

Supreme Court, U.S.
FILED

DEC 19 2017

OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

AARON GRANT-FARLEY- PRO-SE PETITIONER
VS

STATE OF GEORGIA- RESPONDANT

ON PETITION FOR WRIT OF CERTIORARI TO

THE GEORGIA SUPREME COURT

The Georgia Supreme Court denied petitioners Writ of Certiorari on October 2, 2017, and denied Motion for Reconsideration on November 14, 2017 (see attached A). Petitioner has 90 days to appeal, and jurisdiction is thereby conferred to Honorable Supreme Court of the United States, pursuant 28USC 2101(C).

AARON GRANT-FARLEY
PHILLIPS STATE PRISON
2989 West Rock Quarry Road
Buford GA 30519

Questions Presented

Was the Supreme Court of Georgia, Georgia Court of Appeals and Trial Court of Cobb County's decision contrary to clearly establish Federal law as to justify grant of Writ of Certiorari?

Did the Supreme Court of Georgia, Georgia Court of Appeals, and Trial Court of Cobb County's decision involve unreasonable application of Federal Law to claims of perjury, false statements and writings, concealment of facts, egregious violations of Federal Rules of Civil Procedure, misconduct by officers of the court, and fraudulent documents in matters within jurisdiction of State and Political Subdivisions?

Was the Supreme Court of Georgia, Georgia Court of Appeals, and Trial Court of Cobb decisions based on an unreasonable determination of facts in light of the evidence presented in State Court proceeding to warrant grant of Certiorari?

Did the Supreme Court of Georgia's decision involve unreasonable application of Federal Law to case of "Great Concern, Gravity and Imperative Importance to the Public" as to warrant grant of Certiorari under predecessor to rules 10 and 11?

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:

Victor Reynolds, District Attorney
Cobb Judicial Circuit, Bar No-601421

Amelia G. Pray, Senior Assistant District Attorney
Cobb Judicial Circuit, Bar No- 586734

Georgia Court of Appeals
47 Trinity Ave SW #501
Atlanta GA 30334

Supreme Court of Georgia
244 Washington Street, Suite 572
Atlanta GA 30334

Ray Gary Jr.
4212 Wild flower Pond
Acworth GA 30101

INDEX TO APPENDICES

APPENDIX A – Decision of Georgia Court of Appeals, Docket/Case # A17D0411, View opinion order, dated May 22, 2017

APPENDIX B-- Decision of Cobb County Superior Court, Case # 02-9-2840, View March 22, 2017 (Order)

APPENDIX C—Decision of Georgia Supreme Court, denial Case # S17C1744, View October 2, 2017

APPENDIX D—Order of Georgia Supreme Court, Case # S17C1744, Deny Rehearing November 14, 2017

APPENDIX E—

- **Affidavit in support of Discretionary Appeal #A17DO411 (facts) with Supporting Transcripts References Extraordinary Hearing, March 6, 2017; Habeas, December 11, 2006; that Warrants Grant of Prayer for Emergency Relief**
- Response in Opposition to Extraordinary Motion for New Trial
- Letter from Juror
- Transcript from Extraordinary Motion for New Trial, pgs. 1--32, 37-41, 44, 46, 69
- Trial Transcript, pgs. 1-3, 22-23, 419-420
- Backdated letter from former Trial Counsel sent **to family member**, letter backdated September 23, 2002
- Court date Notice with questionnaire with no court date, dated October 15, 2002, due after conviction
- Letter dated September 17, 2002, from former Trial Counsel with estimated plea sent to **family member**
- Transcript from Motion for New Trial Pgs. 5, 10-11, 13, 15, 23-24
- Order Granting Extraordinary Motion for New Trial ordered by judge Staley for petitioner to submit (filed in cobb Case # 02-9-2840)
- Indictments
- Response in Opposition to Petition for Writ of Certiorari
- Emergency Motion to Grant Writ of Certiorari, Pursuant rule #40

APPENDIX F--

- **PETITION AND SIGNATURES FROM CITIZENS**
- **LETTERS IN SUPPORT OF PETITIONER AND CERTIFICATES, AWARDS, ETC.**

TABLE OF AUTHORITIES CITED

CASES

STATUTES AND RULES

CASES

Berger vs New York _____ page 2, reason for granting Writ

The matter of record gives appearance of intrusion “the 4th amendment demands that the showing of justification match the degree of intrusion” (Berger vs New York 388 US 41 (1968)).

