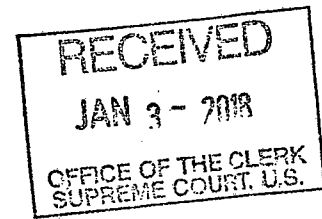


ORIGINAL

No. 17-6874



Appellant's Supplemental Brief

Gary D. King
Appellant.

vs.

Walter Berry, Warden
Appellee.

IN THE SUPREME COURT OF THE UNITED STATES

GARY D. KING # 1300812

Appellant.

VS.

WALTER BERRY, Warden

Appellee.

No. 17-6874

Supplement Based On New Intervening Matter

COMES NOW Appellant, GARY D. KING, request to supplement petition for certiorari in compliance with Sup. Ct. R. 15.8 showing as follow:

I.

JURISDICTION

Supreme Court of the United States have jurisdiction to resolve claims properly before it

STATEMENT OF FACTS

On October 26, 2017, my petition for certiorari was filed in The Supreme Court of the United States.

On October 31, 2017, a new Georgia Court of Appeals case no. A17A1270, State v. Almanza was decided regarding a motion in Limine.

On December 3rd - 6th, 2017, I discovered information from WASHINGTON (AP) and FAIRHOPE, ALA. (AP) that has substantially shed light on my trial proceedings and in-league bias demonstrated by the federal 11th Circuit courts.

My Public Defender trial counsel, Jamie Robert, is transgender, I am a black male. My jury panel had a substantial lack of symmetry in many forms, gender, race, and political affiliations.

I had an alibi witness, Amanda Clayton, who testified [Doc. 18, 19]. I was indicted in the 2008 election year, blacks voted in record numbers.

II

STATEMENT OF ISSUES

I.) Ineffective Assistance of Counsel

A. Does trial counsel's failure to file a motion in Limine to offer substantive impeachment evidence constitute incompetent performance?

B. Most Republicans and/or Democrats share the same views, but ultimately different realities. Is not a substantial lack of party "symmetry" within a selected jury panel unconstitutional?

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III

LEGAL ARGUMENTS

I) Ineffective Assistance of Counsel

A. Does trial counsel's failure to file a motion in Limine to offer substantive impeachment evidence constitute incompetence performance?

1. Because substantive false allegation evidence was relevant to my full and fair defense, Jamie Roberts failure to file a motion in Limine to offer the substantive impeachment evidence, rendered incompetent performance. Therefore, incompetence of counsel gutted my defenses. in failing to file a motion in Limine.

See State v. Almanza, Georgia Court of Appeals, case no. A17A1270 (October 31, 2017) (The state filed a motion in Limine seeking an order that would allow prosecutors to introduce into evidence [prior out of court] testimony... motion granted in part)

Jamie Roberts performance was inconsistent with this case as far as "properly seeking an order"

to introduce substantive evidence, by filing a motion in Limine. Compare for example, President Trump's nominee for a "federal Judge", Brett Talley, was he not incompetent to a motion in Limine? Now that is really troubling and raises grave concerns giving the fact that my case is out of the 11th circuit. It also sheds light on the unreasonable rulings as well.

B. Most Republicans and/or Democrats share the same views, but ultimately different realities. Is not a substantial lack of party "symmetry" within a selected jury panel unconstitutional?

1. Because Republicans and Democrats may share the same views, but clearly different realities, a "serious concern" is when a defendant's selected jury panel constituted a substantial lack of party symmetry. How can a jury draw inferences impartially deliberating with "one track realities" uncontested by the other? Therefore, Georgia's trial court altered my ac-

tion by tendering and seating "one track realities" that clearly supported state jurist agenda from the get go and uncontested by the other party. I am a black male, my attorney transgender.

To shed some light on this issue of party bolstering agenda's, See WASHINGTON (AP) December 13, 2017 19:12 ("Republican's nominees for federal judge ... Brett Talley and Jeff Mateer ... In speeches, Mateer has describe transgender children as evidence of "Satan's plan"...) December 03, 2017 22:47

(Trump: "electing a Democrat to the seat formerly held by Attorney General Jeff Sessions" "would be a disaster.")

Did Georgia's conservative Republican trial judge, Dennis Blackmon, or state Republican prosecutor Monique Kirby not have the same reality that Trump have seating Democrats, "disaster"? Did the black male Democrats struck by the Georgia state

prosecutor in pattern to a racially disproportionate jury panel threatening the states agenda?

See FAIRHOPE, ALA (AP) December 06, 2017 01:36 ("The Republican National Committee ☐ transferred \$170,000 to Alabama Republican Party to bolster embattled Senate candidate Roy Moore".)

The reality here of the RNC clearly demonstrate's that it ~~don't~~ ^{doesn't} matter if what they hear is true or false, "several" sexual misconducts and child molestation allegations, it's about the agenda. "Birds of a flock fly together"

Compare DETROIT (AP) December 04, 2017 16:49 (Democrat U.S. Rep., John Conyers, who faces allegations of "several" sexual harrassment accusations, his colleagues are calling for due process in his support")

The reality here is taking the high road, law, principal, and equality because the U.S. Constitution and the Declaration calls for just that. I've never seen the word agenda in either. "Bird of a flock,"

just because it "walk like a duck and quack like a duck" does not mean that the "bird of [the] flock" is indeed a duck, he could well be an "eagle" that was influenced by ducks, unaware that he can clearly fly higher than that "flock of ducks". Take the high road.

Boster party agenda (bigotry) or law, principal, and equality (Due Process), Are you an "eagle"?

I had an alibi witness, Amanda Clayton, that testified truthfully [Doc. 18, 19]. My conviction was based solely on hearsay evidence, state witnesses were extensively impeached, there was no evidence that directly linked me to these alleged charges, and there is "zero" #ME TOO accusations because sex crimes are not my character.

The thirteen white jurors and one black female juror got it unjustly wrong.

Gary D. King # 1300812

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IV.

CONCLUSION

I was indicted during the 2008 election (Barack). Democrats and African-Americans voted in record numbers accross the country, and in Georgia, Troup County; However, those numbers did not reflect on my jury panel that substantially lacked symmetry. This, coupled with the fact that my defenses were gutted due to trial counsels incompetent performance, clearly constitutes a manifested injustice

WHEREFORE Appellant, GARY D. KING, prays this HONORABLE COURT grant petition for certior that is just

Happy Holidays ; Respectfully Submitted,

Gary D. King

Darryl King

12.25.17

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CERTIFICATE OF SERVICE

This is to certify that I have served my supplement upon the following below with proper postage herein United States Postal Service

Supreme Court of the U.S
Office of the Clerk
Lisa Nesbitt
Washington, DC 20543-0001

Georgia Dept. of Law
Sarah H. Warren
40 Capitol Square, S.W
Atlanta, Georgia 30334-1300

This the 25th day of December 2017

Happy Holidays,

Gary D. King