

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES E. SMITH — PETITIONER
(Your Name)

vs.

WENDY KELLEY of the Arkansas — RESPONDENT(S)
Department of Correction

ON PETITION FOR A WRIT OF CERTIORARI TO

The SUPREME COURT OF ARKANSAS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James E. Smith #121300
(Your Name)

Bowie County Correctional Center
(Address)

105 W. Front Street Texarkana, TX - 75501
(City, State, Zip Code)

(Phone Number)

QUESTION (S) PRESENTED

1. PETITIONER STATES That His Conviction was obtained Through by A Miranda Rights Violation and UPON AN involuntary Confession: And The question is whether if The STATE OF ARKANSAS deprived The Petitioner of Due Process of Law under The fifth and fourteenth Amendments of the U.S. Constitution To when The SUPREME COURT of Arkansas Denied The Petitioner The Permission To File A Petition for Writ of ERROR Coram Nobis in the Circuit Court of Jefferson County, Pine Bluff, Arkansas; upon The IN-Voluntary Confession • Miranda Rights Violation and In Effective Assistance of Counsel:

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:

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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☐ is unpublished.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☐ is unpublished.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 _____; 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☒ is unpublished.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 February 8-2018,
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date:
March 29-2018, and a copy of the order denying rehearing appears at Appendix A.

☐ 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).

STATEMENT OF THE CASE

The Petitioner's Was Convicted on August 9, 2001, by a Jury on Two Counts of rape the allege engaging in Sexual intercourse with his girl friend's daughter when they were both allegedly under the age of fourteenth. Petitioner Conviction and Sentence were affirmed by the Arkansas Court of Appeals. Smith v. State, CR-02-228 Ark, App. Jan. 2003 {unpublished} original Docket NO. CACR-02-228. Petitioner's State that he filed a petition Pursuant to rule 37.1 in the Trial Court under trial Case number, Smith v. State - CR-05-294 - Ark, that was in which was denied on Feb. 23-2006 {unpublished}. Petitioner filed into the Supreme Court of Arkasas a pro se Petition to Reinvest Jurisdiction in the Trial Court to Consider a petition for writ of error Coram Nobis, which was denied. Smith v. State, 2012 Ark, 403 {Per Curiam}. In 2014, I the petitioner filed a Second petition Seeking Coram Nobis - Relief and it was dismissed as a Successive Petition. Smith v. State, 2014 Ark, 246 {Per Curiam}. And on March 15, 2015, I filed a third - Petition to Reinvest Jurisdiction in the Trial Court to Consider a Petition for a writ of Error Coram Nobis, which was dismissed as a Successive writ. Smith v. State, 2015 Ark, 188, 461 S. W. 3d 345

{Percuriam} And on March-14-2016, Petitioner's fourth-writ of Error Coram Nobis, was filed into the Supreme Court of Arkansas was dismissed on May 5, 2016. The Petitioner then filed a fifth petition for writ of error Coram Nobis on April, 27-2017 into the Supreme Court of Arkansas. The Arkansas Supreme Court dismissed the Petitioner Petition for writ of error Coram Nobis, on August 3-2017. The Petitioner then filed his Sixth Petition for writ of Error Coram Nobis, on October 31-2017, the Sixth Petition for writ of Error Coram Nobis, was denied on Feb-8-2018. And on Feb-20-2018, I the Petitioner filed a motion for Rehearing and the motion for Rehearing was Denied on March 29-2018. Therefore I the Petitioner Pray that this honorable U.S. Supreme Court will Grant the Petitioner, writ of Certiorari and reverse the Circuit Court conviction and Sentence due to the involuntary Confession and Miranda rights violation. And if this Court finds that an Evidentiary Hearing or New Trial is Needed to Resolve certain issues - Then the Petitioner pray for this Court to grant this Petition and to grant any and all further Relief that Court Finds Just and Fair.

REASONS FOR GRANTING THE PETITION

The Petitioner States that he is now coming before this honorable United States Supreme Court in a motion to Appeal and to vacate the Judgment of Conviction and Sentence upon the ground that the Petitioner miranda rights had been violated. And that the Petitioner Confession was not only Just incompetent but also inadmissible Evidence that should have never been presented at Trial.

Confession obtained from an accuse person that has not been advised of his miranda right constitute the confession to be inadmissible Evidence that can not be use against the accuse person in a Court of Law's Because the Confession was involuntarily. see Escobedo v. Illinois, 378 US 478, 12 L ed 2d 977, 843 S Ct 1758 (1964), Miranda v. Arizona {1966}.

Detective Hill, denied the Petitioner's effective assistance of Counsel in violation of the Sixth Amendment of the U.S. Constitution; to when she detective Hill, had refuse to advise the Petitioner that he has a right for a Counsel to be present while she detective Hill, conduct her interrogation. Again see Miranda v. Arizona {1966}.

PROOF OF THE MIRANDA RIGHTS VIOLATION:

The Official FACE TO FACE interview Document APPENDIX HB:

1. Appendix HB - reveals that Detective Hill, Conducted and taped/recorded her {Det. Hill} First Face To Face interview with Mr Smith, on July 21-99, at 9:19 am.}

And on August 9-2001, at the time of trial, Detective Hill, gives a testimony that Corroborates her {Det. Hill} Story about the Conducting of an interview with the Petitioner on July 21-1999, at 9:19 a.m.}. See Trial Testimony ↓.
Appendix X (B p. 92 182)

1. a.s. { Trial Testimony given by Det. Hill } Corroborates The above Facts: ↓

APPENDIX B ^{Page #} 181 {line 25 From Trial Transcript CR-99-724 Direct Examination BY Prosecutor Jill Handley:

line 25 MS. Handley: And when did you interview Mr. Smith?

Record of Trial Transcript Page # 182 - lines 1-2 and 3 Appendix HB ^{Page #} 182 }

line 1 Det: Hill: I believe it was July 21

line 2 Jill Handley: And you interviewed him at 9:19 a.m is that Correct?

line 3 Det: Hill: That's Correct.

RECORD OF TRIAL TRANSCRIPT - PAGE #184. lines 24. and line 25.

Appendix - {B Page #184} CROSS-Examination: BY: Mr. Warren

line 24 - Mr. Warren: MS. Hill, how old let me back up, what year did you

line 25 - Mr. Warren: Place Mr. Smith under Arrest?

RECORD OF TRIAL TRANSCRIPT - PAGE #185. line 1. Appendix - {B Page #185}

Line 1 - Detective Hill: Believe he was Placed under Arrest in 99.

Therefore on page #4 and #5 - of this Petition the named documentation has proven that Det. Hill, Conducted her first Face to Face interview with the Petitioner, on 7-21-99, at 9:19 a.m.

2. Appendix {J} reveals that Detective Hill, Conducted and Taped/Recorded her {Det. Hill} Second-Face to Face interview with Mr. Smith, on July 21-99 at 4:31 P.M. }

And on August 9-2001, at the time of trial, Detective Hill, gives a testimony at trial on page #182 of the Record of Trial Transcript - CR-99-724 - that Corroborates Det. Hill's Story within Appendix {J}.

TRIAL Testimony Given by Detective Hill that Corroborates the above Paragraph (2) Next Page

APPENDIX-B PAGE #182 lines 19, 20 and 21 From Trial Transcript---

CR-99-724 Direct Examination by Prosecutor Jill Handley:

line 19 Jill Handley: And later that day, you interviewed him again, is that

line 20 Jill Handley: Correct?

line 21 Detective Hill: That's correct.

Therefore the official face to face interview Document Appendix {J} and Appendix {B Page #182 lines 19, 20 and 21 From Trial Transcript Reveals that Detective Hill, Conducted her Second interview with the Petitioner later at the same exact day. It has therefore been proven by documentation that Det. Hill, had only conducted two face to face interview with the Petitioner.

And that the two above named officials Face to Face interview documents Appendix {HB} and {J} and Det. Hill, Trial testimonys does Not Say or Mention anything about Miranda rights.

II. Detective Hill Falsified the Detective Bureau Summary Appendix {H1}.

The official face to face interview documents Appendix {HB} and {J} - was Created First by Detective Hill. And Secondly, Detective Hill, Claim To

have taken out parts of the Statements and information directly from the - official face to face interview documents Appendix = {HB} and {J} and Placed that information into what She {Detective Hill} Calls a Detective Bureau Summary Appendix = {H1}. Therefore if there is any information or Statement within the Detective Bureau Summary Appendix = {H1} and that information and Statement cannot be found within the official face to face interview documents Appendix = {HB} and {J}. Then that in itself will prove that Det. Hill had falsified the Detective Bureau Summary Appendix = {H1}.

1a: OUT OF COURT LIES TOLD BY DETECTIVE HILL IN THE DETECTIVE BUREAU SUMMARY:

Detective Hill, stated And I Quote: On 07-21-99 at 08:34 hrs a.m.: I {Det. Hill} read Mr. James Smith his Miranda rights. Mr. Smith signed his Miranda rights form indicating that he understood his rights. I {Det. Hill} then conducted a taped interview with Mr. Smith, Detective Bureau Summary Appendix = {H1} for lies.

First of all there is NO official face to face interview document to support Detective Hill, above lying statements. See Appendix = {HB} and {J}.

Secondly documents Appendix = {HB} and {J} and the documents from Detective Hill, Trial Testimony on pages 4-5 and 6 of this petition proves that Det. Hill, did not conduct an interview with Mr. Smith, on July 21-1999 at 08:34 hrs a.m.,

Therefore because Det. Hill, did not conduct an interview with the petitioner - on July 21-1999, at 08:34 hrs a.m.}. {1}. It was impossible for Det. Hill, to have read the Petitioner his Miranda rights on July 21-1999, at 08:34 hrs a.m.}. {2}. It was impossible for the Petitioner to have signed the miranda rights form on July 21-1999, at 08:34 hrs a.m.}. and {3} It then was impossible for Det. Hill, to have taped recorded an event on July 21-1999, at 08:34 hrs a.m. that never took place, because Det. Hill, allege event of conducting an interview with the Petitioner on July 21-1999, at 08:34 hrs a.m. did not take place.

Therefore because Det. Hill, out of Court Assertion within appendix {H1} that stated that she (Det. Hill) conducted an interview with the petitioner - on July 21-1999, at 08:34 hrs a.m., was a lie. And the fact that Appendix {HB} proves that Det. Hill, did not read the Petitioner his Miranda rights on July 21-1999, at 9:19 a.m. during the interrogation. And that Appendix {J} proves that Det. Hill, did not read the Petitioner his miranda rights on July 21-1999 at 4:31 p.m. doing her Det. Hill, Second interrogation. The facts in this Petition so far and within this paragraph does in fact proves that Det. Hill, had in fact violated the Petitioner miranda rights to when she Det. Hill, had refused to read the petitioner his Miranda rights.

Detective Hill, Refusal to read the Petitioner his Miranda Rights during the interrogation and the Polygraph examination, at 9:19 a.m. and at 4:31 P.M. on July 21, 1999, had Cause the petitioner to give a unwilling Confession against himself. The Petitioner has a Fifth amendment Privilege against Self-incrimination in the Face of Police interrogation. See *Escobedo v. Illinois*, 378 U.S. 478, 12 L. Ed. 977, 84 S.Ct. 1758 {1964}. Det. Hill, Refusal to inform the Petitioner of his Miranda Rights denied the Petitioner the Notice that the Petitioner had a right to Counsel, at the time of the interrogations. And also had denied the Petitioner the Notice that he the Petitioner had the right to remain Silent. See *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L. Ed. 2d 694 {1966}. The Petitioner states that he did Not know what Miranda was and did Not know what it Function was at the time of the interrogation. And for Det. Hill, Action Not to Cite Petitioner his Miranda Rights at the time of the interrogations; was a deprivation of Notice to where as the Petitioner was unable to defend himself from Self-incrimination. Detective Hill, Action, denied the Petitioner Due process of law inviolation of the fifth and fourteenth Amendments of

The U.S. Constitution See Frank v. Mangum, 237 U.S. 309, 59 L.ed. 969, 35 S.Ct. 582; Powell v. Alabama, 287 U.S. 46, 77 L.ed 158, 53 S.Ct. 55, 84 A.L.R. 527; Moore v. Dempsey, 261 U.S. 86, 67 L.ed 543, 43 S.Ct. 265 }.

PROSECUTION KNOWINGLY UTILIZED FALSE TESTIMONY TO COVER UP THE MIRANDA RIGHTS VIOLATION : AND TO OBTAIN THE CONVICTION :

: DETECTIVE HILL, PER JURY HERSELF AT THE TIME OF TRIAL :

DIRECT EXAMINATION BY: DEPUTY PROSE: JILL HANDLEY :

RECORD OF TRIAL TRANSCRIPT PAGE# 181 line 25 APPENDIX B { PAGE# 181 }

line 25 JILL HANDLEY: And when did you interview Mr. Smith ?

RECORD OF TRIAL TRANSCRIPT PAGE# 182 lines 1-2-3-19-20 and 21 APPENDIX B { PAGE# 182 }

line 1 Det: Hill: I believe it was July 21.

line 2 JILL HANDLEY: And you interviewed him at 9:19 a.m., is that correct?

line 3 Det: Hill: That's correct.

line 19 JILL HANDLEY: And later that day, you interviewed him again, is that

line 20 JILL HANDLEY: Correct?

line 21 Det: Hill: That's correct.

Record of Trial Transcript PAGE # 184 lines 10-11-12-13 and 14 Appendix {B 184} Page #

line 10 Jill Handler: Okay based on this interview with him, what did you do

line 11 Jill Handler: after that?

line 12 Det. Hill: I placed him under arrest for rape because of the girls.

line 13 Jill Handler: And you turned it over to our office?

line 14 Det. Hill: Yes.

CROSS-EXAMINATION BY MR. WARREN:

Record of Trial Transcript PAGE # 184 lines 24 and 25 Appendix {B 184} Page #

line 24 Mr. Warren: MS. Hill, how old let me back up. What year did you

line 25 Mr. Warren: Place Mr. Smith under arrest?

Record of Trial Transcript PAGE # 185 lines 1 Appendix {B 185} Page #

line 1 Det. Hill: Believe he was placed under arrest in '99.

The Court Record CR-99-724 reveals that at the time of trial Det. Hill testified that she (Det. Hill) conducted two interviews with the Petitioner on July 21-1999, the first interview at 9:19 a.m. and the second interview at 4:31 p.m. { And that was the Truth } However Det. Hill.

knowingly and deliberately Perjury herself under oath at the time of trial; to when She {Det: Hill} tell's the Court that She {Det: Hill} arrested the Petitioner on July 21-1999. And at the time of trial, Prosecution was aware that Det. Hill's testimony about the arrest of the Petitioner - persons on July 21-1999, was A lie. Prosecution, had within their possession the bench Warrant - Appendix - {C} . The bench Warrant reveals that Det. Hill, Arrested the Petitioner on August 18-1999; However prosecution had refuse to Expose Det: Hill as a liar at the time of Trial and had allowed for Det: Hill, Lie about the Arrest of the Petitioner Persons to go unCorrected: Prosecution refusal to Correct Det. Hill's Lie had hidden the facts from the Court that the Petitioner's arrest was illegal; Prosecution Misconduct to Cover up Det: Hill's Lie about the Petitioner Arrest - was a major factor that help to Convict the Petitioner. There was a Chance at the time of trial that if the Court may have known that the Petitioner arrest was illegal; Then the Court may have taken upon it's Self to see if there were other procedure that had been violated by Det: B. Hill. Prosecution denied the Petitioner Due process of law inviolation of the Fourteenth Amendment of the U.S. Constitution-

to when prosecution denied the Petitioner a fair trial, in violation of the Sixth amendment of the U.S. Constitution. Prosecution knowingly used Det. Hill, False Testimony as evidence to Mislead the Court and Jury's at the time of trial to believe that the Arrest was Legal and that the Arrest Allegedly took place on July 21-1999. The State knowingly use of Det. Hill, Per. Jury Testimony that help to obtain the Conviction. Violated Due process of Law: see *Mooney v. Holohan*, 294 U.S. 103, 79 L.ed 791, 55 S.Ct 340, 98 ALR 406, • Therefore the State use of evidence obtained from the Miranda rights Violation and the use of Det. Hill's False Testimony that obtained the Conviction at the time of trial, was a deprivation of the Petitioner Liberty without Due process of law - in violation of the fourteenth Amendment of the U.S. Constitution. See *Moore v. Dempsey*, 261 U.S. 86, 67 L.ed 543, 43 S.Ct. 265; *Frank v. Mangum*, 237 U.S. 309, 59 L.ed 969, 35 S.Ct. 582; *People v. Mooney*, 175 Cal. 666, 166 P. 999; *People v. Mooney*, 176 Cal. 105, 167 P. 696, 177 Cal. 642, 171 P. 690.⁽¹⁾ The Petitioner States that because he the Petitioner has never been in Trouble with the law, that he the Petitioner knew Nothing about Miranda rights. {2}. The Petitioner States that at the time that he the Petitioner was being interrogated by Det. Hill, on July 21-1999 at 9:19 a.m. and at 4:31 P.m., That he the Petitioner was Not aware that it was Det. Hill's duty to have Read

him the Petitioner his miranda rights. And Det. Hill's failure to Read the Petitioner his Miranda rights, had deprive the Petitioner of Notice, where as he the Petitioner had a right under the Fifth amendment to defend himself (Petitioner) - From Self-incrimination in the face of Police interrogation. See Frank V. Mangum, 237 U.S. 309, 59 L. ed. 969, 35 S. Ct. 582; Powell V. Alabama, 287 U.S. 46, 77 L. ed. 158, 53 S. Ct. 55, 84 A. L. R. 527; Moore V. Dempsey, 261 U.S. 86, 67 L. ed. 543, 43 S. Ct. 265.

§3. The Petitioner allege and States that Det. Hill, interrogated the Petitioner on July 21-1999, at 9:19 a.m., and at 4:31 P.m. and did Not read the -- Petitioner his Miranda rights. And APPROX: 29 days later Det: Hill, arrested the Petitioner on August 18-1999, and Still did Not Read the Petitioner his Miranda rights. Therefore because Det: Hill, did Not - Read the Petitioner his Miranda rights and the fact that the Petitioner had No knowledge to what miranda rights was or means and had No knowledge that the word miranda rights existed. It then was impossible for the Petitioner to have been aware of the facts surrounding the None-Reading of his miranda rights at the time of trial. Facts that would have proven that Det: Hill, did Not Read the Petitioner his miranda rights was Facts that the Petitioner was Not aware of at the time of trial.

PROSECUTION KNOWINGLY UTILIZED DETECTIVE HILL'S PERJURY TESTIMONY
AT THE TIME OF TRIAL: IN ORDER TO PREVENT THE COURT FROM KNOW-
ING THAT DETECTIVE HILL, CREDIBILITY AS A STATE WITNESS WAS UNTRUSTWORTHY.

Prosecution allowing for Det. Hill, Perjury Testimony to stand as Evidence in a Circuit Court Trial proceeding, that is favorable Evidence for the State; that has not been corrected; is in fact the same as prosecution knowingly utilized False Testimony to cover up the fact that Det. Hill, is Not-A-Trustworthy witness for the State of Arkansas. The Bench Warrant: Appendix "C" reveals that the prosecution knew that Det. Hill, had perjury herself at the time of trial to when she {Det. Hill} testified that she Det. Hill, Arrested the Petitioner on July 21-1999; Prosecution knew that the Bench Warrant: Appendix "C" proves that Det. Hill, Arrested the Petitioner on August 18-1999; However "Prosecution knew that if they the Prosecution should correct Det. Hill, Perjury Testimony at the time of trial that it would have attacked Det. Hill's Credibility and would have exposed Det. Hill, as a liar; Therefore prosecution knew that in order for them the Prosecution to keep the Court and Jury's from knowing that Det. Hill, was a liar and that she Det. Hill, had already --

Perjury herself under oath at the time of Trial, is that they (Prosecution) knows that they (Prosecution) cannot expose Det. Hill, lie and perjury testimony to the Court and Jury's. Therefore the Prosecution had chose to uphold Det. Hill's Perjury Testimony and allow for it to be Evidence for the State. Prosecution utilizing Det. Hill, Perjury Testimony in order to cover up the fact that Det. Hill, Credibility was untrustworthy and that Det. Hill, was a improper witness for the State. Prosecution action to cover up Det. Hill, Perjury Testimony at the time of trial, was a denial of a fair trial in violation of the Sixth Amendment of the U.S. Constitution. (See Washington v. Strickland) and Trial Counsel failure to object to State use of Det. Hill, Perjury Testimony at the time of Trial, constitute Trial Counsel, Representation to fall below the effective assistance of Counsel that was required under the Sixth amendment of the U.S. Constitution. And also had denied the Petitioner Due process of Law in violation of the Fourteenth Amendment of the U.S. Constitution. See Mooney v. Holohan, 294 U.S. 103, 79 L ed 791, 55 S Ct 340, 98 ALR 406. Prosecution decision to conceal Det. Hill, Perjury Testimony from the Court and Prosecution decision to knowingly use Det. Hill, Perjury testimony as Evidence for the

State at the time of trial, in order to protect their State witness--
Credibility as a witness for the State; was a clear deprivation
of the Petitioner Liberty without Due process of law. See Moore v.
Dempsey, 261 U.S. 86, 67 L. ed. 543, 43 S. Ct. 265; Frank v. Mangum, 277 U.S.
309, 59 L. ed. 969, 35 S. Ct. 582; People v. Mooney, 175 Cal. 666, 166 P.
999; People v. Mooney, 176 Cal. 105, 167 P. 696, 177 Cal. 642, 171 P. 690.
Therefore the Petitioner allege and state that at the time of trial that he
the Petitioner was Not aware of the facts that the State had used
Det. Hill, Perjury Testimony to Cover up and I quote;

1. The Miranda rights violation
2. The fact that Det. Hill, was a Liar
3. To protect Det. Hill's Credibility
4. And to hide the fact that Det. Hill, had Perjury herself at the time of Trial.

The State use of Det. Hill, Perjury Testimony at the time of Trial
had hinder the Court from knowing about the Miranda rights viola-
tion and from knowing that all Evidence obtained by Det. Hill,
was through by the Miranda rights Violation - that Played a major part
In the Conviction of the Petitioner. Prosecution had knowingly denied
the Petitioner Due process of law. See Mooney v. Holohan, 294 US 103.

79 Led 791, 55 S Ct 340, 98 ALB 406;

The Supreme Court of Arkansas acknowledge the fact that the Petitioner had stated that he the Petitioner did not sign the Miranda rights waiver form on July 21-1999. The Arkansas Supreme did not disagree with the Petitioner assertions that he the Petitioner did not sign the Miranda rights waiver form on July 21-1999. The Petitioner also had stated that he had unknowingly signed the Miranda Form on August 18, 1999, and the Arkansas Supreme Court did not disagree with the Petitioner assertions that he the Petitioner had unknowingly signed it on August 18, 1999. The Petitioner states that because he the Petitioner did not know to what a miranda rights was and did not even know it's existence and did not sign anything in the month of July. Then it was impossible for me the Petitioner to have known anything about the facts surrounding the signing of the Miranda Rights Form. The Petitioner stated that the Miranda Rights Form was backdated by Det. Hill, to July 21-1999 and that Det. Hill's action to have backdated was done on August 18-1999. On August 18, 1999, Det. Hill, backdated the Miranda Form to July 21-1999. However - The Petitioner was not aware of that fact of the backdating of the -

Miranda Form because on August 18, 1999 he the Petitioner had unknowingly Signed the Miranda Rights Form. Therefore because the Petitioner had No knowledge to What Miranda Rights was and was with Trial Counsel that had Refusal to Provide the Petitioner with the Effective Assistance of Counsel that was required under the Sixth amendment of the U.S. Constitutional. Then it was impossible for the Petitioner to have known all the Surrounding Facts to the Signing of the miranda form. The Prosecution gives proof that the Petitioner did Not Sign the Miranda Rights Form in the month of July. On Page # 182 From the Record of Trial Court Transcript. Appendix = { B Page # 182 } Line = 1. The Prosecution make it known to the Court and to the Jury's that Det. Hill, Conducted her { Det. Hill, S } first interview with the Petitioner on July 21-1999, at 9:19 a.m. And on Line = 19. The Prosecution also Reveals to the Court and to the Jury's that Det. Hill, had also Conducted a Second interview with the Petitioner exactly later that day. Therefore From the Prosecution own Mouth, She { Deputy Prosecutor Jill Handley } had made it Clear that Det. Hill, Out of Court Statement within the Detective Bureau Summary. Appendix = H1 to Where Det. Hill, had Said that

She had the Petitioner to Sign the miranda form on July 21-1999, at 08:34 hrs. a.m., { was A Lie }. Record of Trial Transcript on Direct Examination in ref: to: Det. Hill, Page #182 lines 1 through 19 reveals that deputy Prosecutor Jill Handley had made it clear that Det. Hill, had only Conducted two interviews with the Petitioner: The First interview was at 9:19 a.m. On July 21-1999, and the Second interview was Conducted by Det. Hill, at 4:31 P.m. On July 21-1999. Deputy Prosecutor Jill Handley "had made it clear through the line of questions that she had made to Det. Hill, at the time of trial; that she { Det. Hill, did not Conduct an interview with the Petitioner on July 21-1999, at 08:34 hrs a.m., And Det. Hill, did not have the Petitioner to Sign the Miranda form on July 21-1999, at 08:34 hrs a.m., because Det. Hill, did not Conduct a interview with the Petitioner on July 21-1999, at 08:34 hrs a.m. } See Record of Trial Transcript Page #182 lines 1 through 19. Appendix B page #182. Again the Petitioner States that at the time of trial that he the Petitioner was without understanding and was not aware of the facts surrounding the signing of the miranda rights at the time of trial. However the main issue here is that Det.

Hill, did not read the petitioner his Miranda rights at No. Time.

PROSECUTION AND TRIAL COUNSEL both gives Proof that Det. Hill,
Did NOT Read The PETITIONER HIS MIRANDA RIGHTS :

Deputy Prosecutor Jill Handley "gives a demonstrates of the Petitioner
First and Second interviews that was Conducted by Det. Hill's Record
of trial Transcript. Page # 181 # line # 25" and { 182 # lines # 1-2-3-19-20 and 21.
Appendix # { B Page # 181 } and Appendix # { B Page # 182 } States and I quote :

DIRECT EXAMINATION by Jill Handley:

Page # 181 - line # 25:

line # 25 Jill Handley: And when did you interview Mr. Smith ?

PAGE # 182 - lines # 1-2-3-19-20-21: Appendix # { B Page # 182 }:

line # 1 Det. Hill : I believe it was July 21

line # 2 Jill Handley: And you interviewed him at 9:19 a.m., is that correct ?

line # 3 Det. Hill: That's correct.

line # 19 Jill Handley: And later that day, you interviewed him again, is that

line # 20 Jill Handley: correct ?

line # 21 Det. Hill: That's correct.

Prosecution own questions and Det: Hill's own Answer's has proven that -
Det: Hill, did NOT conduct an interview with the Petitioner at 08:34 hrs a.m., on July 21-1999; And the Petitioner did NOT Sign the Miranda rights form in the month of July. And det: Hill, did NOT Read the Petitioner his Miranda Rights at NO: time. The fact is that the Prosecution Questions and Det. Hill, Answer's on page[#] 21 of this petition - Proves that Det: Hill, had falsified the Detective Bureau Summary - Appendix - {H1} to when she (Det. Hill) made the out of Court Statement within the Detective Bureau Summary; That she Det: Hill, Read the Petitioner his miranda Rights on July 21-1999, at 08:34 hrs a.m. &. Det. Hill, lied about the reading of the miranda Rights within the Detective Bureau Summary. Appendix - {H1} because she Det: Hill, did NOT want anyone to know that she Det: Hill, had arrested the Petitioner without Reading him the Petitioner his Miranda Rights. She Det. Hill, did NOT want anyone to know that she had obtained the Petitioner Confession without - - Reading the Petitioner his miranda rights. She (Det. Hill, did NOT want the Court to know that she was forcing the Petitioner to Stand Trial - and had not been Read his miranda Rights. Prosecution was aware of the Miranda Rights Violation and done Nothing.

Mr. Smith - The Petitioner - Direct Examination by Mr. Warren:

Mr. Warren, knew that the only time that Det. Hill, made an accusation about the reading of the miranda rights to the Petitioner's was in a out of Court Statement within the Detective Bureau Summary Appendix - {H1} - that in which was compiled by Det. Hill. Mr. Warren, knew from the Prosecution question's to Det. Hill, That Det. Hill's out of Court accusation was A Lie. Because the prosecution had made it clear that Det. Hill, conducted her Det. Hill, First interview with the Petitioner at 9:19 A.M. on July 21-1999. And not on July 21-1999, at 08:34 hrs a.m. Therefore Mr. Warren, knew that Det. Hill, assertion about conducting an interview with the Petitioner on July 21-1999, at 08:34 hrs a.m. was in fact a lie. Mr. Warren, also knew from the Bench Warrant Appendix - {C} that Det. Hill, had lied about the arrest of the Petitioner Person on July 21-1999. Because Mr. Warren, knows that the Bench Warrant -- Reveals that the Petitioner had been arrested on August 18-1999. At the time of trial Mr. Warren try's to get the Petitioner to say that Det. Hill, Read him the Petitioner his miranda rights. However" as you know it was impossible for Det. Hill to have Read the --

Petitioner his miranda rights on July 21-1999, at 08:34 hrs a.m. } because.
The Prosecution has already Proven that Det. Hill, did not Conduct an interview
with the Petitioner at 08:34 hrs a.m on July 21-1999. And Please be advise :-
that is the only time that Det. Hill, Said that She Det. Hill, Read the Miranda-
rights to the Petitioner. Mr. Warren' try's to get the Petitioner to Tell
A Lie and Say that Det. Hill, Read me the Petitioner my miranda rights,

Record of Trial Transcript Page # 221 Lines 15 To 25 Appendix B ^{Page # 221} }

Direct Examination by Mr. Warren - In Ref - James Smith:

line 15 Mr. Warren: And officer Hill advised you of your rights ?

line 16 Mr. Smith: When she arrested me ?

line 17 Mr. Warren: Prior to her interview? Did she tell you you had the

line 18 Mr. Warren: right to remain silent ?

line 19 Mr. Smith: When she arrested me ?

line 20 Mr. Warren: No, before she arrested you ?

line 21 Mr. Smith: No, she didn't tell me that.

line 22 Mr. Warren: Did she tell you that anything you said could and would

line 23 Mr. Warren: be used against you in a court of law ?

line 24 Mr. Smith: No, She didn't do that.

line 25 Mr. Warren: Did she tell you that if you could not afford an

Record of Trial Court Transcript Page # 222 lines 1 to 9 Appendix B page # 222.

line 1 Mr. Warren: Attorney, one would be appointed to you?

line 2 Mr. Smith: No.

line 3 Mr. Warren: Did you agree to talk with her?

line 4 Mr. Smith: I talked with her, oh, yes, I went down there, we talked

line 5 Mr. Smith: that day.

line 6 Mr. Warren: Mr. Smith, are you sure that you recall these events

line 7 Mr. Warren: accurately? You sure--now, I've known Detective Hill and I

line 8 Mr. Warren: know her work she's pretty good. Are you sure she didn't

line 9 Mr. Warren: advise you of your Miranda rights?

Mr. Warren" Showe No. Compassion - NO - mercy - For The Petitioner,
He Mr. Warren, knew that the Petitioner was ignorant to the Law and
was depending on his Representation for protection and Justice.
However, Mr. Warren" Start prosecuting his own Client because

of his relationship with Det. Hill; He Mr. Warren, did not want
to expose Det. Hill, as a liar and as a crooked cop. The fact is that
when He Mr. Warren, cross-examine Det. Hill, He Mr. Warren did
not ask Det. Hill, anything about Miranda rights. See Record
of Trial Transcript starting with pages #184 to 190 "Appendix B" ^{pages} 184 to 190.
Reveal Det. Hill, being cross-examine by Mr. Warren. Mr. Warren,
attacked the Petitioner at the time of trial and tried to force the Petiti-
oner to say that Det. Hill, read him the Petitioner his rights. Mr. -
Warren, admitted that he had been knowing Det. Hill, for some time
and that he knew that Det. Hill, work was pretty good. However
at the time of trial Mr. Warren, knew that Det. Hill, had lied to the
court and jury's and said that she Det. Hill, arrested the --
Petitioner on July 21-1999. And he Mr. Warren knew that that
was a lie and did not try to attack Det. Hill, lie at the time of
trial. Mr. Warren, also knew at the time of trial that Det. Hill,
did not read the Petitioner his Miranda rights at NO: Time. This
petition clearly shows that the Petitioner trial Counsel Mr. Warren,
did not render the Petitioner the effective assistance of Counsel
that was required under the Sixth Amendment of the U.S. Const.

See Strickland v. Washington, 466 U.S. 668 } • The Petitioner States that his Confession is and was inadmissible Evidence that Should have never been presented at Trial. First of all the Petitioner Confession was involuntary - and was obtain through by a miranda Right Violation. And the state use of my the Petitioner involuntary Confession that played a part in the Conviction is a denial of Due-Process of law: (See) under the Fourteenth Amendment of the U.S. Constitution, See Huntley v. State, 250 Ala 303, 34 So 2d 216, Hailey v. Ohio, 332 US 596, ante, 224, 68 Sct 302, } And see Brown v. Mississippi, 297 US 278, 80 Led 682, 56 S Ct 431; Therefore I the Petitioner pray for this Court to reverse the Arkansas Supreme Court Decision and to reverse the Circuit Court Judgment of Conviction and to release the Petitioner from the unlawful Custody of the Arkansas department of Correction, And to grant the Petitioner any and all other Relief that this Court deems to be fair and Just.

Respectfully Submitted "By"
James E. Smith.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: May 8-2018