Missouri vs Frye, and Lafler vs Cooper _____ page 3, reason for granting Writ

Supreme Court of Georgia and Georgia Court of Appeals unreasonably declined to extend a legal principle from Supreme Court case law to a new context. Because Petitioner was stripped of equal opportunity to enter available plead by deliberate deception, just cause for court to extend the legal principles in Missouri vs Frye 132 S.Ct 1399 and Lafler vs Cooper 132 S.Ct 1376 are appropriate to avoid continual of deprivation of rights. Because Petitioners conviction and sentence was a result of deliberate deception of the court, fraudulent concealment of facts, and fraudulent documents, sentence is not justified by proper purpose of law.

Wright Miller & Kane A 2870 (citing Universal Oil Products Company v Root Ref. Co. _____ page 5

“The power to vacate a judgement that has been obtained by fraud on the court is inherent in all courts” Wright Miller & Kane A 2870 (citing Universal Oil Products Company v Root Ref. Co.; 328 U.S., 575, 580 (1946). “There is no statute of limitations. A decision produced by fraud on the court is not in essence a decision at all and never becomes final”.

Hazel –Atlas Glass Co. V Hartford Empire Co _____ page 6, Reason for granting Writ

“The fabrication of evidence by a party in which an attorney is implicated will constitute a fraud on the court”, Ida 1338 [(fighting to Hazel –Atlas Glass Co. V Hartford Empire Co. 322 U.S.

CASES CONTINUED

238, 64-S. Ct. 997 (1944)], “It is clear and well settled law that any attempt to commit “fraud upon the court vitiates the entire proceeding”.

Marine Ins. Co. Alexandria V Hodgson, _____ page 6, reason for granting Writ
Chief Justice Janice Marshall acknowledges that a court may grant relief from judgement
where a new matter clearly proves it to be against conscience to execute a judgement, in of
which the injured party could not have availed himself before a judgement Marine Ins. Co.
Alexandria V Hodgson, 11 U.S. (7 Cranch) 332, 336, 1813.

In Maple v. Thomas _____ page 6, reason for granting Writ
In Maple v. Thomas 132 Supreme Court 912 181 Led. The Supreme Court drew a distinction
between negligence and complete abandonment evidenced by counsels near total failure to
communicate with his client would suffice to establish extraordinary circumstances because a
litigant can not be constructively responsible for the conduct of an attorney who is not acting
as his agent in any meaningful sense of the word.

The people of the State of Illinois v. Fred E. Sterling _____ **page 7, reason for granting Writ**

Allen F. Moore v. Stanley F. Sievers

In re Village of Willowbrook

Dunham v. Dunham

Skelly Oil Co. v. Universal Oil Products Co.,

Thomas Stasel v. The American Home Security Corporation,

The people of the State of Illinois v. Fred E. Sterling, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgements as well as to contracts and other transactions. "); Allen F. Moore v. Stanley F. Sievers, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters..."); In re Village of Willowbrook, 37 Ill. App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); Dunham v. Dunham, 57 Ill. App. 475 (1894), affirmed 162 Ill. 589 (1896); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill. App.79, 86 N.E.2d 875, 883-4 (1949); Thomas Stasel v. The American Home Security Corporation, 362 Ill. 350; 199 N.E. 798 (1935).

