

24-7274

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

FILED

APR 28 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

"IN RE: DERRICK L. JOHNSON"

DERRICK L. JOHNSON — PETITIONER
(Your Name)

VS. SHERIFF OF SAN DIEGO COUNTY KELLY A. MARTINEZ; SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN DIEGO; JUDGE KRISTOPHER S. YOUNG; AND PEOPLE OF THE STATE OF CALIFORNIA;
— RESPONDENT(S)

~~ON PETITION FOR A WRIT OF CERTIORARI TO~~
ON PETITION FOR A WRIT OF HABEAS CORPUS TO

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN DIEGO
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

~~PETITION FOR WRIT OF CERTIORARI~~
PETITION FOR A WRIT OF HABEAS CORPUS

DERRICK L. JOHNSON
(Your Name) BOOKING NO. 25712768

451 RIVERVIEW PKWY
(Address)

SANTEE, CA 92071
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

WHETHER ANY OF THE RESPONDENTS HAVE PETITIONER IN CUSTODY IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES?

WHERE : RESPONDENT SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN DIEGO LACKS JURISDICTION OVER A PAROLE VIOLATION THAT OCCURRED OUTSIDE OF SAN DIEGO COUNTY ARE THE PROCEEDINGS VOID?

WHETHER THE WRIT OF HABEAS CORPUS SHOULD BE ISSUED BY THE SUPREME COURT IN THIS CASE?

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:

RELATED CASES

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

~~PETITION FOR WRIT OF CERTIORARI~~
PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of ~~certiorari~~ ^{habeas} ~~issue to review the judgment below~~ ^{CORPUS ISSUE. THE REASON FOR NOT MAKING APPLICATION TO THE DISTRICT COURT OVER THE DISTRICT IN WHICH APPLICANT}
^{IS HELD IS APPLICATIONS HAVE BEEN MADE IN OTHER CASES AND THEY WERE ILLEGALLY DENIED.}

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals 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☐ is unpublished.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 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 _____.

☐ 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(2)~~ **2241(b) AND RULE 20.4 OF RULES OF THE SUPREME COURT OF THE UNITED STATES.**

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED
NONE

STATEMENT OF THE CASE

THE NAME OF THE PERSON HAVING CUSTODY OVER APPLICANT, BY VIRTUE OF STATE AUTHORITY, IS KELLY A. MARTINEZ. THE FACTS CONCERNING APPLICANT'S DETENTION ARE:

1. ON OR AFTER MARCH 25, 2025, IN SAN DIEGO, CA, IN NO. PLAY7574, RESPONDENT SHERIFF OF SAN DIEGO COUNTY KELLY A. MARTINEZ, RESPONDENT SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN DIEGO, AND RESPONDENT JUDGE KRISTOPHER S. YOUNG: A) HELD AND CONTINUES TO HOLD PETITIONER (APPLICANT) TO ANSWER FOR A OTHERWISE INFAMOUS CRIME WITHOUT BEING ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY IN A CASE NOT ARISING IN THE LAND OR NAVAL FORCES OR IN THE MILITIA WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER, IN VIOLATION OF THE 5TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, AND THEREBY PETITIONER (APPLICANT) IS A PRISONER IN CUSTODY IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES AND B) HELD AND CONTINUES TO HOLD PETITIONER (APPLICANT) FOR AN OFFENSE THAT OCCURRED OUTSIDE OF SAN DIEGO COUNTY AND THEREBY NONE OF THE RESPONDENTS HAVE JURISDICTION TO PROCEED IN THE UNDERLYING CASE AND THE PROCEEDINGS ARE ENTIRELY VOID FOR WANT OF JURISDICTION.

I VERIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF AMERICA THAT I AM PETITIONER (APPLICANT) IN THIS DOCUMENT, THAT THE FOREGOING IS BASED ON MY PERSONAL KNOWLEDGE TO WHICH I AM COMPETENT TO TESTIFY AND IS ADMISSIBLE IN EVIDENCE THAT EXCEPTIONAL AND EXTRAORDINARY CIRCUMSTANCES WARRANT THE EXERCISE OF THIS COURT'S DISCRETIONARY POWERS, THAT ADEQUATE RELIEF CANNOT BE OBTAINED FROM THE RESPONDENT COURT, AND THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON APRIL 10, 2025 DERRICK L. JOHNSON, PETITIONER PROSE

ARGUMENT

THE CONTENTIONS IN SUPPORT OF THE PETITION ARE:

1. PETITIONER IS IN CUSTODY OF ONE OR MORE OF THE RESPONDENTS IN VIOLATION OF THE 5TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES (SPECIFICALLY THE "NO PERSON SHALL BE HELD TO ANSWER FOR A... OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR IN THE MILITIA, WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER..." PROVISION).

2. CASE LAW SAYS THE PROCEEDINGS ARE VOID (EX PARTE PARKS (1876) 29 L. ED. 787, 789) WHERE THE SUPREME COURT HELD, IN PART "WHERE AN INFERIOR COURT HAS JURISDICTION OF THE CAUSE AND THE PERSON IN A CRIMINAL SUIT, AND NO WRIT OF ERROR LIES TO THE SUPREME COURT, THE LATTER WILL NOT REVIEW THE LEGALITY OF THE PROCEEDINGS ON HABEAS CORPUS. IT IS ONLY WHERE THE PROCEEDINGS BELOW ARE ENTIRELY VOID, EITHER FOR WANT OF JURISDICTION OR OTHER CAUSE, THAT SUCH RELIEF WILL BE GIVEN...").

3. STATUTORY LAW REQUIRES THE SUPREME COURT TO ISSUE THE WRIT IN THIS CASE (28 U.S.C. § 2241 (C) STATES "... THE WRIT OF HABEAS CORPUS SHALL NOT EXTEND TO A PRISONER UNLESS--HE IS IN CUSTODY IN VIOLATION OF THE CONSTITUTION... OF THE UNITED STATES...").

IN CONCLUSION, THE WRIT OF HABEAS CORPUS SHOULD BE ISSUED. D.

THE RELIEF SOUGHT

THE RELIEF SOUGHT IS FOR THIS COURT TO: 1) EXTEND THE WRIT OF HABEAS CORPUS TO PETITIONER (A PRISONER) AND 2) DISPOSE OF THE MATTER AS LAW AND JUSTICE REQUIRES AND 3) ENTER AN ORDER RESTRAINING EVERY RESPONDENT FROM HOLDING PETITIONER TO ANSWER FOR A OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR IN THE MILITIA, WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER.