

24-7439

NO.

ORIGINAL

In re Terron Dizzley

IN THE

SUPREME COURT OF THE UNITED STATES

FILED  
JUN 05 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

ON PETITION OF HABEAS CORPUS

Terron Dizzley

(Your Name)

4848 Goldmine Highway

(Address)

Kershaw, SC 29067

(City, State, Zip Code)

N/A

(Phone Number)

## **QUESTION PRESENTED**

Mr. Dizzley contends that the trial court exceeded its jurisdiction by imposing a sentence on him in violation of the Fifth Amendment's Double Jeopardy Clause. Mr. Dizzley was tried for the crime of murder in a jury trial in 2012 in Georgetown South Carolina. After only three to four hours of deliberations the jury foreman sent a note that they could not reach a unanimous decision, Judge Baxley then spontaneously discharged Mr. Dizzley's jury on the grounds that his decision was based on a "strong message to the prosecution that they are unable to meet the "burden of proof" to the extent that they can bring back a unanimous verdict." However, instead of entering a verdict of acquittal, Judge Baxley declared a mistrial and Mr. Dizzley was tried again two years later in 2014 for the same offense and unlawfully convicted and sentenced to 35 years in the South Carolina Department of Corrections. The case thus presents the following question.

Did the trial court exceed its jurisdiction in violation of the Fifth Amendment's Double Jeopardy Clause by trying Mr. Dizzley a second time for the crime of murder and imposing a sentence on him after discharging his jury in his first trial on the grounds that the prosecution failed to meet the "burden of proof" to convict him?

Can The United States Supreme Court use its discretionary powers as leverage simply choosing not to adjudicate a case pursuant to an illegal incarceration and strictly apply Supreme Court procedural rules to turn a "blind eye" to condone, and to authorize the continued unlawful imprisonment of an American citizen, in violation of his Thirteenth and Fourteenth Amendment rights?

## LIST OF PARTIES

All Parties are listed in the caption of the case on the cover page.

## RELATED CASES

State v Terron Dizzley, 2009-GS-22-00778

Terron Dizzley v Warden Stephan, 8:20-CV-00126-SAL

Terron Dizzley v Warden Kenneth Nelson, 22-cv-4383

Terron Dizzley v Warden William Langdon, C/A No. 8:23-cv-4221-JD-JDA

Terron Dizzley v Warden Tonya James, and Commissioner Bryan Stirling 8:25-cv-1093-JD-WSB

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**PETITION FOR WRIT OF HABEAS CORPUS**  
**TO THE SUPREME COURT OF THE UNITED STATES**

The Petitioner Terron Gerhard Dizzley, respectfully prays that Habeas Corpus issue to review the judgment of the Circuit Court of Georgetown South Carolina entered on August 30, 2012, so far as necessary to ascertain whether the trial judge's ruling was an acquittal for purposes of double jeopardy, to ascertain whether the trial court exceeded its jurisdictional authority in rendering the sentence imposed on Petitioner pursuant to his second trial of 2014 for the same offense and under which Petitioner is held.

**OPINION BELOW**

The Honorable Judge Baxley's ruling from Petitioner Terron Gerhard Dizzley's first trial of 2012, in the Georgetown South Carolina Court of General Sessions is contained in appendix A of this petition at page...

**JURISDICTION**

The original judgment of the Georgetown South Carolina Circuit Court of General Sessions was entered on August 30, 2012.

The jurisdiction of this Court is invoked under 28 U. S. C. section 1651(a). Petitioner contends that according to the landmark precedent case on Double Jeopardy from this Honorable Court, Ex parte Lange, 85 U.S. 163 (1873), Petitioner's Writ of Habeas Corpus for immediate release from an illegal sentence imposed in violation of the Fifth Amendment's Double Jeopardy Clause is in aid of this Court's appellate jurisdiction. Ex parte Lange, 85

U.S. 163 (1873), "The United States Supreme Court has authority to issue writs of habeas corpus and to examine proceedings in inferior court so far as necessary to ascertain whether that court exceeded its authority in rendering the sentence imposed on petitioner and under which the petitioner is held."

Petitioner also contends, most importantly that exceptional and extraordinary circumstances pursuant to Petitioner being held illegally incarcerated for eleven years and counting under an illegal sentence imposed on him without jurisdiction nor legal authority in violation of the Fifth Amendment's Double Jeopardy Clause warrants this Court's discretionary powers to immediately release Petitioner. Petitioner contends that adequate relief cannot be obtained in any other court. Rule 20.

Petitioner contends that although his Petition for Habeas Corpus complies with all of this Court's appellate court rules to justify granting this writ, according to this Honorable Court's own rulings, under such extraordinary circumstances of an illegal incarceration, in the interest of justice, Petitioner pleads with this Honorable Court and ask it not to strictly apply Supreme Court rules solely as a reason to deny his petition for procedural reasons, which would result in a continuing illegal incarceration without due process and would cause Petitioner to suffer further "irreparable harm." See U.S. v. Ohio Power Co., 353 U.S. 98 (1957), "The interest in finality of litigation "must" yield where interest of justice would make unfair strict application of Supreme Court rules."

## **STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED**

**The following statutory and constitutional provisions are involved in this case.**

### **U. S. CONST., AMEND V**

Nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;

### **U. S. CONST., AMEND XIII -**

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction..

### **U. S. CONST., AMEND XIV**

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **28 U. S. C. Section 1651(a)**

## **GROUND 1**

**I. The Trial Court Exceeded Its Jurisdiction in Violation of The Fifth Amendment's Double Jeopardy Clause by Trying Mr. Dizzley a Second Time for The Crime of Murder and Imposing a Sentence on Him After Discharging His Jury in His First Trial on The Grounds That The Prosecution Failed to Meet The "Burden of Proof" to Convict Him.**

### **STATEMENT OF CASE**

In 2012, Mr. Dizzley was tried in a trial by a jury in Georgetown South Carolina for the crime of murder of which he established and maintained his innocence. See. State v. Terron Dizzley, Case No. 2009-GS-22-007780. Mr. Dizzley contends that after the prosecution rested its case in his first trial of 2012, the Honorable Judge Baxley gave the following jury charge. See: Trial Transcript of 2012, Court Reporter, Krystal Smith, Tr. P. 74, L. 8 – 25, citing from 20 – 25).

“In this state, according to the Constitution, the prosecution must prove their case to the standard of proof we call beyond a reasonable doubt, which is – that is before a finding of guilt may occur, and if the state failed to meet this high burden and it is a high burden, the defendant is entitled to an acquittal.”

On August 30, 2012, after only three to four hours of deliberations, the Honorable Judge Baxley received a note from the jury foreman that they were unable to reach a decision. Judge Baxley then spontaneously declared a mistrial, after stating the following:

See: Transcript of 2012 trial ( by Court Reporter, Grace Hurley). Ruling of the Honorable Judge Michael Baxley. Pages 314, Lines 13 – 18.

“Now what you’ve told us is that you can’t reach a unanimous decision, and I would say to you that that’s not a failure on your part. That’s actually a strong message to the prosecution that they are unable to meet the “burden of proof” to the extent that they can bring back a unanimous verdict.”

Therefore, according to Judge Baxley’s own charge on the law to the jury, if the prosecution failed to meet their “burden of proof” to convict Mr. Dizzley, he was entitled to an acquittal. Moreover, according to the following U.S. Supreme Court precedent cases on judgments of acquittals for double jeopardy purposes, U.S. v. Martin Linen Supply Co., 430 U.S. 564 (1977); Burks v. United States, 437 U.S. 1 (1978); Green v. Massey, 437 U.S. 19 (1978); Hudson v. Louisiana, 45 U.S. 40 (1981); and U.S. v. Scott, 437 U.S. 82 (1978), establishes that when a judge discharges a jury on the grounds that the prosecution failed to meet their “burden of proof” or that there was “insufficient evidence” to convict, such as the above ruling by Judge Baxley in Mr. Dizzley’s case, such rulings are: 1. acquittals for purposes of double jeopardy despite the label that is placed on the ruling as a mistrial; 2. establishes a person’s “innocence” and “lack of criminal culpability” to have committed the offense charged, and; 3. terminates the jurisdiction of the case and double jeopardy bars retrial. See also: Evans v. Michigan, 568 U.S. 313 (2013),

“Here we know that trial court acquitted Evans, not because it incanted the word, “acquit” (which it did not) but because it acted on its view that the prosecution had failed to prove its case. Labels do not control the analysis of whether a decision dismissing a criminal case bars retrial under double jeopardy clause, rather the substance of the court decision does. The U.S. Supreme Court, Justice Sotomayor, held that midtrial directed verdict and dismissal, based on trial court’s erroneous

requirement of an extra element for the charge offence, was “acquittal” for double jeopardy purposes. An acquittal for double jeopardy purposes includes a ruling by the court that the evidence is insufficient to convict, a factual finding that necessarily establishes the criminal culpability, and other rulings which relates to the ultimate question of guilt or innocence. Most relevant here, an “acquittal encompasses any ruling that the prosecution’s proof is insufficient to establish criminal liability for an offence.”

Mr. Dizzley contends that *Burks v. United States*, 437 U.S. 1 (1978), establishes that once a reviewing court has found that the evidence is legally insufficient, the “only” just remedy is to enter a verdict of acquittal, not to declare a mistrial to afford the prosecution another opportunity to present evidence to attempt to meet their burden of proof. See: *Burks v. United States*, 437 U.S. 1 (1978),

“The Double Jeopardy Clause forbids a second trial for the purpose of affording the prosecution another opportunity to supply evidence which it failed to muster in the first proceeding. The Double Jeopardy Clause precludes a second trial once the reviewing court has found the evidence legally insufficient, and the “only” just remedy available for that court is the direction of a judgment of acquittal.”

The record proves that Judge Baxley’s comments in reference to declaring a mistrial, Judge Baxley made no indications that he: (1) reconsidered his “strong message” to the prosecution that they were unable to meet the “burden of proof” to convict him. See: *Smith v. Massachusetts*, 543 U.S. 462 (2005); (2) Judge Baxley made no comments that his decision to declare a mistrial was pursuant to any “procedural” reasons on questions unrelated to factual “guilt” or “innocence,” that would justify declaring a mistrial. See: *Evans v. Michigan*, 568 U.S. 313 (2013), quoting *U.S. v. Scott*, 437 U.S. 82 (1978),

“This ruling was not a dismissal on procedural grounds “unrelated to factual guilt or innocence,” like the question in Scott, but rather a determination that the State had failed to prove its case. Under our precedents, then, Evans was acquitted.”

Mr. Dizzley contends that, as in Evans, in his case, the Honorable Judge Baxley’s ruling was a determination that, “the State had failed to prove its case.” Therefore, under U.S. Supreme Court precedents, then, Mr. Dizzley was also acquitted; and (3) nor, does the record reflect that there was a “manifest necessity” to declare a mistrial. As a matter of fact, the record proves that after declaring a mistrial, the Honorable Judge Baxley made additional comments that he evaluated the “set of facts” presented to the jury, and reiterated his view that his decision to declare a mistrial was based on a “strong message” to the prosecution that they were unable to meet the “burden of proof” to convict Mr. Dizzley. See: Trial of 2012 transcript by (Court Reporter, Grace Hurley), Pages 315, L1-8.

“I don’t want you to believe in any way, zero way, that somehow you are responsible for that, because you are not. You’re given a set of “facts” that were the best that a state could adduce from what happened and what they were able to determine, they put that up to you and you brought back a wise, common-sense decision that you simply could not agree upon it. “There is a message in that” and so you’ve accomplished your purpose.”

Despite this, Mr. Dizzley was unlawfully tried again, two years later in 2014 for the same offense and unlawfully convicted and unlawfully sentenced to 35 years in the South Carolina Department of Corrections.

## **GROUND 2**

### **II. The United States Supreme Court Has Used Its Discretionary Powers as Leverage Simply Choosing Not to Adjudicate Mr. Dizzley’s Case Pursuant to an Illegal Incarceration and Has Strictly Applied Supreme**

**Court Procedural Rules To Turn A “Blind Eye” To, Condone, And  
Authorize Mr. Dizzley’s Continued Unlawful Imprisonment In  
Violation Of His Thirteenth and Fourteenth Amendment Rights.**

Mr. Dizzley, an American citizen, contends that although his Petition for Habeas Corpus complies with all of this Court’s appellate court rules to justify granting this writ, according to this Honorable Court’s own rulings, under such extraordinary circumstances of an illegal incarceration, in the interest of justice, Mr. Dizzley pleads with this Honorable Court and ask it not to strictly apply Supreme Court rules solely as a reason to deny his petition for procedural reasons, which would result in a continuing illegal incarceration without due process and would cause him to suffer further “irreparable harm.”

See U.S. v. Ohio Power Co., 353 U.S. 98 (1957), “The interest in finality of litigation “must” yield where interest of justice would make unfair strict application of Supreme Court rules.”

Mr. Dizzley contends that the record proves that for six years the lower courts had deprived him from obtaining his first trial transcript pursuant to countless motions requesting discovery. Mr. Dizzley, in 2020, after hiring a third private investigator was able to obtain his first trial transcript of 2012 which proves that he received a “judgment of acquittal” from the Honorable Judge Michael Baxley who discharged his jury on the grounds that the prosecution failed to meet the “burden of proof” to convict him, and, therefore his second trial of 2014 for the same offense was barred by double jeopardy.

The record proves that in 2020, Mr. Dizzley filed a Writ of Mandamus in this Supreme Court for his immediate release pursuant to 28 U.S.C. Section 1651(a), in aid of this appellate court’s jurisdiction pursuant to the principles set forth in Ex parte Lange, 85 U.S.

163 (1873). See: *In re Dizzley*, 141 S. Ct. 867 (2020). The record proves that this Supreme Court filed Mr. Dizzley's Writ of Mandamus and months later Mr. Dizzley received an order simply stating denied. Mr. Dizzley filed a timely petition for rehearing which was also denied simply stating denied with a letter attached stating that the denial of his Writ of Mandamus without a ruling on the merits did not mean that his case was not meritorious but that the Supreme Court simply, in exercise of the Court's discretionary powers decided not to look at the case. Mr. Dizzley contends that it is now five years later and This Supreme Court of The United States could have prevented him from suffering five years of further irreparable harm under an illegal incarceration by adjudicating his 2020 Writ of Mandamus on the merits and release him from this illegal incarceration.

Mr. Dizzley contends that he is an American citizen who has been illegally incarcerated for eleven years and counting pursuant to an illegal sentence imposed on him in violation of the Fifth Amendment's Double Jeopardy Clause. Mr. Dizzley contends that for eleven years and counting, of being held illegally incarcerated, he has never had a ruling on the merits of his illegal incarceration from any court pursuant to countless petitions for relief.

Mr. Dizzley contends that the record proves that on April 10, 2025, he filed a Writ of Certiorari in this Supreme Court for Immediate Release, Double Jeopardy, False Imprisonment, Lack of Trial Court's Jurisdiction to Impose Sentence and the Petition was sent back to him without filing strictly applying Supreme Court rules. The record proves that on April 23, 2025, Mr. Dizzley refiled the Writ of Certiorari along with an affidavit explaining that this Court misunderstood the jurisdictional purposes of him filing the Writ of Certiorari and also provided this Court with U.S. Supreme Court case law which

establishes his right to habeas corpus relief which may not be denied under such circumstances of an illegal restraint of personal liberty, and that under such circumstances, “The interest in finality of litigation must yield where interest of justice would make unfair strict application of Supreme Court rules.” *U.S. v. Ohio Power Co., supra*, 353 U. S. 98 (1957). Despite this, Mr. Dizzley’s Writ of Certiorari was again returned to him without filing in reference to strict application of Supreme Court rules.