RULES

Rule 11

page 1, Statement of case

Rule 11 of the Federal Rules of Civil Procedure and provisions of the United States Constitution. "Under

Section 706 of the Administrative Procedure Act, "a court shall set aside an agency, action, Findings, or conclusions determined upon review to be arbitrary."

STATUTES

OCGA 16-10-8, 16-10-20, 16-10-70, 16-10-20.1, and 16-10-1. (pg. 1, Statement of Case, pg. 7 reason for granting Writ

A void judgement is in reality no judgement at all. It is a mere nullity. By statute, in Georgia, the judgement of a court having no jurisdiction of the person or subject matter or void for any cause is a mere nullity and may be so held in any court when it became material to the interest of the parties to consider it, O.C.G.A. 17- 9- 4. Since it is void, the abatement absolutely

extinguishes the prosecution and by definition amount to the entire overthrow or destruction of the actions. Barrett vs. State, 183 Ga App. 729. 730, 360 SE 2d 400 (1987) and also Gonzalez v Abbott, 262 Ga. 671; 425 S.E. 2d 272 (1993)

Statutes

See pgs
Statement of
Case

16-10-8. False official certificates or writings by officers or employees of state and political subdivisions.

An officer or employee of the state or any political subdivision thereof or other person authorized by law to make or give a certificate or other writing who knowingly makes and delivers such a certificate or writing containing any statement which he knows to be false shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

(Ga. L. 1959, p. 34, § 16; Code 1933, § 26-2311, enacted by Ga. L. 1968, p. 1249, § 1.)

16-10-20. False statements and writings, concealment of facts, and fraudulent documents in matters within jurisdiction of state or political subdivisions.

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

(Code 1933, § 26-2408, enacted by Ga. L. 1976, p. 483, § 1; Ga. L. 1979, p. 1068, § 1; Ga. L. 1982, p. 3, § 16.)

16-10-70. Perjury.

(a) A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue or point in question.

(b) A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than ten years, or both. A person convicted of the offense of perjury that was a cause of another's being imprisoned shall be sentenced to a term not to exceed the sentence provided for the crime for which the other person was convicted. A person convicted of the offense of perjury that was a cause of another's being punished by death shall be punished by life imprisonment.

(Laws 1833, Cobb's 1851 Digest, pp. 804, 805; Code 1863, §§ 4355, 4356, 4363; Code 1868, §§ 4393, 4394, 4401; Code 1873, §§ 4460, 4461, 4468; Code 1882, §§ 4460, 4461, 4468; Penal Code 1895, § 256, 257, 262; Penal Code 1910, §§ 259, 260, 265; Ga. L. 1933, p. 40, § 1; Code 1933, §§ 26-4001, 26-4002, 26-4007; Code 1933, § 26-2401, enacted by Ga. L. 1968, p. 1249, § 1; Ga. L. 1973, p. 159, § 2.)

16-10-20.1 Filing false documents.

(a) As used in this Code section, the term "document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form and shall include, but shall not be limited to, liens, encumbrances, documents of title, instruments relating to a security interest in or title to real or personal property, or other records, statements, or representations of fact, law, right, or opinion.

(b) Notwithstanding Code Sections 16-10-20 and 16-10-71, it shall be unlawful for any person to:

(1) Knowingly file, enter, or record any document in a public record or court of this state or of the United States knowing or having reason to know that such document is false or contains a materially false, fictitious, or fraudulent statement or representation; or

(2) Knowingly alter, conceal, cover up, or create a document and file, enter, or record it in a public record or court of this state or of the United States knowing or having reason to know that such document has been altered or contains a materially false, fictitious, or fraudulent statement or representation.

(c) Any person who violates subsection (b) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one nor more than ten years, a fine not to exceed \$10,000.00, or both.

(d) This Code section shall not apply to a court clerk, registrar of deeds, or any other government employee who is acting in the course of his or her official duties.

(Code 1981, § 16-10-20.1, enacted by Ga. L. 2012, p. 90, § 1/HB 997; Ga. L. 2014, p. 741, § 1/HB 985.)

