the great Writ. God forbid how the lower Courts and the system has deprived Petitioner of his God given Rights and Constitutional Rights to Freedom. Petitioner herein urges this Honorable Court to issue the requested and Petition Writ of Certiorari.

IN THE
UNITED STATES SUPREME COURT

SIR ALBERT L. JOHNSON, #00976-164, PRO SE
Petitioner/Appellant

-VS-

CASE #

UNITED STATES OF AMERICA,
Respondent/Appellees //

PETITION FOR WRIT OF CERTORARI
APPEAL FROM THE 1st CIR. CT OF
APPEALS #W22-1597

COMES NOW, SIR ALBERT L. JOHNSON #00976-164 (hereinafter as Petitioner) proceeding PRO SE-ET DIVISISM his attorney Ms. C DeMaso of the federal defenders office-Boston MA, and moves this Honorable Court on Appeal, from the U.S. Court of Appeals for the 1st Circuit, pursuant to the applicable Statuless and all Writs Act of 28 USC Sec. 1651, seeking this Honorable Court's indulgence to issue all Writs and Orders necessary to RELEASE Petitioner from the custody and imprisonment of the U.S. Attorney General

PRO SE CONSTRUCTION

This Honorable Court must be cognizant of the facts that a Pro Se litigant and his pleadings MUST be given a wider range of consideration and latitude wider than those prepared by an experienced attorney within the Courts in which the pleadings are filed. HAINES-V-KERNER; BOUNDS-V-SMITH: WETMORE-V-FIELDS, 458 F.Supp.

ISSUES PRESENTED

(I) Whether or not the Statue 18 USC Sec. 4205(a)(reg. adult sentence) was violated and Statue 18USC Sec. 4246 can be held Constitutionally valid, when it does not conform with the Constitutional ~~XXXXXX~~ GUARANTEE of adherence of PROCEDURAL DUE PROCESS, before one can be imprisoned or further deprived of his overdue freedom.

(II) Whether or not Petitioner's attorney , Ms. DeMaso proved to be ineffective under the standards of ANDERES-V-CALIFORNIA AND STRICKLAND -V- WASHINGTON, when she failed to raise and argue or litigate the issue above *supra* and *infra* to this Honorable CCourt to wit:

(A) Whether or not Petitioner suffered from the mentasl desease of delusionment, causing him to commit acts of violence.

(B) Whether or not there is/was suffience evidence that Petitioner has a propensity to carry a firearm.

(C) Whether or not the Govt. and ther Appellate Court proved, via clear and convincing evidence, that petitioner overdue RELEASE of 5/7/20

or now, would create a substancial risk of danger to one U.S. Judge(Illinois) Joan B. Gottschall, who is Petitioner's WIFE, or risk of serious damage to unidentified propertiy of another unidentified persons.

(D) Whether or not the trial attorney Ms. J. Peachy was ineffectve when she presented an age and health defence as opposedd to calling Judge Gottschall to the witness stand.

(III) Whether or not the 3 Circuit Court Judges, siting as Appellate Court Justices for the 1st Circuit committed REVERSABLE ERROR, when they demonstrativly acted arbitrarily and capricously, phrased Petitioner as "Anonomous Appellant and Judge Gottschall as Jane Doe" in their decision, and they failed to give meaningful considerations and just weight to the Case Laws and arguements presented in Petitioner's/Appellant's Briefs belowe in said Appeals Court. Both, the opening brief and Appellant's reply to the Govt.'s ~~XXXXXX~~response are hereby reiterated and presented herein this Petition for a Writ of Certorari(SEE: Petitioner's Brief below).

STATEMENT OF THE CASE

Petitioneer was arrested in April of 1974-indicted in the Summer of 1975 and stood trial from there thru Feb. 1976. Petitioner was convicted and sentenced to 20 years, 3 years special parole in Feb. 1976 for conspiracy and distribution of 2 oz.'s of a substance containing cocaine, and possession of firearms during the commission of a felony. Case & Indictment # 75 CR 409 (N.D.Ill)

Petitioner was initially paroled in May of 1983, but he wrongfully suffered a State conviction and sentence of 40 years for the wrongful charge of attempted murder, 2 counts, in 1985. Said case has been expunged.

Pursuant to Petitioner's sentence as a Reg. Adult (18 USC Sec. 4205(a)) his sentence EXPIRED in 1989 after the maximum service of 2/3 of his total ~~XXXXXX~~ sentence; but he was wrongfully and illegally held to the custody of the Attorney General beyond the 2/3 maximum STATUTORY RELEASE DATE, until his "3rd MANDATORY RELEASE DATE" was documented and signed by CaseManager Mr. McKee of FCI Allenwood Penn. and himself, for 2/24/20. When 2/24/20 came, ~~XXXX~~Petitioner was maliciously transferred to FMC Devens in MASS. for ~~XXXX~~psy. reasons, and a new calculation of sentence was prepared giving Petitioner a MANDATORY RELEASE DATE of 5/7/20(((w/o parole or supervision)) (SEE: Appendix A Exhibits 1 thru 2)

Without evidence of presenting a risk of danger to himself or anyone else, the petition to have Petitioner remain in custody beyond his Mandatory Release date of 5/7/20 was filed by the Bureau of Prisons on 5/6/20.

The trial for civil commitment strengthened over a period of 2 years, with the U.S. District Court ordering Petitioner to be "civilly committed to an indefinite sentence" on 6/10/22.

After failure of litigations within the District Court and the Appellate Court, this Petition/Appeal follows:

(I) The lower Courts committed Reversible Error when they fail to ascertain the facts that the Statue 18 USC Sec. 4205(a) was violated on the 2/3 max sentencing clause and when they allowed and held the statue 18 USC Sec. 4246 valid ~~XXXX~~ enough to extend Petitioner's imprisonment beyond his Mandatory Release Date of 5/7/20, thus, denying him his Constitutional Guaranteed Right to Procedural Due Process.

Pursuant to 18 USC Sec 4205(a) Petitioner's sentence reached its 2/3 maximum limitss of time to be under the custody of the Attorney General in 1988. This was not adhered to. Yet Petitioner was still released via EXPIRATION OF SENTENCE 12/08/17 with goodtime attached(SEE: Appendix A Exhibits 1-1 & 1-2). This was perfected without Supervision and without Special Parole(((SEE: Appendix A 1-2)). Yet petitioner was still illegally held under the custody of the Parole Commission and U.S. Attorney General until he was arrested 5/8/18 alledgong violations of the condition of Paole of trying to contact Judge Gottschall, despite the fact that We are married.

In short, after enduring the revocation procedures and being illegally held past 2/24/20, Petitioner was given a Mandatory Release Date of 5/7/20. (SEE: Appendix A -Exhibit 2). This was not adhered to either; Because the Bureau of Prisons petitioned the Dist. Court in Boston per the UNCONSTITUTIONAL STATUE OF 18 USC Sec. 4246. Thus, Petitioner has been held in prison without a crime being committed or charged; without an Indictment or Trial. All of whiuch Procedural Due Process dictates within the Constitution of the U S of A as Petitioner's Guaranteed Rightd This is PLAIN AND REVERESABLE ERROR and a clear unadulterated violation of Petitioner's GUARANTEED CONSTITUTIONAL ~~XXXXXX~~ RIGHT. Petitioner has served 4 years beyond his Mandatory Date of release 5/7/18.

Allowing the 18 USC Sec. 4246 to undermine the procedural protocol of a crime having been committed and charges thereto, or a valid Indictment and trial, tramples upon the threshold and rips at the very core of Procedural Due Process guarantees that supposed to be the CONSTITUTIONAL RIGHT of Petitioner not to be imprisoned before being held in violation of the same said RIGHT. An imprisonment secured by violating the given Constitutional Guarantee can not be allowed to stand. the passage of this Statute((18 USC Sec.4246) is imparatively questionable.

WHEREFORE, your Petitioner prays that this Honorable Supreme Court will reverse and VACATE the District Court and the 1st Circuit Court of Appeals Order to civilly commit Petitioner, and RELEASE him respectfully, yet forthwith