Mr. Dizzley contends that the lower courts and this U.S. Supreme Court’s refusal for eleven years and counting to adjudicate his case on the merits pursuant to an illegal incarceration on Double Jeopardy grounds dismissing Mr. Dizzley’s petitions for “alleged” procedural reasons are contrary to clearly established federal law as determined by the U.S. Supreme Court. The great writ of habeas corpus is to provide a “**swift and imperative**” remedy for individuals to challenge the legality of their incarceration. Mr. Dizzley contends that denying him relief from an illegal incarceration for alleged procedural reasons cannot, and do not somehow make the eleven years and counting Mr. Dizzley suffered in prison under an illegal sentence legal, and nor does it somehow legitimize Mr. Dizzley’s ongoing illegal incarceration.

The Double Jeopardy Clause protects individuals from being subject to multiple prosecutions for the same offense. This principle is rooted in the desire to place the finality of litigation above procedural gamesmanship, thus safeguarding personal liberty against the weight of government abuse.

In *U.S. v. Ohio Power Co., supra*, 53 U.S. 98 (1957), the Supreme Court highlighted that the strict application of procedural rules can produce outcomes that are unjust and

counter to the interests of justice. The court asserted that when procedural strictures inhibit fair outcomes, they must yield to ensure that justice prevails. Mr. Dizzley contends that the record proves that The Supreme Court of the United States has leveraged procedural technicalities against him to avoid adjudication of his illegal incarceration. These practices has resulted in the unjust extension of his illegal incarceration.

Mr. Dizzley contends that his continued illegal incarceration not only violates constitutional protections but also has an adverse effect on his mental health, social ties, and overall well-being. This raises ethical concerns about the justice system's role in safeguarding rather than infringing upon individual liberties.

## **REASONS FOR GRANTING THE WRIT OF HABEAS CORPUS**

### **I. THE SENTENCE IMPOSED ON MR. DIZZLEY IS A VIOLATION OF THE FIFTH AMENDMENT'S DOUBLE JEOPARDY CLAUSE WHICH CONSTITUTES AN ILLEGAL INCARCERATION AND A BADGE OF SLAVERY.**

According to the landmark precedent case on Double Jeopardy, *Ex parte Lange*, 85 U.S. 163 (1873),

"The United States Supreme Court has authority to issue writs of habeas corpus and to examine proceedings in inferior court so far as necessary to ascertain whether that court exceeded its authority in rendering the sentence imposed on petitioner and under which the petitioner is held."

This case presents significant and unresolved questions regarding the application of the Double Jeopardy Clause, which have profound implications for Mr. Dizzley. Mr. Dizzley contends that the lower courts have made findings and imposed a sentence on him that contravene established Supreme Court precedent, particularly in light of the principles

articulated in *Ex parte Lange*, 85 U.S. 163 (1873), which assert that sentences imposed in violation of the Double Jeopardy Clause are without jurisdiction and “void for want of power” to hold a party a prisoner and he must be discharged, and when a writ of habeas corpus is filed and probable grounds are shown that the party is being held in custody unlawfully, “the habeas corpus then becomes a writ of right which may not be denied” nor delayed. See: *Ex parte Lange*, 85 U.S. 163 (1873),

“The Court initiated what has been described as a long process of expansion of the concept of the lack of jurisdiction. Lange contended that he had been twice sentence for the same offence, in violating the Fifth Amendment’s Double Jeopardy Clause, when he had been re-sentenced to a term of imprisonment after having paid the fine originally imposed. Carefully disclaiming the use of Habeas, as a writ of error, the Supreme Court ordered Lange released from imprisonment because the lower Court’s jurisdiction terminated upon the satisfaction of the original sentence. A second judgment of the same verdict is, under such circumstances, “void for want of power,” and it affords no authority to hold the party a prisoner and he must be discharged.”