16-10-1. Violation of oath by public officer.

Any public officer who willfully and intentionally violates the terms of his oath as prescribed by law shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

(Code 1933, § 26-2302, enacted by Ga. L. 1968, p. 1249, § 1.)

TABLE OF CONTENTS

OPINIONS BELOW-----	1
JURISDICTION-----	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED-----	3-6
STATEMENT OF THE CASE-----	7-11
REASON FOR GRANTING THE WRIT-----	12-19
CONCLUSION-----	19

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 _____ 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 **state courts**:

The date on which the highest state court decided my case was October 2, 2017. A copy of that decision appears at Appendix C.

[☒] A timely petition for rehearing was thereafter denied on the following date: November 14, 2017, and a copy of the order denying rehearing appears at Appendix D.

The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT 4

Unreasonable searches and seizures.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT 5.

Criminal actions--Provisions concerning--Due process of law and just compensation clauses.

No person shall be held to answer for a capital, or 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; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT 6.

Rights of the accused.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

AMENDMENT 8.

Bail-Punishment.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT 13.

Section 1. Slavery Prohibited.

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.

AMENDMENT 14.

Section 1. Citizens of the United States.

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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED, CONTINUED

ARTICLE 111

Section 1. Supreme Court and inferior courts—judges and compensation.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2, Clause 1. Subjects of Jurisdiction.

The judicial Power shall extent to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States,- between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Section 2, Clause 2. Jurisdiction of the Supreme Court.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

ARTICLE V1

Section 1, Clause 2. Supreme law.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Section 1, Clause 3. Oath of office.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

STATEMENT OF THE CASE

STATEMENT OF THE CASE

COMES NOW, AARON GRANT-FARLEY, Pro-Se petitioner, coming forward with the evidence herein show that the Supreme Court of Georgia's decision in case # S17C1744 is arbitrary, and in conflict with the laws constitutional and statutory provisions of the State of Georgia and the Constitution of the United States. The record show evidence of egregious violations of Rule 11 of the Federal Rules of Civil Procedure and provisions of the United States Constitution, "Under Section 706 of the Administrative Procedure Act, "a court shall set aside an agency, action, findings, or conclusions determined upon review to be arbitrary." Petitioner filed and Former trial counsel did violate OCGA 16-10-8, 16-10-20, 16-10-70, 16-10-20.1, and 16-10-1.

Petitioner filed and amended Extraordinary Motion for New Trial on basis of newly discovered evidence of false writings and statements, concealment of facts, and fraudulent documents in matters within the jurisdiction of state and political subdivisions. Prior to Extraordinary Hearing, Petitioner showed that former Trial Counsel forced Petitioner into an undesired jury trial by undue influence after an undisclosed conflict the day before trial began on Monday, October 21, 2002. Former Counsel lied and hid from trial court Judiciary that he had a problem with petitioner, expressing undisclosed thoughts that petitioner minimized the seriousness of the case because it involved BB guns (EMFNT ^{Appendix E} page 12). Counsel concocted testimony egregiously, and falsely amplifying petitioners role with false statements while the record shows petitioner was less culpable than co-defendants. No employee ever indicated or described petitioner to have an active role.

Petitioner and Ms. Maxine N'Diaye met at former trial counsel's office on Sunday Oct. 20, 2002, for the first time. Petitioner was only on bond for 2 months before taken off guard by