(II) Petitioner herein is proceeding PRO SE ET DIVISIUM his Federal Defenders Office Attorneys, because he was notified via phone call, that attorney DeMaso would not file a brief to this Honorable Court, due to such would be frivolous and without merit. Same made DeMaso cognizable under the mandate of ANDERS-V-CALIFORNIA, and STRICTLAND-v-WASHINGTON..TO WIT: The issue pertaining to the validity of , and Constitutionally of 18 USC Sec.4246 and the issue as to the ineffectiveness of Counsel by attorney Jane Peachy, are valid issues that DeMaso refused to raise on direct Appeal and the Appellate Court averred said issues,in part, in its decision at Appendix C-Exhibit3; The issue as to whether or not Petitioner was/is delusional, causing him to commit acts of violence, when , in fact, (1) There is nothing wrong with, or any presence of a risk of danger, in Petitioner trying to contact Judge Gottschall (illegally referred to as Jane Doe in the Appellate Decision), when not only Petitioner on friendly ~~as~~ basis with the Judge, but moreover Petitioner is married to the same said Judge. DeMaso and Peachy failed to investigate these facts, for the validity of same would negate the delusional charge as averred in Appendix C-Exhibits 5 & 6. (2) DeMaso and Peachy failed to negate the firearms issue when, in fact, as averred in the District Court by the Govt. , and by the Circuit Judges on Appeal in Appendix c-exhibits 6&7 Petitioner did not make such a statement. However, assuming arguendo, such being averred to the Risk Assessment Panel would be done without being given the warning of MIRANDA-v-ARIZONA. (3) As to Petitioner threatening his cellmate with a pencil Exhibit 6 -11, based upon a delusional belief; there was no such incident, investigation by the prison authorities, nor was such an incident ever written up. Yet Peachy and DeMaso failed to investigate said issue to negate same. As to the issue of the alleged non-existence of my Wives; A short investigation would have shown that Dakas Katas and Petitioner were then married via common law and now married via proxy and that she was murdered via Gregory WeilerIII, whom Petitioner punched in the face. No delusion (b) Petitioner and Inez Robinson are married and she did suffer the Date Rape drug and rape and sexual exhibitionary scene done by Male Nurse Theodus"Teddy" Anmanquah. Yet, and moreover, the attack was NEVER adjudicated to ascertain whether or not Petitioner was guilty or innocent. Thus, again No Delusional, as opposed to what is averred at Appendix C-Exhibits ~~4~~ thru 11 & 12. (5) as to the delusional concerning Judge Gottschall(Appendix C-Exhibits 4 thru 6) The Judge was, and has never been, endangered by Petitioner. Petitioner is married to said Judge, and a short investigation, and placement of the Judge on the witness stand, would have shown and proved that Petitioner NEVER "harrased the judge.(6) As to the issue of Petitioner's propensity to carry a firearm. Petitioner avers that due to the environment of New Mexico, where Petitioner plans to reside, a firearm is required. Other than such, Petitioner NEVER averred a need for a firearm. Assuming arguendo, and any detrimental/adverse statements was triggered ABSENT the MIRANDA WARNING, and is in violation of MIRANDA-v-ARIZONA. This Honorable Court needs to be cognizant of the facts that neither

Peachy or DeMaso investigated or raised the above issues. Nor did they bring the fact to the District Court or the Court of Appeals attention that at NO TIME during Petitioner's 3-4 times being out on Parole into society did Petitioner seek to secure a firearm, and as a matter of fact Petitioner REFUSED to be issued a firearm by his Probation Office Missy Kolby, when his life was in danger. (7) The Govt. NEVER PROVED that Judge Gottschall or someones property was in danger.

WHEREFORE, due to NO INVESTIGATIONS being conducted, both DeMaso and Peachy were "ineffective" counsels and Petitioner should be RELEASED immediate

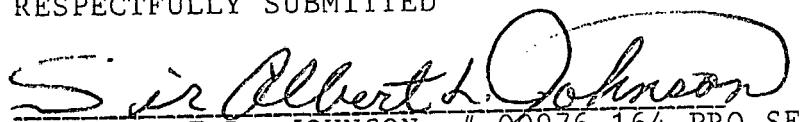
(III) The Circuit Court Judges, sitting on the Appeals Court Panel committed PLAIN AND REVERSABLE ERROR, when they acted arbitrarily and ~~capriciously~~ capriciously by failing to give meaningful considerations and just weight to the given Case Laws and arguments within the briefs filed by Petitioner within the Courts below. This argument speaks for itself.

WHEREFORE, Petitioner herein, SIR ALBERT L. JOHNSON, SEEKS this Honorable Supreme Court indulgence to REVERSE AND VACATE the Appellate Court for the 1st Circuit decision and issue all Writs and/or Orders necessary to perfect PETITIONER'S OVERDUE FREEDOM.

IN SUMMATION

Petitioner herein is evidently in prison by way of gross overt violations of his 4th, 5th, 6th, and 14th Amendments Constitutional Guarantees despite the facts that he is a U.S. Citizen, Citizen and King of Israel and Arabia. 74 year old Hebrew Israelite, devout Judeo-Christian with ownership of, and Member of Alpha Missionary Baptist Church in Bolingbrook, Illinois; Member of Living Comfort Ministries Church in Chicago, and Living Comfort Ministries 2nd Chapter Church in Arizona. Petitioner has multiple wives according to Hebrew Customs, and 17 adult Children, with 57 Grandnies and Great Grandnies. To correct a complete miscarriage of Justice, the Writ of Certiorari MUST BE GRANTED AND ISSUED.

RESPECTFULLY SUBMITTED


SIR ALBERT L. JOHNSON, # 00976-164, PRO SE
FMC ROCHESTER, P.O. BOX 4000
ROCHESTER, MN. 55903

SUBSCRIBED AND SWORN UNTO ME
THIS 24 DAY OF JUNE 2024

April M Nease
NOTARY PUBLIC



CONCLUSION

Due to the gross and vivid violations of 4th, 5th, 6th, and 14th Amendments, gravestaking injustices has been committed. To correct and rectify these injustices

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sir Albert L. Johnson

Date: 7/5/24

SUBSCRIBED AND SWORN UNTO ME THIS
5 DAY OF JULY @ 2024

April M. Nease
NOTARY PUBLIC

