

No. 17-7922

IN THE
SUPREME COURT OF THE UNITED STATES

DeCarlo J Worth — PETITIONER
(Your Name)

vs.

The people of the state of New York RESPONDENT(S) "et al"
-- ("Petition for Rehearing")

Appellate Division fourth Judicial Department
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DeCarlo J Worth
(Your Name)

Wyoming Correctional Facility
(Address)

PO Box 501 Atlantic NJ 14011
(City, State, Zip Code)

n/a
(Phone Number)

QUESTION(S) PRESENTED

1. WAS the purported Appeal waiver ineffective to preclude Appellants Challenge to His Sentence

2 WAS Appellants sentence and period of post release supervision Harsh and excessive

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:

DeCarlo J Worth
Wyoming Correctional Facility
P.O Box 501
Attica N.Y. 14011-0501

John J. Flynn
Erie County District Attorney
Donna A. Milling
Chief Appeals Bureau

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INDEX TO APPENDICES

APPENDIX A A timely petition was filed. New York State Court of Appeals Order Denying Leave Dated March 3 2017

APPENDIX B A timely petition was filed. Erie County Court Denying Rehearing 440 motion Dated Jun 19, 2017

APPENDIX C State of New York Appellate Division Fourth Department Decision. Dated December 23, 2016 Denying Review

APPENDIX D State of New York Appellate Division Fourth Department Decision Dated November 1, 2017 Associate Justice Erin M. Perabito

APPENDIX E my letter to court of Appeals Dated January 10 2017
The Response Letter from Erie County District Attorney Dated Feb 2, 2017

APPENDIX F A copy of Academic Report to Help understand my petition and Disability Dated March 26, 2018. Also my letter to explain my petition for a Rehearing writ of CERTIORARI was Ready on May 29, 2018. But there was no notary service available on May 29, 2018. I had to wait until June 2, 2018 to get notary service.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Please See the Application and motion
for certificate Granting Leave to
Appeal CPL 440 Denial CPL 450.15 : 460.15
22 NYCRR 1000.13 (c)
Appendix B

STATUTES AND RULES

Please See Appendix B

OTHER

Please See Appendix B

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 _____ 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 A to the petition and is

☐ reported at State of New York Court of Appeals; or,

☒ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the State of New York Court of Appeals court appears at Appendix A 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 MARCH 3, 2017
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: JUN 19, 2017, and a copy of the order denying rehearing appears at Appendix B. then a timely petition was thereafter denied at Appendix D November 1, 2017 Appellate Division Fourth Department.

☐ 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

Please See Appendix, B

STATEMENT OF THE CASE

Clearly there's a error
Because there was no
Burglary.

The A.D.T Alarm system
was on and in my name
at the time of the
incident.

This is because I had permission to
be at the residence. Also at the time
of the proceedings I was very ill and sick
this was the reason for Judge Haendiges
Recommendation for treatment.

REASONS FOR GRANTING THE PETITION

Im VERY SORRY ABOUT what Happen
In the lower court.

I WAS Sick And ill At the time of
the proceeding And I didn't understand
the Judge Recommendation for treatment

I DeCarlo Worth Request that this Court AS A matter of discretion in the interest of Justice GRANT Relief AS this Court deems Just AND proper.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

De Carlo Worth

Date: MAY 29, 2018

Certificate

I DeCARLO J Worth is unrepresented By Counsel. I Do certify this certificate.

I Do SWEAR that this petition for Beharrning writ of CERTIORARI is presented in good faith And not for delay. Im unrepresented By Counsel.

I will BRIEFLY And distinctly state its grounds Restricted to Rule 44 PARAGRAPH 2 limited to intervening circumstances of Substantial controlling grounds not previously presented.

MR HARRIS At the time of the first petition I Didn't know who needed to Be Served. At the time of the first petition I WAS thinking that only the Attorney General of the State of new York to Be served with A Copy of the petition writ of CERTIORARI.

Because of my learning Disability I Have A VERY Hard time Reading And understanding And Remembering what I Read.

At the time of the first petition I Didn't know that the Solicitor General of the united states needed to Be Served with A copy of the petition.

I DeCARLO J WORTH Do SWEAR that this petition for Beharrning writ of CERTIORARI is presented in good faith and not for delay. Please see Appendix. F

my Signature
DeCarlo Worth
May 29, 2018

DEAR MR HARRIS

June 2, 2018

I Received your letter Dated MAY 23, 2018
I Received your letter Dated MAY 23, 2018
ON MAY 29, 2018.

After your letter I Had CORRECTED my
petition for Rehearing.

my petition for A Rehearing WAS
CORRECTED ON MAY 29, 2018.

But there was no notary AVAILABLE
for me until June 2 2018.

I wanted to send my petition for
A Rehearing SOONER But I Had to
wait until A notary WAS AVAILABLE.

Please See Appendix F for A Better
understanding of my petition for
A Rehearing.

MR HARRIS

I present my petition
for A Rehearing in Good Faith
And not for delay

DeCade Worth