former counsel's untimely news that Petitioner was going to trial. The news was given less than 24 hours before trial began. Petitioner walked out of former trial counsel's office yelling because he was told that he would be going to trial in the morning, Petitioner did not want a trial. Petitioner demonstrated trial court's refusal to allow him to speak to stop trial allowed offended former counsel to misrepresent factual matters. Petitioner demonstrated there was an improper denial to substitute counsel that allowed room for deliberate deception. During Extraordinary Hearing former counsel clearly manifest deliberate attempt to commit fraud where he testified petitioner kept making phone calls, didn't want to talk about case, and only wanted to talk about mandatory sentencing and how it was just BB guns, at the one and only meeting in counsel office October 20, 2002 (EMFNT pgs. 16-17, 43-44). Petitioner demonstrated that reduced charges was the only strategy ever discussed and agreed upon by all attorneys. Contrary to trial counsels original deception of court where counsel made it appear that he had no recollection of conflict whatsoever about how the case was being handled. Former counsel admitted that he told petitioner there was going to be a trial whether he wanted it or not (EMFNT pg. 46). Petitioner gave Former Counsel instructions to get a continuance and tried to negotiate a plea with the former prosecutor.

Former counsel and counsel for other parties said the objective was to obtain reduced charges. Counsel misled Petitioner with variations of estimate offers suggesting possibilities of reduced charges. Former trial counsel made it appear that time clock had expired for negotiations that never came with exact offer.

Former Trial Counsel deceived trial Court regarding procedure posture of the case announcing ready to proceed with trial and never disclosed the conflict that occurred between Former Counsel, and Petitioner to the judge. When Petitioner tried to inform the judge of his

concerns he was not permitted to speak (see pgs. 21-22 of trial transcript). Trial counsel a former prosecutor and judge railroaded petitioner into a trial and the record shows that there was no defense (see jurors letter), no witnesses on petitioner's behalf, no motions argued, and no pre-trial conference.

Trial counsel schemed and deceived Petitioner who was 19 years old at the time, a first time offender, and was gainfully employed, attending college. Petitioner was completely unaware of legal procedures in 2002. On March 6, 2017, Former Trial Counsel's testimony manifest clear evidence of a deliberate and intentional scheme to commit fraud by an officer of the court. Former Counsel used same tactics to prevent Petitioner from obtaining Habeas relief. During Extraordinary Hearing, former counsel gave false testimony that there was a pre-trial conference before trial begin (contrary to the record).

Counsel strategically wrote untimely letters which contained pertinent information needed to resolve case to Petitioner's mother's P.O. Box while she was grieving the loss of her daughter (who died from a miscarriage), and had taken the responsibility to raise grandson. Former Counsel did scheme with former prosecutor to conceal that State used illegal evidence to Convict. The entire record of evidence could have been suppressed had Motion for Suppression been argued, Former counsel filed frivolous motions. Former prosecutor became co-employee with former trial counsel before petitioner was sentenced. Now prosecutor owns former counsel's law firm. Former counsel left practice shortly after the discovery of his backdated letter.

Petitioner presented newly discovered evidence that a fraudulent entry of not guilty plea was entered after conviction on October 25, 2002, not by Petitioner. Petitioner's signature was fraudulently entered on an indictment with signature of co-defendant Ryan Brown, his

attorney, and district attorney who **exact same signatures** appear on a separate document/indictment with an altered font (see attached indictments). Petitioner never signed any document to go to trial, as record shows Petitioner was not in court on October 25, 2002 (EMFNT pgs. 37-42).

Record clearly show petitioner was a less culpable party. Stripped of fair play and substantial justice. Petitioner was completely and totally deprived of right to Effective Assistance of Counsel. Petitioner was deprived of justice and equality, given 4 mandatory ten year sentences run consecutively to each, while more culpable co-defendants received one 10 year sentence and have been home for years. States only opposition was Petitioner's evidence did not satisfy Timberlake's 3rd requirement as evidence being so material that it would probably produce a different verdict. However, Petitioner showed that newly discovered evidence voids the entire judgement solely obtained by fraud and led to a harsh sentence in violation of the 8th Amendment. Petitioner's right to Due process, right to effective Counsel of choice and right to a fair trial were violated under the 5th, 6th, 8th, and 14th Amendments of the United States Constitution.

Petitioner expresses the deepest remorse for his poor choice that he made as a teen January 27, 2002, and graciously accepts this Honorable Courts exercise of discretionary power to commute a sentence founded upon fraud egregious misconduct and a void judgement.

REASON FOR GRANTING THE WRIT

REASONS FOR GRANTING THE WRIT

COMES NOW, Aaron Grant-Farley, Pro-se petitioner files this petition for Writ of Certiorari to the Supreme Court of Georgia in that court case number S17C1744 **THE PETITION FOR WRIT OF CERTIORARI SATISFIES THIS COURTS RULES FOR THE GRANTING OF CERTIORARI**

Pro-se Petitioner, Aaron Grant-Farley, a legitimate child by natural birth, son of noble man Andre R. Farley, former captain in the US Army, passed to be with our Lord, born unto Maxine Elizabeth Grant, founder of Kingdom Craft Ministries, herein show good cause that this case is a "Great Concern, Gravity and Importance to the Public" as to justify relief and grant Writ of Certiorari to correct a Grave Miscarriage of Justice. The Supreme Court of Georgia, and Georgia Court of Appeals unreasonably declined to extend a legal principle from Supreme Court case law to a new context. The petition for Writ of Certiorari herein should be granted for reasons which show this case is of imperative public importance as to justify deviation from normal appellant practice and to require immediate determination in this court as required by this courts rule 11.

Petitioner presents to this honorable court that over 200 American citizens whom petition on behalf of Aaron Grant-Farley, pro-se petitioner, to correct grave miscarriage of justice, total disregard to human rights, deprivation of constitutional due process and an egregious infringement of Civil Liberties entitled to all men (see attached ^{Appendix F}).

Petitioner filed an Extraordinary Motion for New Trial on bases of new discovered evidence of false statements and writings, concealment of facts and fraudulent documents, In matters within jurisdiction of State and Political subdivisions (see attached). Record clearly show that trial counsel deliberately and strategically sent a backdated letter regarding petitioner's 3

options to Petitioner's mother post office box after misleading Petitioner about States offer. Petitioner as a result was railroaded into a undesired trial with no defense, no pretrial conference, to be convicted upon illegally obtained evidence, tactically concealed by counsel at trial and his perspective co-worker who prosecuted the case at trial. The trial court unreasonably declined to conduct finding of fact to recognize that record established that former trial counsel backdated a letter written after trial to a family member that was essential to Petitioner's case. Trial court judgement and disposition is founded upon perjured testimony, false statements and writings, and concealment of facts and fraudulent documents. The matter of record gives appearance of intrusion "the 4th amendment demands that the showing of justification match the degree of intrusion" (Berger vs New York 388 US 41 (1968)).

On March 6, 2017, Petitioner presented evidence of constitutional magnitude where avoidance of conducting finding of fact to determine misrepresentation gave appearance of intrusion, making matter of substance ripe for review. During Extraordinary Hearing on March 6, 2017, former Trial Counsel gave false testimony that meeting between him and Petitioner where Petitioner walked out of his office occurred in mid- September 2002. Former Counsel's testimony was in complete contradiction to prior testimonies on December 11, 2006 and December 5, 2012, where Trial Counsel affirmatively testified that Petitioner walked out of his office in the meeting on the weekend that trial began (October 20, 2002). Former Trial Counsel subverted the integrity of the court to cover that he mentioned Sunday's, October 20, 2002, incident in a letter that he dated to have been written September 23, 2002 (see attached in Appendix E). Former Trial Counsel tactically withheld Petitioner alternative options, other than the unwanted trial, after undisclosed conflict October 20, 2002, meeting at former Counsel's office. Former Counsel deliberately misled Petitioner and backdated a letter to cover what was done.

As a result, Petitioner, a less culpable party was given 4 mandatory 10 year sentences consecutively run without parole (40 year) while more culpable parties in this case were given 1 concurrent sentence (a ten year sentence) and have been home for many years. Petitioner was denied Equal Protection.