In *Ex parte Lange*, the Supreme Court held that once a defendant has been acquitted or previously punished for a crime, they cannot subsequently be tried or punished again for the same offense. The imposition of a sentence in violation of this constitutional protection represents a grave breach of the rule of law and individual rights. In the present case, the lower courts disregarded this fundamental principle, resulting in Mr. Dizzley’s illegal incarceration for eleven years and counting, which should not be tolerated in a just legal system.

By failing to adhere to the Double Jeopardy Clause, the lower courts have effectively denied Mr. Dizzley fair legal process, which is a cornerstone of American jurisprudence. The decision of the lower courts undermines public trust in the legal system and the rule of law. When the justice system operates outside its constitutional boundaries, it risks

fostering public cynicism and a belief that the government can incarcerate individuals without adhering to the law. Granting the writ would send a powerful message that the Supreme Court is committed to upholding constitutional protections and correcting judicial overreach.

The illegal incarceration of Mr. Dizzley constitutes more than just a procedural error; it is a profound injustice that constitutes a badge of slavery in violation of Mr. Dizzley's Thirteenth and Fourteenth Amendment rights and continues to violate Mr. Dizzley's rights daily resulting in irreparable harm.

**II. MR. DIZZLEY'S ELEVEN YEARS AND COUNTING OF BEING HELD ILLEGALLY INCARCERATED HAS PLACED HIS LIFE IN IMMINENT DANGER RESULTING IN SEVERAL ASSAULTS AND ATTEMPTS ON HIS LIFE BY PRISON ADMINISTRATION IN RETALIATION FOR FILING PETITIONS FOR IMMEDIATE RELEASE IN VIOLATION OF HIS EIGHTH, THIRTEENTH, AND FOURTEENTH AMENDMENT RIGHTS.**

Mr. Dizzley contends that the petition for a writ of habeas corpus should be granted because the laws pursuant to his case is irrefutable that his incarceration is illegal, and through out eleven years and counting of being held illegally incarcerated has placed his life in imminent danger resulting in several assaults and attempts on his life by prison administration in retaliation for filing petitions for habeas corpus for his immediate release in violation of his Eighth, Thirteenth, and Fourteenth Amendment Rights.

Mr. Dizzley contends that in addition to these assaults by prison administration, each time he was assaulted he was placed in solitary confinement for months without medical treatment and then shipped to other institutions.

Mr. Dizzley contends that he has medical records that proves that he has suffered tares in his muscle tissue in his right shoulder and a hernia which requires surgery as a result of these assaults. Mr. Dizzley has also been stabbed by an inmate all while being held illegally incarcerated. Mr. Dizzley contends that he is suffering extreme emotional distress from being held illegally incarcerated pursuant to the circumstances mentioned and also pursuant to the extreme violations of the judicial system's violations of his Fourteenth Amendment Rights to Due Process by turning a "blind eye" to his illegal incarceration and refusing to adjudicate his case and issue an order for his immediate release.

Mr. Dizzley contends that he has extensively studied case law pursuant to cases exactly like his case, and these cases establishes that under circumstances of an illegal incarceration the person has the same rights under self-defense laws and has the right to use reasonable force or even deadly force to free himself from the people who are holding him in captivity. Mr. Dizzley contends that it is clear from the record from countless petitions for his immediate release in the lower courts and this Supreme Court Of The United States that despite continuing violations of his constitutional rights by the courts in turning a blind eye to his illegal incarceration, he still trust that the judicial system will protect his rights and release him and has elected not to exercise his rights to self-defense

by using reasonable force or deadly force although prison administration has made several attempts on his life.

Petitioner, Mr. Dizzley contends that he is an American citizen, and fears for his life pursuant to horrifying unlawful acts of his own State and Country and pleads with this Court to save his life by issuing an order for his immediate release.

### **CONCLUSION**

In conclusion, the extraordinary circumstances of Mr. Dizzley's illegal incarceration, in conjunction with the critical constitutional issues at stake, compel the Supreme Court to grant the writ of habeas corpus. The necessity to rectify this miscarriage of justice at the heart of this matter is urgent.

Date June 4, 2025



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