Supreme Court of Georgia and Georgia Court of Appeals unreasonably declined to extend a legal principle from Supreme Court case law to a new context. Because Petitioner was stripped of equal opportunity to enter available plead by deliberate deception, just cause for court to extend the legal principles in Missouri vs Frye 132 S.Ct 1399 and Lafler vs Cooper 132 S.Ct 1376 are appropriate to avoid continual of deprivation of rights. Because Petitioners conviction and sentence was a result of deliberate deception of the court, fraudulent concealment of facts, and fraudulent documents, sentence is not justified by proper purpose of law.

Cobb County Judiciary ordered that both State and Petitioner submit proposed orders within 2weeks (see pg. 69 Extraordinary motion for New trial: EMFNT). After deadline Trial Court Judiciary allowed State to submit a Proposed Order founded upon false testimony. Petitioner presented prima facie which clearly manifest egregious deprivations of protections guaranteed by the 4th, 5th, 6th, 8th, 13th and 14th amendment of the United States Constitution. Petitioner presented new discovery of evidence former counsel using tactical means to conceal that he filed motions to suppress illegal evidence never disclosed. Former counsel sent illusory letter dated sept. 17, 2002, to mother's P.O. box which hinted and created nexus that other motions to suppress had been filed, never argued and could have prevented conviction (see EMFNT pgs. 29-32).

Petitioner attempted to present newly discovered evidence of juror who was scared to come forth to give an account of being forced to surrender honest conviction by undue

influence. Juror wrote a signed statement that she felt harassed, no deliberations took place, guilt predetermined without any consideration of evidence, juror was not allowed to testify at Extraordinary Motion for New Trial hearing to manifest her belief that petitioner was overcharged and that petitioner did not have a fair jury in violation of the 5th and 14th Amendment (see page 1-9 EMFNT). Record show during the trial that juror was crying and the door slammed behind her as she (was told by fellow juror's to leave the room) left the room (pg. 419 Trial Transcript).

Petitioner presented newly discovered evidence that an unlawful and a counterfeit entry of Petitioners signature and not guilty plea was entered on October 25, 2002, after the verdict. During Extraordinary Motion for New Trial Hearing, former Counsel attempted to avoid admitting that unlawful entry was in fact entered on Oct. 25, 2002, when petitioner was not in court to sign (pgs. 37-41 EMFNT). Co-defendant Ryan Brown's exact signature appears on two different indictments showing that petitioner's signature was reproduced (see indictments). The copy of the indictment with the stamped date was hidden and not a part of the record.

Evidence manifest that Petitioner was forced into a trial without being allowed to speak of concerns (see trial transcript pg. 22, EMFNT pg. 46). The record show that Petitioner was forced to keep counsel with no inquiry after an undisclosed conflict the day before trial begin (pg. 23 Trial Transcript). During Extraordinary Motion for New Trial hearing, former Trial Counsel testified that he told petitioner that it was going to be a trial whether he wanted it or Not.

During the Extraordinary Hearing, former Counsel gave false statement that a Pretrial Conference was conducted (pgs. 10 and 11). Witnesses saw prosecutor aid and help former Trial Counsel concoct story about false writings and give misrepresentation of facts. Former

Counsel admitted to preparing a Court Date Notification with no court date attached, with a trial preparation questionnaire that was due back after conviction. Illusionary questionnaire to cover up that former Trial Counsel misled petitioner into an unwanted trial by undue influence (see F, pgs. 13-16 EMFNT).

Because petitioner conviction and sentence was the result of an affirmative misrepresentation, petitioner pray that the honorable court grant clemency to consolidate and commute sentence given, with time served. Petitioner was 19 years old, and had no previous record (see attached background). Record show that petitioner had minimal participation accompanied 3 teens held up a store with BB guns. No one was injured and the records reflect that the petitioner did not hold any BB gun to any employee. Petitioner fully accepts responsibility for foolish behavior as a teen. The State unreasonably argued that petitioner's newly discovered evidence did not satisfy the requirement to grant Extraordinary Motion where evidence show pure fabrication of testimony, fraudulent documents, and falsified writings. The States sole opposition to grant relief was that petitioner failed to show that newly discovered evidence did not satisfy the third requirement, Timberlake v State, that it was so material that it would probably produce a different verdict. However Petitioner showed that had there been no fraudulent writings and documents, variations of false testimony by former Trial Counsel which led to denials of all appeals, egregious misconduct, concealed facts of illegally obtained evidence that petitioner would either be home or never convicted.

"The power to vacate a judgement that has been obtained by fraud on the court is inherent in all courts" Wright Miller & Kane A 2870 (citing Universal Oil Products Company v Root Ref. Co.; 328 U.S., 575, 580 (1946). "There is no statute of limitations. A decision produced by fraud on the court is not in essence a decision at all and never becomes final".

“The fabrication of evidence by a party in which an attorney is implicated will constitute a fraud on the court”, Ida 1338 [(fighting to Hazel –Atlas Glass Co. V Hartford Empire Co. 322 U.S. 238, 64-S. Ct. 997 (1944))], “It is clear and well settled law that any attempt to commit “fraud upon the court vitiates the entire proceeding”.

Chief Justice Janice Marshall acknowledges that a court may grant relief from judgement where a new matter clearly proves it to be against conscience to execute a judgement, in of which the injured party could not have availed himself before a judgement Marine Ins. Co. Alexandria V Hodgson, 11 U.S. (7 Cranch) 332, 336, 1813.

Former Trial counsel caused ruin in petitioner’s life with lies and deception. The State has backed up his fraud, broke laws to secure an illegal conviction and protected former counsel’s reputation. Former Counsel sabotaged petitioners Motion for New Trial by testifying that he could not remember Petitioner’s reason for not wanting to be called in for trial with a combination of many other lies.

Petitioner pray that this honorable court offset remaining balance and, to commute the four 10 year sentences. Petitioner’s case warrants redemption and release. For unethical conduct committed which has raised questions of public concern. In Maple v. Thomas 132 Supreme Court 912 181 Led. The Supreme Court drew a distinction between negligence and complete abandonment evidenced by counsels near total failure to communicate with his client would suffice to establish extraordinary circumstances because a litigant can not be constructively responsible for the conduct of an attorney who is not acting as his agent in any meaningful sense of the word.

Petitioner’s right to Due process, right to effective Counsel of choice and right to a fair trial were violated under the 5th, 6th, 8th, and 14th Amendments to the Constitution of the United

The people of the State of Illinois v. Fred E. Sterling, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgements as well as to contracts and other transactions. "); Allen F. Moore v. Stanley F. Sievers, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters..."); In re Village of Willowbrook, 37 Ill. App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); Dunham v. Dunham, 57 Ill. App. 475 (1894), affirmed 162 Ill. 589 (1896); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill. App.79, 86 N.E.2d 875, 883-4 (1949); Thomas Stasel v. The American Home Security Corporation, 362 Ill. 350; 199 N.E. 798 (1935).

A void judgement is in reality no judgement at all. It is a mere nullity. By statute, in Georgia, the judgement of a court having no jurisdiction of the person or subject matter or void for any cause is a mere nullity and may be so held in any court when it became material to the interest of the parties to consider it, O.C.G.A. 17-9-4. Since it is void, the abatement absolutely extinguishes the prosecution and by definition amount to the entire overthrow or destruction of the actions. Barrett vs. State, 183 Ga App. 729, 730, 360 SE 2d 400 (1987) and also Gonzalez v Abhatt, 262 Ga. 671; 425 S.E. 2d 272 (1993)

CONCLUSION

The Petition for Writ of Certiorari should be granted

Respectfully Submitted

Aaron Grant-Farley

Aaron Grant-Farley

Date: April 15, 2018